

	Civil Leave for Voting, Jury Duty, or Court Appearance	
	Section No: 4.05	
	Category: Benefits and Leave Policies	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	<i>Supersedes: former Section No. 15, Resolution 2009-050– August 5, 2008</i>	
	Next Review Date: September 1, 2008	
	Responsible Office: Human Resources	
Policy Applies to:	☒ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☐ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Relevant Definitions

N/A

Policy

The purpose of this policy is to ensure employees are granted reasonable time away from work to participate in civic responsibilities such as voting, serving on a jury, or appearing in court when required by law. The City supports and encourages active civic participation and complies with all applicable federal and state laws regarding civil leave.

Voting

The City encourages all employees to exercise their right to vote. Employees will be given time off to vote pursuant to T.C.A. § 2-1-106, as amended, which states:

- (a) Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county where the person is a resident.
- (b) A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for such absence.
- (c) If the tour of duty of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section.
- (d) The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election.

Jury Duty

Employees will be excused, with pay, from their scheduled work for the purpose of serving on a jury pursuant to T.C.A. § 22-4-106, as amended, which states:

(a)

(1) Upon receiving a summons to report for jury duty, any employee shall, on the next day the employee is engaged in the employee's employment, exhibit the summons to the employee's immediate superior, and the employer shall thereupon excuse the employee from employment for each day the employee's service as a juror in any court of the United States or this state exceeds three (3) hours.

(2) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, the employee shall also be excused from employment as provided by this section for the shift immediately preceding the employee's first day of service. After the first day of service, when the person's responsibility for jury duty exceeds three (3) hours during a day, the person whose circumstances fall within the parameters of this subdivision (a)(2) shall be excused from the person's next scheduled work period occurring within twenty-four (24) hours of that day of jury service. Any question concerning the application of this subdivision (a)(2) to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

(b)

Notwithstanding the excused absence as provided in subsection (a), the employee shall be entitled to the employee's usual compensation received from such employment; however, the employer has the discretion to deduct the amount of the fee or compensation the employee receives for serving as a juror. Moreover, no employer shall be required to compensate an employee for more time than was actually spent serving and traveling to and from jury duty. If an employer employs less than five (5) people on a regular basis or if the juror has been employed by an employer on a temporary basis for less than six (6) months, the employer is not required to compensate the juror during the period of jury service pursuant to this section.

(c)

It is the duty of all persons paying jurors their fee or compensation for jury service to issue to each juror a statement showing the daily fee or compensation and the total amount of fees or compensation received by the juror. The person also shall provide a juror with a statement showing the number of hours the juror spent serving each day if the juror or juror's employer requests such a statement prior to the service at issue.

(d)

(1) No employer shall discharge or in any manner discriminate against an employee for serving on jury duty if the employee, prior to taking time off, gives the required notice pursuant to subsection (a).

(2)

(A) Any employee who is discharged, demoted or suspended because the employee has taken time off to serve on jury duty is entitled to reinstatement and

reimbursement for lost wages and work benefits caused by such acts of the employer.

(B) Any employer who willfully refuses to rehire or otherwise restore an employee or former employee commits a Class A misdemeanor.

(e) Any employer who violates this section commits a Class A misdemeanor.

(f) For the purposes of this section, “employer” includes, but is not limited to, the state of Tennessee or any local government.

Court Appearances

When it is necessary to attend any court as a government witness, or in connection with official City duties, an employee will be considered on duty and will not be charged leave.

When the employee serves less than three (3) hours per day, the employee must return to work or use available compensatory or vacation leave approved by the department head, or designee, for the remaining work hours.

An employee must use available compensatory, or vacation leave approved by the department head, or designee, if subpoenaed in private litigation not in connection with official city duties.

An employee who is a party in a civil litigation matter and is absent from duty must use available compensatory or vacation leave approved by the department head, or designee for such absence.

Payment for Services

The City does not require the employee to reimburse the difference between compensation from the court and the employee’s regular pay for civil leave.

Employees on approved civil leave will continue to receive their regular pay and benefits. Civil leave does not count as hours worked for overtime calculation purposes unless required by law.

Verification

The City may require documentation verifying jury service, voting leave eligibility, or mandatory court attendance. Failure to provide appropriate documentation may result in the leave being denied or charged to another leave category.

Consequences of Policy Violation

Misuse of civil leave—including providing false documentation, failing to attend the required civic obligation, or misrepresenting leave needs—may result in corrective or disciplinary action under the City’s Corrective Action Policy.

Related Information or Procedures:

N/A

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy.

Furthermore, this statement constitutes only the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The Human Resources Office can address questions regarding this Policy: Phone: (423) 229-9401, HROffice@kingsporttn.gov