


The Paraplegic and Quadriplegic Association of SA Inc



Leave - Jury Duty Service Policy and Procedure

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) believes compulsory Jury Duty is part of an individual's civil responsibility and fully supports its workers to undertake their civil duty.

Approved by: 	Date: 25/2/2015
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Manager – A person who is charged with the management or direction of PQSA and its Divisions including PARAQUAD SA/HomeCare+ and other divisions as determined from time to time.

Worker – Is a person who carries out work in any capacity for a person conducting a business or undertaking including work as a worker, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience, or a volunteer.

Workplace – is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this Policy to all workers on a regular basis.

Managers/Supervisors to ensure that:

- ◆ Workers are familiar with their obligations and entitlements in accordance with this Policy.
- ◆ Forms for reimbursement of wages are completed and lodged in a timely manner.

Workers

- ◆ Workers have a responsibility to ensure they inform PQSA of their requirement to participate in Jury Duty.
- ◆ Complete the appropriate leave forms.

POLICY

PQSA understand the legal obligation in releasing workers to attend jury duty. This policy allows workers to have time off work to attend court for compulsory jury duty.

All workers will be granted Jury Duty Leave. Jury duty will count as continuous service.

Jurors are on call for Jury Service for a court sitting month which is between four (4) to five (5) weeks. If a worker is selected for jury duty service to serve on a trial which extends beyond the four (4) to five (5) weeks, they will be required to attend until the trial finishes. A worker who attends jury duty and is required for only part of a day should, if practicable, return to normal work duties for the remainder of the working day.

A worker who is called for Jury Duty must attend; the Sheriff's Office does impose a fine for non-attendance.

ENTITLEMENT – THROUGH SHERRIFF'S OFFICE

All workers who participate in jury duty are entitled, through the Sherriff's Office, to receive:

- ◆ An amount set by the Sherriff's Office for each day of attendance for meals and car parking, however long or short the attendance is each day. This will be paid fortnightly via cheque.

- ◆ A travelling allowance which is calculated from the juror's residence to the court and return for each day's attendance.
- ◆ If an individual suffers a monetary loss as a direct result of jury service, for example lost wages, they can claim the actual amount to a maximum amount set by the Sherriff's Office for each day's attendance in court. Claims for these payments must be substantiated and forms are available from the Sheriff's Office.

Entitlement – Through PQSA

Workers employed within PQSA, who participate in jury duty, are entitled through PQSA to receive:

- ◆ For Permanent – Part-time workers their usual wages, if the worker is required to attend Jury Duty within normal working hours.
- ◆ Monetary amounts for wages received from the Sherriff's Office for Jury Duty service, will be donated to PQSA by workers.
- ◆ PQSA will claim loss wages up to a maximum total set by the Sherriff's Office through Juror Claim Form 2 – Payment to Employer.
- ◆ Casual workers however, will be entitled to keep the amounts received from the Sheriff's Office to compensate for lost shifts.

Jury Duty during Periods of Leave

A worker who is required for jury duty during a period of approved leave, such as annual, parental, personal, sick or long service leave are entitled to retain all the monies received for the service, but will not receive a re-credit of leave from PQSA.

Workers who are required for jury duty at a time when they would have been on annual leave or long service leave may:

- ◆ Change the dates of their leave where appropriate; or
- ◆ Apply to the Court Authority for jury service to be deferred.

PROCEDURES

Workers who are called for jury duty must ensure the following procedures are adhered to:

1. Notify their Manager/Supervisor in writing regarding the requirement to attend jury duty as soon as practicable.
2. Workers must complete the Application for Leave Form. Casual workers complete Notification of Leave of Absence Form.
3. A copy of the summons must be attached to the Application for Leave Form (workers) or Leave of Absence Form (casual workers) and must be provided to Manager/Supervisor, seven (7) days prior to Jury Duty commencing.
4. Manager/Supervisor to sign and approve the applicable Leave Form and forward to the Payroll Department.
5. Payroll Department to record details of the leave. Application for Leave form is to be attached to the corresponding timesheet for the applicable fortnightly pay period.
6. Upon the workers return to work from Jury Duty Service, it is the responsibility of the worker to produce a Certificate of Attendance to their Manager/Supervisor.

Certificate of Attendance to be obtained from the Sherriff's Office.

7. Workers to provide proof of payment made from the Sherriff's Office for Jury Duty service, to their Manager/Supervisor, which then will be will be paid to PQSA for permanent/part-time workers.
8. A copy of the Certificate of Attendance will be forwarded to the Payroll Department. Leave granted in accordance with this Policy shall be recorded as Jury Service Leave.
9. A copy of all documentation received regarding participation in Jury Duty is to be retained on the workers personnel file.

Casual Workers - Reimbursement by Sherriff's Office

1. Casual workers are responsible for providing documentation of lost time, to Sherriff's Office, in order to obtain their entitlements for Jury Duty service.
2. Manager/Supervisor to supply copy of shift rosters to the casual worker upon written request, which is to be attached to the Certificate of Attendance.

RELATED LEGISLATION

- ◆ Fair Work Act 2009
- ◆ Juries Act 1927

SUPPORTING PQSA DOCUMENTATION

- ◆ Leave - Annual Policy and Procedures
- ◆ Form – Annual Leave Form
- ◆ Form – Support Worker Notification of Leave of Absence

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.