



Department of Transformation and Shared Services Office of Personnel Management

Policy Title: Serving as a Juror or Witness

Policy Number: 58

Authority: Ark. Code Ann. § 16-43-806; § 21-4-213; § 21-5-104

Effective Date: September 16, 2021

Serving as a Juror

A state employee serving as a juror in state or federal court is entitled to the following:

1. Full compensation;
2. Any fees paid for such services; and
3. Is not required to use annual leave.

Any state agency that deducts any juror fees from an employee's compensation is guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25) up to two hundred fifty dollars (\$250). Violation of this law constitutes grounds for dismissal.

Serving as a Witness

If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before anybody with power to issue a subpoena, the state employee is:

1. **Entitled to his or her salary***
 - a. If the employee is a witness in a matter within the employee's scope of employment, or
 - b. If the employee is a witness outside the scope of employment and the employee is not serving as a paid expert witness or is not a party to the matter.
2. **Entitled to witness fees**
 - a. If the employee is a witness in a matter outside the employee's scope of employment, or
 - b. If the employee is a party to the matter other than as a representative of the state employer.
3. **Entitled to mileage fees**
 - a. If the employee is a witness in a matter within the employee's scope of employment and the employee uses a personal vehicle for travel in obeying the subpoena and the agency does not reimburse the employee for travel expenses; or
 - b. If the employee is a witness in a matter outside the employee's scope of employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.
4. **Required to use annual leave***
 - a. If the matter is outside the employee's scope of employment, and
 - b. If the employee is serving as a paid expert or is a party.

If an employee is subpoenaed as a witness to appear on a non-workday, the employee may retain any witness and mileage fees rendered to him or her.

Law Enforcement Officer—Any public servant vested by law with a duty to maintain public order or to make arrests for offenses. A law enforcement officer who is subpoenaed to appear as a witness when the officer is not scheduled for regular duty is entitled to retain any witness or mileage fees; however, the salary and annual leave provisions are not applicable.