

**2019 CITY OF SAN JOSE – POPRA NEGOTIATIONS
TENTATIVE AGREEMENT**

CITY PROPOSAL TO POPRA – JURY DUTY

City Proposed Language:

- X.10 Jury Duty. Each full-time employee who is required to take time off from duty to serve as a juror in any Court of this State, or of the United States of America, shall receive the regular base compensation less all jury fees received excluding mileage. Each employee receiving a notice to report for jury service shall immediately notify the immediate supervisor. Eligibility for jury compensation shall be subject to the following:
- X.10.1 Employees assigned to a day shift. In those cases in which the employee is released by the court at 1:00 p.m. or earlier, the employee will report for duty and work the balance of their shift. For this the employee receives their regular base pay for that shift, and shall pay to the City the amount received from the court for the jury duty, excluding mileage.
- X.10.1.1 In the event the employee does not return to work after having been released at 1:00 p.m. or earlier, the employee will receive no pay from the City for that day, but will be entitled to keep the jury fee.
- X.10.1.2 In those cases in which the employee is not released by the court until after 1:00 p.m. the employee need not return to work. The employee receives their regular base pay for that shift, and shall pay to the City the amount received from the court for the jury duty, excluding mileage.
- X.10.2 Employees assigned to a swing or graveyard shift who are called for jury selection. Employees assigned to a swing or graveyard shift, as defined in Section XX of this Article, if released by the court at 1:00 p.m. or earlier shall report for duty at the scheduled beginning of the employee's assigned shift.
- X.10.2.1 In the event the employee is required to report for jury duty the following day, the employee will be excused without loss of compensation two (2) hours before the end of the scheduled shift but no earlier than 10:00 p.m. for employees assigned to a swing shift or 6:00 a.m. for employees assigned to a graveyard shift.
- X.10.2.2 Employees assigned to a swing or graveyard shift who are not released by the court at 1:00 p.m. or earlier shall not be required to report for duty on the scheduled shift on that day and shall receive a full day's pay, less jury fee.
- X.10.2.3 In the event an employee is released by the court at 1:00 p.m. or earlier and fails to report for duty as required above, such employee shall not receive any compensation from the City for that shift but may retain any jury fee received from the court.
- X.10.3 Employees assigned to a swing or graveyard shift who are selected to sit on a jury. An employee who is assigned to a swing or graveyard shift who is impaneled on a jury shall be temporarily assigned to a day shift of 8:00 a.m. to 5:00 p.m., Monday through Friday. This temporary schedule change shall not

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apply to employees who are called to jury selection, unless they are impaneled on a jury.

X.10.3.1 The temporary schedule change shall begin on the first day of the workweek following jury empanelment. Until the temporary shift change takes effect, the provisions applicable to jury selection for employees on alternate shifts shall apply. When an employee is temporarily assigned to a day shift of 8:00 a.m. to 5:00 p.m. Monday through Friday, the provisions applicable to jury duty for employees on regular Monday through Friday day shifts shall apply.

X.10.3.2 Upon completion of jury duty, the employee will resume their normal work schedule on the first day of the workweek following release from jury duty.

**This agreement is considered tentative and shall not be considered final or binding until a final agreement on all terms has been reached and both ratified by union members and approved by the City Council.*

FOR THE CITY:

Elsa Cordova 12/10/19
Elsa Cordova Date
Assistant to the City Manager

FOR THE UNION:

Mary Blanco 12/10/19
Mary Blanco Date
Business Agent
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