



THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
GENERAL ORDER 2012-18



EFFECTIVE DATE: May 7, 2012

SUBJECT: JURY DUTY PROCEDURES

AFFECTED DIRECTIVE: OPERATIONS ORDER 2009-33 is hereby rescinded.

THIS ORDER APPLIES TO ALL DSNY EMPLOYEES.

The D.S. 794-JURY DUTY LOG-will be kept in the Jury Duty Folder in the payroll filing system. It will be the responsibility of the District Superintendent or Unit Head to ensure that personnel are instructed in the preparation of the D.S. 794 -Jury Duty Log, related forms, administrative time frames and all jury-duty procedures, as set forth in this order.

JURY DUTY SUMMONS/SUBPOENA:

When an employee receives a Jury Duty Summons/Subpoena in the mail, they will submit the summons as soon as possible to the location Supervisor. The Supervisor will review and identify which court issued the summons, (city, state, federal, other state) the type of jury duty (jury duty appearance, telephone standby jury service or jury duty qualification) and the date of the court service. *The Officer will then instruct the employee in the proper jury duty regulations as outlined in this order.* The supervisor will make a photocopy of the summons to be kept in the location jury duty file and return the original summons to the employee. Additionally, the Supervisor will ensure that the employee is properly scheduled for Jury Duty at the work location on the appropriate date(s).

JURY DUTY SERVICE:

When an employee's summons specifies that they must physically appear on a specific date for jury duty, the employee will be carried as Jury Duty Excused at the work location on scheduled work days until the completion of the jury duty service. In instances where the employee is given a court schedule to appear only on certain days during the week (i.e. - Grand Jury), the employee will be scheduled to work the respective day-line shift (0600-1400 or 0700-1500), on the dates not scheduled for jury duty service, regardless of regularly assigned work shift, *unless a night-shift worker is able to be scheduled for their regular shift in accordance with established policies and procedures and without disruption to Department operations.*

TELEPHONE STANDBY JURY SERVICE:

Standby Jury Duty service requires that an employee telephone the court for reporting instructions during the evening of the business day prior to the court date listed on the summons. During this call the employee will receive telephone instructions from the court as follows:

- If their number is reached, they will Report for jury duty service on the next business day.
or
- If their number wasn't reached, they Will Not Report, but call back the following business day, as directed by the recording, to receive court instructions.
or
- If their number wasn't reached, they are Released from standby jury service and are no longer required to call in (They must notify their work location of same).

UNIFORMED PERSONNEL:

*All BCC personnel assigned to a District location who are subpoenaed as a "telephone standby juror" on a scheduled workday will be carried in the Day's Plan and on the District Operations Board as Jury Duty Excused. This procedure will continue for each scheduled workday that the employee is summoned as a Telephone Standby Juror. The employee, upon receiving instructions from the court that they are not required to report on the following day or they are released as a telephone standby juror (without physically serving) will notify their work location immediately and will be ordered to report to work on the respective day-shift (0600-1400 or 0700-1500), regardless of their regularly assigned work shift.

Bureau of Waste Disposal personnel serving telephone standby jury service will follow scheduling guidelines established by the Director of Waste Disposal.

*All other uniformed personnel such as those assigned to Support Services, Administrative Offices, B.C.C. splinter groups etc. serving telephone standby jury service will follow scheduling guidelines established by their respective Unit Heads

CIVILIAN PERSONNEL:

Civilian personnel serving telephone standby jury service will follow scheduling guidelines established by their respective Unit Heads.

Telephone Standby Via "CODE-A-PHONE"

In some instances, certain court systems, require that employees remain available on stand-by during the morning hours in order to receive further instructions on whether or not they will be required to serve during the courts' P.M. Session" on that same day. In these cases the employee will be carried as Jury Duty Excused on that date (regardless of whether or not they actually served). **EMPLOYEES ARE REQUIRED TO PROVIDE SPECIFIC PROOF FROM THE COURT SUBSTANTIATING THIS TYPE OF SERVICE.**

QUALIFICATION SUBPOENA

If the employee is subpoenaed to be examined for qualification purposes only, then they must report to their work location after being released by the court for the remainder of the 0800 to 1600 shift. Under these circumstances an employee **SHALL NOT** receive the entire day off.

