

**Institutional Handbook of Operating Procedures
Policy 03.06.01**

Section: Human Resources	Responsible Vice President: Vice President and Chief Human Resources Officer
Subject: Employee Relations	Responsible Entity: Human Resources

I. Title

Jury Service and Witness Fees and Service

II. Policy

Employee is to provide their supervisor with a copy of the order to appear in court or administrative hearing. Following the receipt the employee obtains documentary proof of time served and submits to his/her supervisor. On time records, employees will show time away from work for any jury service as “Court Appearance”.

Supervisors must receive documented proof of time served in court or an administrative hearing to process appropriate attendance records to reflect time served.

III. Special Considerations

- Employees testifying for the State, or involved in a work-related case, will be considered to be working and will be paid regular wages and any applicable overtime for hours worked.
- Evening and night shift employees may be reassigned to a day shift while they appear in court or an administrative hearing for jury duty or to testify in a work related case. If schedule and work demand do not permit this, non-exempt employees may be paid their regular wages for working their regular schedule.
- Any employee called to appear in his or her official capacity in any judicial action or legislative investigation will neither accept nor receive any witness fee for such a governmental appearance.
- Any employee appearing as an expert witness in a judicial proceeding or legislative hearing may accept compensation for his or her appearance only when such appearance is made on his or her own leave time. Travel reimbursement expenses may be accepted only if the expenses were not reimbursed by the State. If the expert testimony is compensated, including reimbursement for travel expenses, the employee must also request prior approval for the outside activity under [IHOP 6.5.3, Individual Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#). Additionally, faculty or professional staff who participate in a professional practice plan, e.g. MSRDP, FSRDP, etc. shall submit fees received for all court appearances, depositions, expert testimony or legal consultations to the Institutional Trust Fund.
- Employees who are serving in an official capacity as a witness in a judicial proceeding or legislative hearing may receive per diem and reimbursement for travel and expenses from either the state or judicial body, but not from both.
- Testimony that is compelled by a subpoena, but not State related, is not considered paid leave and would be subject to the employee’s personal leave accruals.

Full-time employees who serve as a consulting or testifying expert witness in a suit in which the state is a party shall notify their department and the Department of Human Resources.

IV. Reports

UT System Administration Policy INT125, *Jury Service & Witness Service and Fees*, requires that a department submit a written report no later than October 1 of each year to Human Resources regarding compensated service by members of faculty or professional staff of UTMB as consulting or testifying expert witnesses in suits in which the State is a party during the preceding state fiscal year. The information in the report will not identify specific individuals.

V. Definitions

Administrative Hearing – a hearing before any governmental agency or before an administrative law judge. Such hearings can range from simple arguments to what amounts to a trial. There is no jury, but the agency or the administrative law judge will make a ruling.

VI. Relevant Federal and State Statutes

[Texas Government Code, Section 659.005](#)

[Texas Education Code, Section 61.0815](#)

VII. Relevant System Policies and Procedures

[UTS155 – Policies and Procedures Regarding MSRDP/DSRDP/PRS/AHRDP Business Operations](#)

[UT System Administration Policy INT125, Jury Service & Witness Service and Fees](#)

VIII. Related UTMB Policies and Procedures

[IHOP - 06.05.03 - Individual Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#)

IX. Dates Approved or Amended

<i>Originated: 02/15/1995</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
09/02/2010	05/02/2017
07/06/2021	

X. Contact Information

Human Resources – Employee Relations
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