

HORRY-GEORGETOWN TECHNICAL COLLEGE

# PROCEDURE

Number: 3.3.5.1  
Related Policy: 3.3.5  
Title: Court Leave  
Responsibility: Vice President, Human Resources and Employee Relations

Original Approval Date: 05-11-2001  
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President/Date

## DISCLAIMER

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.**

An employee in a full-time equivalent (FTE) position or eligible temporary grant position, who is summoned, as a member of a jury panel shall be granted court leave with pay, and any jury fees and travel payment shall be retained by the employee.

An employee in an FTE position or eligible temporary grant position, who is subpoenaed as a witness and who will not receive any personal gain from the outcome of the litigation, shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and payment for travel expenses.

When an employee is subpoenaed to represent a State agency as a witness or defendant, his appearance is considered a part of the job assignment. The employee shall be reimbursed for any meals, lodging and travel expenses that may be incurred according to State Guidelines as provided in the annual Appropriations Act and the South Carolina Department of Administration's Human Resources Regulations.

In no case shall administrative leave with pay be granted for court attendance when an employee in an FTE position or eligible temporary grant position, engaged in personal litigation; however, an employee may be granted annual leave, leave without pay (when annual leave is not available) or other paid leave as applicable. In such cases with the approval of the College is required. Exception: An employee, who is victim of or witness to a crime and must attend court in relation to the case or in order to obtain an Order of Protection or restraining order, shall receive court leave with pay.

Employees that are summoned to jury duty will be expected to work on any given day only the number of hours that, when added to the hours required to be at court, equal the normal work day for the employee.

Any day an employee in an FTE position is excused from service on a jury, the employee is expected to return to the job; otherwise, the time the employee is excused from court service will be charged to annual leave, or in the case of illness, to sick leave.

Any employee in pay status, and in an FTE position, appearing as a witness in an official capacity in a mediation or mediation-arbitration conference, his appearance is considered a part of the employees' job assignment.

Any employee in pay status and in an FTE position appearing as a witness or in any other official capacity in a hearing before the State Grievance Committee, his appearance is considered a part of the employees' job assignment.

An employee must submit a Leave Request Form along with a copy of the summons to his/her supervisor prior to jury service and forwarded to Human Resources Office. Upon return to work, the employee should inform the Human Resources Office of the actual hours served for court leave.

The College shall maintain all leave records for each employee eligible for such leave. Such records shall be reviewed by or reported to the employee no less than once per calendar year and be supported by individual leave requests. It is acceptable for employee leave requests to be created, approved and maintained via a secure (password protected) electronic system. If such a system is used, approval through the system will be considered the required signature of the employee and supervisor. Employees shall be able to view and print the leave records. Failure to report leave taken is considered falsification of work/time records and could be construed as being paid for hours not worked in violation of S.C. Code Ann. 8-11-30 and may be subject to disciplinary action up to and including termination.