They are to be carried as jury duty excused on time records starting at 0800 through the period of the court appearance PLUS reasonable travel time back to the work location. The employee is required to sign in and out on the appropriate DSNY time record. It will be the employee's responsibility to obtain and submit proof of attendance and the time released by the court. The Supervisor will record in the "Remarks" column of the Jury Duty Log that the employee appeared for qualification purposes only and the time the employee returned to the location.

POSTPONEMENT

A request for postponement or to be excused from jury service must be made by the employee on the employee's own time prior to the return date of the summons. Employees are not to be carried jury duty excused in these instances. They may be granted time off charged to XWP (compensatory time), XWOP, or vacation/annual leave, if necessary.

CHART DAY

When employees are scheduled to serve on Jury Duty, Telephone Standby Jury Service or Grand Jury Service, their chart day for that week will be changed to Saturday. In the event charts are canceled on Saturday, the employee will be the last to work, unless it would have been their regularly scheduled chart day.

NON- SCHEDULED WORK DAY

When an employee serves jury duty on a day that is not a scheduled workday, for example a N.Y.C. holiday that is not a court holiday, payment from the Court (if any) will be retained by the employee. It is the responsibility of the employee to notify the Court for payment. Employees who are required to serve jury duty while on annual leave or vacation will have such leave postponed until jury duty service is completed. Once the employee is released from jury duty service, they will immediately resume leave on the following business day.

D.S. 794 (JURY DUTY LOG)

On the first date of actual Jury Duty service, the location Supervisor will complete the following columns on the D.S. 794; Employee Name, Reference Number, Title, Payroll Location, Court System Served In (United States District Court [Federal Court], New York City/State Court, New Jersey State Court, etc.) and Date Served From. The remaining columns, Dates Served To, Number of Days Served and as necessary DS 46 Control No. and Date Prepared, Amount of Refund and Date Check Submitted will be completed upon the employee's return from Jury Duty service.

COMPLETION OF JURY DUTY SERVICE:

- Upon being released from physically serving jury duty by the court, the employee is responsible to notify his/her work location ASAP. The employee will report to work as directed by the work location Supervisor, who will receive the orders via the District Superintendent/Borough Command. (Civilian/Uniformed Managers will be scheduled for work upon completion of Jury Duty Service as directed by their respective superiors).

- Immediately upon return to work the employee will submit the Proof of Service Certificate from the court to their location Supervisor. The Supervisor shall verify that each date and the number of days served shown on the proof of service matches the dates for which the employee was carried as Jury Duty Excused. (Note: There may be multiple Proofs of Service Certificates for Grand Jury Scheduled Service. All dates for which the employee was carried Jury Duty Excused must be accounted for on the Proof).
- A completed D.S.1005, Copy of Summons/Subpoena and Proof of Service Certificate will be forwarded to the Borough or unit head for approval. (Additional procedures will be followed for Federal and Out of State jury duty service, as outlined below). **Copies will be kept on file at the location.**

NEW YORK CITY/ STATE COURTS

- Employees are not entitled to be paid by the court for this service unless the employee serves on a scheduled vacation day, chart day or Sunday. It is the responsibility of the employee to notify the court of their civil service title and eligibility for payments. In the event an employee receives a juror payment check from a New York City/State Court to which they are not entitled, it is the employee's responsibility to return that check to the respective Court.

FEDERAL COURTS (UNITED STATES DISTRICT COURT) OR OUT-OF-STATE COURTS (NEW JERSEY, PENNSYLVANIA, ETC.):

