

HUMAN RESOURCES MEMORANDUM 00-029		DATE ISSUED: 8/11/2000
SUBJECT: COURT TIME OFF		REFERENCE: None
TO: OFFICE/BRANCH CHIEFS, CLIENT AGENCY EXECUTIVE DIRECTORS/OFFICERS; PERSONNEL LIAISONS; ATTENDANCE CLERKS		SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

The Department of Personnel Administration has announced an amendment to existing law regarding employee time off to appear in court, which took effect January 1, 2000.

Senate Bill (SB) 56 amended Section 230 of the Labor Code to prohibit employers from discriminating or retaliating against an employee who is a victim of crime or domestic violence for taking time off to appear in court. The law requires employees to give their employers reasonable notice for any court appearances unless an unscheduled or emergency court appearance is required for the health, safety, or welfare of a domestic violence victim or his or her child. When an unscheduled or emergency court appearance is required, the employer is prohibited from taking retaliatory action if the employee provides evidence of appearing in court within a reasonable time after the appearance.

An employee whose rights are violated under this section may be entitled to lost wages and reinstatement. An employer who willfully refuses to reinstate an employee under this section may be guilty of a misdemeanor. This law also allows an employee to file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations.

Whereas current law provides that an employer must provide time-off for employees to serve on jury duty and to appear in court as a witness, SB 56 expands the law to provide time-off to employees who are victims of crime or domestic violence. The law does not require an employer to compensate an employee for the time taken off under these circumstances, but the employee may use vacation, personal leave, or other compensating time off that is otherwise available to the employee.

The provisions of this bill apply to the State as an employer and to State employees. The entitlement of any employee under this law shall not be diminished by a collective bargaining agreement.

Questions regarding the information included in this memorandum may be addressed to your assigned Personnel Analyst.

LYNN CATANIA, Manager
Personnel Operations

cc: OHR Staff