

# Employees' right to time off for court summons has some limits

**Q We have received separate requests for time off for court appearances from three employees. Our COO does not believe that we are required to approve any of the requests. The first employee provided us with a copy of a subpoena he received in connection with a criminal case going to trial in another state. The second employee provided us with a copy of a jury summons he received. The third employee provided us with a subpoena for his own DUI trial. What are our obligations under the law to these three employees?**

**A** Under Georgia law, employees are entitled to time off for jury duty and to attend court proceedings when their attendance is required by subpoena or other court order. An employer may not discharge, discipline, penalize or threaten to penalize the employee because of such a work absence. There are exceptions, however, some of which apply to two of the three employees you describe.

Make sure the first employee is actually required to testify at the trial; a subpoena merely purporting to compel his attendance at a trial in another state would not be valid. The statute protects only employees whose attendance is actually required by the subpoena or summons served on him.

The second employee is entitled to leave, provided the summons requires that he serve jury duty in his actual county of residence and provided that he gave reasonable notice of his need for the requested leave. This latter point is important, since the law expressly allows employers to maintain and enforce policies requiring employees to provide reasonable notice of any expected absence or delay in reporting to work in order to attend a judicial proceeding.

Finally, the third employee is not entitled to leave, because the statute expressly excludes employees who must appear in court because they have been charged with a crime.