5-07/270.20 - Mandatory Subpoena Compliance by Personnel on Suspension

Employees are obligated to appear in court or be on call when so ordered by a subpoena. This mandatory responsibility may conflict with a time when an employee is suspended from duty without pay.

In order to alleviate these situations, unit commanders shall ensure that every effort is made to avoid suspending employees on dates when they are required to comply with a subpoena. Prior to advising Internal Affairs Bureau of the suspension date(s), the scheduling supervisor shall determine through personal contact if the concerned employee has received any subpoenas which would conflict with the proposed date(s) of suspension.

If the subpoena is received by an employee subsequent to the setting of the suspension date(s) which requires his compliance during the suspension, the following procedures shall apply:

- The employee shall immediately notify his supervisor of the conflict;
- The unit commander shall determine the feasibility of someone else testifying or the case being continued or dismissed; and
- Suspended employees who are required to meet their court obligations shall be restored to duty on day shift for the full day of the subpoena. If the subpoena compliance does not result in the employee working a full day, the employee shall be assigned duties to meet such requirements. Departmental identification may be returned to the employee for that specific day(s) only.

If a suspended employee is restored to duty to meet a court obligation on a scheduled RDO, the employee is entitled to submit for the appropriate overtime compensation.

- The unit commander shall ensure that Internal Affairs Bureau is notified as soon as possible, prior to the date of the subpoena compliance;
- The employee's suspension period will be extended to account for the day(s) that the employee was restored to duty;
- Internal Affairs Bureau will make the necessary adjustments and notifications concerning the extension of the suspension period;
- After the employee's subpoena compliance, or if the case is continued, dismissed, or otherwise adjudicated, the employee shall immediately contact his unit supervisor for his work assignment; and
- Suspended employees shall not be restored to duty for a partial work day. The employee must work a full day regardless of the time required to comply with the subpoena.