3-02/030.55 - Witness Leave

Eligibility

Any full-time, monthly position employee (whether permanent or temporary) is eligible for witness leave, if the employee is subpoenaed to appear in court.

Part-time, daily, or hourly employees do not receive any paid witness leave. Such employees may keep any witness fees paid.

Amount of Witness Leave

Full-time, permanent, monthly employees continue to receive their regular pay when subpoenaed (i.e., they are allowed the time necessary to be absent from work).

Full-time, monthly recurrent, or monthly temporary employees receive one day (eight hours) of paid witness leave per year if they have accumulated 200 days (1,600 hours) or more of active service during the prior calendar year. If these employees do not meet this active service requirement, they receive four hours of paid witness leave per year. This leave may not be accumulated.

Provisions for Witness Leave

Any employee who is under subpoena to appear in court or hearing shall be allowed the time necessary to be absent from work to comply with the subpoena, provided that the court appearance is not as an expert witness or as a party to the case being heard. “A party to the case” is defined as being either the plaintiff or defendant in a civil matter or the defendant in a criminal matter.

The following provisions apply to persons who are not a party to the case, when they are called as a witness:

- To receive his/her regular pay, the employee must deposit any witness fees with Fiscal Services, Special Accounts Section, who, in turn, shall forward such fees to the County Treasurer-Tax Collector.
- The subpoena must come from a court or commission legally empowered to issue subpoenas (e.g., Civil Service Commission).
- Employees ordered to appear as a witness on their RDO do not receive any pay from the county. In such a case, the employees may keep their witness fees.
- Employees are also allowed the time necessary to be absent from work to appear at an administrative proceeding in which their employment or pay status is an issue.

Civil Service Commission (CSC) Subpoenas

The following provisions apply to Civil Service Commission (CSC) subpoenas:

- Pursuant to California *Government Code* section 31534.1, Subpoenas, compensation of witnesses, the CSC board may issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as the similar power granted the board of supervisors, except that the power shall extend only to matters within the CSC’s board’s jurisdiction.

- CSC subpoenas shall be signed by the chairman or secretary of the board, except that the board may, by regulation, provide for express written delegation of its subpoena power to the retirement administrator or to any referee it appoints.
- Any member of the CSC board, the referee, or any person otherwise empowered to issue subpoenas may administer oaths to or take depositions from witnesses before the board or referee.

Witness Leave Pay for a Retired County Employee

Retired county employees who are subpoenaed to appear in court or a hearing are **not** paid Witness Leave pay by the County of Los Angeles. They receive payment for witness and/or mileage fees from the attorney who subpoenaed the former employee.

For additional information, refer to this MPP, section 5-07/170.10, Reporting Procedures - Witness and Mileage Fees.