When jury duty service is in a Federal court or out-of-state court, payment will be made directly to the juror for the day(s) of service. Employees are required to refund to the City, payment for each day they were carried as Jury Duty Excused, less payments received for travel expenses. Receipt of payment to the jurors from these courts will vary, sometimes taking up to several weeks. Commencing six weeks after the last day of jury service, the Supervisor is to remind the employee once per week of the obligation to present the refund check. In the event the employee states that payment has not been received from the court, it is the employee's responsibility to contact the court clerk in order to request written verification stating that Jury Duty was served, but payment from the court has not yet been issued. Reimbursement must be submitted to the Department by the employee within ninety (90) days after the last day of service. The employee **MUST** notify their work location Supervisor upon receipt of payment from the court, the Supervisor will notify the employee of the amount of the refund due the City. The refund check must be for the exact amount, as computed by multiplying the per diem jury duty payment (listed below) by the number of days served. (Note: the employee will keep the refund check received from the court, but must submit a copy to the location supervisor). It is the employee's responsibility to submit to their Supervisor a personal check or money order made out to the "New York City Department of Finance" immediately after receipt of payment from the court. The Supervisor will forward the check/money order, a copy of the subpoena, certificate of service, a D.S.1005 (Request for Authorized Leave) attached to a completed D.S. 46 signed by the District Superintendent or equivalent and a D.S. 795 through regular Department channels to the Bureau of Human Resources at 346 Broadway, Room 1002.

Copies of all documentation must be retained in the work location Jury Duty files. A **CONTROL NUMBER** will be assigned by the Bureau of Human Resources. This control number will be inserted at the top right-hand corner of the location copy of the D.S. 46 that is returned to the Supervisor. The control number will be recorded in the Jury Duty Log by the location supervisor/timekeeper.

SUMMARY OF ADMINISTRATIVE PROCEDURES AND REQUIRED FORMS:

Summons/Subpoena - To be submitted by the employee and photocopied by the location supervisor **prior** to jury duty service.

D.S. 1005 - Request for Authorized Leave-To be completed for all requests for Leave charged to Jury Duty service.

D.S. 46 - Request for Personnel Action (Federal/Out of State Courts ONLY). The Supervisor or clerk will complete a D.S. 46 (signed by the District Supt./Equivalent) indicating each date of service and record the "Date Prepared" in the Jury Duty Log.

D.S. 795 - Computation of Juror's Check Refund (Federal/Out of State Courts ONLY). The Supervisor or clerk will prepare a D.S. 795, Computation of Juror's Check Refund, computing the amount of the refund, in addition to providing the gross amount of the check paid to the employee by the Court and the amount deducted for travel expenses. The Subpoena and/or the Certificate of Attendance may indicate the court's per diem rate.

If such information is not provided, computations will be as follows:

Federal Court- \$40 per day --- up to thirty (30) days of jury duty service
\$50 per day --- after thirty (30) days of jury duty service

New Jersey Court - \$5 per day

Pennsylvania Court - \$ 5 per day

If there is any doubt as to the proper payment from the court, the Supervisor shall check with the appropriate court.

Multiply the appropriate court per day rate listed above by the number of days the employee was carried Jury Duty Excused to calculate the proper amount of the check to be reimbursed to the NYC Department of Finance, (court amount per day x days employee Jury Duty Excused = amount of check due NYC Department of Finance).

PROOF OF SERVICE CERTIFICATE- Must be submitted to the location Supervisor by the employee upon returning to work from jury duty service. The Proof of Service Certificate must document all Dates/Hours for which the employee was Jury Duty Excused.

ENTERING JURY DUTY INTO CITYTIME

Timekeepers will use the "Leave" option in CityTime to make the following entries for jury duty service:

New York State Courts (including NYC Courts): "Excused Absence – Jury Duty (NYS or NYC)"

Federal Courts: "Excused Absence – Jury Duty (Fed)"

Other State Courts: "Excused Absence – Jury Duty (Other)"

FAILURE BY THE EMPLOYEE TO SUBMIT A PROPER REFUND CHECK TO THE CITY AND/OR A VALID PROOF OF SERVICE CERTIFICATE WILL RESULT IN DENIAL OF EXCUSED LEAVE CHARGED TO JURY DUTY:

- Dates for which Jury Duty Excused has been denied will be changed on Time Records and in CityTime to AWOL, LWOP or charged to compensatory time, vacation/annual leave as determined by the Borough Chief or equivalent.
- Disciplinary action will be taken as determined by the Borough Chief or equivalent.

COLLEGE AIDES

Since College Aides are not covered by existing leave regulations, they are not entitled to paid leave for jury duty. However, they are entitled to receive a portion of their salary equal to the per diem allowance normally paid by the State for the first three (3) days of jury duty served, provided that those three (3) days are regularly scheduled work days. Supervisors/Timekeepers must obtain copies of both the Summons to serve jury duty and the Proof of Service Certificate, and must verify the days scheduled for work.

