

Clause 30

30.0 Jury Service Leave

- 30.1 Employees called on for jury service are required to serve. Where the need is urgent, the employing DHB may apply for postponement because of particular work needs, but this may be done only in exceptional circumstances.
- 30.2 An employee called on for jury service may elect to take annual leave, leave on pay, or leave without pay. Where annual leave or leave without pay is granted or where the service is performed during an employee's off duty hours, the employee may retain the juror's fee (and expenses paid).
- 30.3 Where leave on pay is granted, a certificate is to be given to the employee by the employer to the effect that the employee has been granted leave on pay and requesting the court to complete details of juror's fees and expenses paid. The employee is to pay the fees received to the employing DHB but may retain expenses.
- 30.4 Where leave on pay is granted, it is only in respect of time spent on jury service, including reasonable travelling time. Any time during normal working hours when the employee is not required by the court, the employee is to report back to work where this is reasonable and practicable.

Overview – Application

Where an RMO is called for Jury Service they are required to serve. Once jury service has commenced and the RMO advises that the service will extend beyond the approved leave period, the extended leave required should be considered a special circumstance where leave cannot be declined and referred to the Service for consideration and discussion of cover arrangements.

There is no statutory requirement to pay an RMO if they choose to attend jury service. Please refer to your respective DHB policy for further details.

Jury service does not include witness leave. RMOs may be required to attend court for the purposes of fulfilling witness obligations as part of their jobs (e.g. at the coroner's court or in criminal cases). In these circumstances, they must notify the DHB. The same process as for unplanned leave is followed by the RMO Support. The time involved is recognised as time worked by the DHB.

Frequently Asked Questions (FAQs)

1. What should an RMO do when they receive a Jury Summons?
 - RMOs called on for jury service are required to notify the DHB immediately so cover arrangements can be made with advance notice
2. What should an RMO do if they wish to apply to be excused from Jury Service?
 - A 'Jury Service Excuse Letter' will be given in exceptional circumstances by the DHB which must be sent to the Department of Courts.
3. If an RMO is going to carry out Jury Service should they apply for leave?
 - Yes, the RMO is required to apply for leave.
4. What sort of leave is used when an RMO is carrying out Jury Service?
 - An RMO is able to elect to take leave as annual leave, leave on pay i.e. another form of paid leave, or they can choose to take leave without pay.

5. If an RMO chooses to take paid leave what does this mean?
 - If an RMO chooses to take annual or paid leave, any money received from the court, excluding additional expenses the court may reimburse e.g. petrol, are required to be paid to the DHB.
 - Where the RMO elects to take another form of approved paid leave, this will not be deducted from annual leave.
 - The RMO must also report back to work any time during normal working hours when not required by the court.
 - RMOs are required to notify the DHB when they complete jury service and return to work.
6. What does it mean if an RMO chooses to take annual leave, LWOP or the jury service is performed during off duty hours?
 - If the RMO takes unpaid leave to perform jury service they may keep the jurors fee and expenses paid by the courts.
 - The RMO is required to notify the DHB when they complete jury service
7. What happens if the jury service extends beyond the approved leave period?
 - This should be considered a special circumstance where leave cannot be declined and referred to the DHB for consideration and discussion of cover arrangements.

Comparison STONZ and NZRDA MECAs

There is no difference between clause 30.0 in the STONZ MECA and clause 25.0 in the NZRDA MECA.