

**Chapter: Attendance, Shifts, and Timekeeping**  
**Title: Appearance in Judicial Proceeding,  
Legislative Hearing, or Administrative Process**

**Effective Date: 12/1/11**  
**Page: 1 of 2**  
**New**

ACA Standard(s): N/A

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(a) **Policy.**

When an employee of the Texas Juvenile Justice Department (TJJD) appears in a judicial proceeding, legislative hearing, or administrative process in his/her official capacity as a state employee, the employee will report such service as time worked. An employee who is subpoenaed to appear in a judicial proceeding unrelated to his/her official capacity as a state employee will be allowed time off for such an appearance through the use of paid or unpaid leave.

(b) **Resources.**

- (1) **TRV.03.07, Reimbursements.** This Travel Procedure Manual policy establishes the provisions by which TJJD employees are reimbursed for transportation, meals, lodging, and incidental expenses when the purpose of the travel clearly involves official state business.
- (2) **PRS.02.03, Standards of Conduct.** This TJJD policy addresses when it is or is not appropriate for TJJD employees to receive a witness fee for appearing as an expert or fact witness in a judicial proceeding, legislative hearing, or other process.
- (3) **PRS.28.15, Jury Service.** This TJJD policy establishes the provisions by which TJJD employees are granted leave to perform jury service.

(c) **Definitions.**

Except as noted below, see the PRS Glossary for definitions of certain terms used in this policy.

- (1) **Plaintiff** - For purposes of this policy, a party or member of a party who initiates a suit against the TJJD in a court of law.
- (2) **Witness** - For purposes of this policy, a witness may consist of one of the following:
  - (A) **Expert Witness** - An employee who by reason of education or specialized experience possesses advanced knowledge regarding a subject about which persons having no particular training are incapable of forming an accurate opinion or deducting correct conclusions.
  - (B) **Fact Witness** - An employee, other than a plaintiff, who has been requested or subpoenaed to testify in a judicial proceeding as to what the employee has seen, heard, or otherwise observed. A character witness is considered a fact witness.
  - (C) **Resource Witness** - An employee who provides testimony or responds to questions during a legislative committee or subcommittee public hearing or meeting as a TJJD representative.

(d) **Official State Business.**

The following appearances are official state business to be reported as time worked:

- (1) an appearance as a witness in an official capacity as a state employee in a legislative hearing or other administrative process; or
- (2) an appearance as a witness in a judicial proceeding for a matter related to the employee's official capacity as a state employee that is in response to a request or subpoena from the Office of the Attorney General, a district or county attorney, the plaintiff's attorney, or the attorney for the defense, except as provided in (e)(1).

(e) **Appearances That Are Not Official State Business.**

- (1) The following actions are not official state business, must not be reported as time worked, and will require the use of available paid or unpaid leave during regularly scheduled work hours:
    - (A) an appearance as a witness in a matter not related to the employee's official capacity as a state employee;
    - (B) an appearance in a judicial proceeding by an employee who is a plaintiff when the appearance has been requested or subpoenaed by the employee's attorney; or
    - (C) when the employee elects to observe judicial proceedings, including any period of voluntary observance occurring before or after an appearance that is official state business.
  - (2) An employee who is subpoenaed to testify as a victim of or witness to a crime will be granted emergency leave, which is recorded as administrative leave, for any regularly scheduled work hours occurring during the time required for such an appearance. This includes travel time to and from the location of the appearance if the travel occurs during regularly scheduled work hours.
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