Attached:


D.S.794- Jury Duty Log

D.S.46 - Request for Personnel Action

D.S.795- Computation of Juror's Check Refund

CANCELLATION: This order shall remain in effect until rescinded.

ISSUING AUTHORITY:



John J. Doherty
Commissioner

DISTRIBUTION: Full

A COPY OF THIS ORDER SHALL BE KEPT IN THE JURY DUTY FOLDER.

THE CITY OF NEW YORK Department of Sanitation COMPUTATION OF JUROR'S CHECK REFUND ds 798 (7/81)		DS 48 CONTROL NO.	
JUROR'S NAME			
SOCIAL SECURITY NUMBER		TITLE	
HOME ADDRESS		WORK LOCATION	
		PAYROLL DISTRIBUTION NUMBER	
DATES SERVED			
NAME and ADDRESS OF COURT		NUMBER OF DAYS SERVED	
		GROSS AMOUNT OF CHECK	
		LESS TRAVEL EXPENSE	
<input type="checkbox"/> MONEY ORDER <input type="checkbox"/> PERSONAL CHECK		NET REFUND TO CITY	
COMMENTS			
PRINT NAME OF SUPERVISOR		SUPERVISOR'S PHONE NUMBER	
SUPERVISOR'S SIGNATURE			

D.S. 794 (Rev. 1/2012)

JURY DUTY TRACKING LOG

NAME (Last, First)	Reference Number	Title	Payroll Location	Court System Served In			Dates Served		# of Days Served	Amount of Refund Owed	Date Check Submitted	DS 46		Remarks / FIAT Sign-off
				City/State	Federal	Other	From	To				Date Prepared	Control Number	

GENERAL ORDER 2012-18

CITY OF NEW YORK Department of Sanitation
 REQUEST FOR PERSONNEL ACTION DS 48 (REV.12/83)

FOR PERSONNEL USE ONLY

BUREAU	DIVISION	PAY LOCATION
NAME (LAST) (FIRST) (MI)	SOCIAL SECURITY NO.	PRESENT STATUS <input type="checkbox"/> Civil Service <input type="checkbox"/> Provisional <input type="checkbox"/> Non-Comp <input type="checkbox"/> Other
ADDRESS	TITLE (CODE NO.)	PRESENT SALARY

TYPE OF ACTION REQUESTED

<input type="checkbox"/> New Appointment <input type="checkbox"/> Promotion <input type="checkbox"/> Other	TITLE / LEVEL	TITLE CODE NO.	REQUESTED STATUS <input type="checkbox"/> Civil Service <input type="checkbox"/> Provisional <input type="checkbox"/> Non-Comp <input type="checkbox"/> Other
	SALARY REQUESTED		
<input type="checkbox"/> Merit Increase	AMOUNT OF INCREASE	PERCENT OF INCREASE	NEW SALARY
<input type="checkbox"/> Separation	REASON FOR SEPARATION	LAST DAY WORKED	SEPARATION DATE (C.O.B.)
<input type="checkbox"/> Leave Without Pay	REASON	FROM	TO

JUSTIFICATION AND / OR REMARKS:

If Applicable, replacement for: NAME: TITLE:	TYPE OF SEPARATION: C.O.B. DATE: SALARY:
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Indicate funding source: () TAX LEVY () IFA () CD

OTHER REMARKS:

BUREAU HEAD OR DESIGNEE _____ DATE _____

FOR BUREAU OF PERSONNEL USE ONLY

T / O CHANGE? () YES () NO	EXPLANATION		
INCREASE TO PAY-AS-YOU-GO? () YES () NO	AMOUNT		
APPOINTMENT DATE	WORK LOCATION	PAYROLL DIST. NO.	BUDGET CODE & LINE NUMBER

REMARKS

VACANCY NOTICE #: _____ EXPIRES: _____ If Applicable: DP 363 A:
 DP 40G:
 MPD:

DIRECTOR OF PERSONNEL OR DESIGNEE _____ DATE: _____