

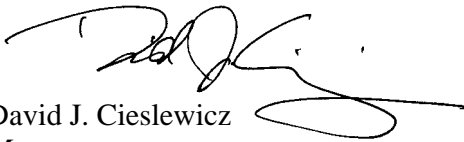
SUBJECT: EMPLOYEES PROVIDING TESTIMONY ON CITY TIME

Purpose: To establish policies regarding whether an employee may or may not be compensated for time providing testimony in a court proceeding or other legal proceeding such as an arbitration hearing.

Scope: This APM addresses testimony by employees arising out of their duties as employees of the City of Madison. Employees testifying in any legal proceedings unrelated to such duties are to do so on their own time.

Policy:

1. As used in this policy, the word "proceeding" means any court or administrative proceeding of any type.
2. Any employee testifying on behalf of the City of Madison in any proceeding arising out of their employment duties is considered to be on City time, whether subpoenaed or not.
3. Any employee who is subpoenaed to testify in any proceeding, other than a proceeding in which the employee is a party opposed to the City of Madison, and who is to give testimony arising out of the employee's duties as a City employee, is considered to be on City time. Employees should not testify in such circumstances without being subpoenaed, unless requested to do so by attorneys representing the City. Any employee receiving a subpoena arising out of his or her City employment shall inform his or her supervisor and the Office of the City Attorney.
4. An employee who is subpoenaed to produce documents, and the documents sought were created while carrying out their duties as a City employee and are stored at the employee's City office, will be considered to be on City time in responding to the subpoena.
5. To the extent documents sought in a subpoena were not created while carrying out their duties as a City employee or are kept at the employee's home, the time to retrieve the documents will not be City time.
6. An employee who has commenced a proceeding against the City is not on City time for any time spent preparing for or participating in the proceeding.
7. Employees who are subpoenaed and will be testifying while on City time under this policy shall turn over to the City any witness fees received for testifying. Employees who decline the witness fees or fail to turn over the witness fees to the City shall have an amount equal to the witness fees deducted from their compensation.
8. This policy is subject to any limitations or requirements set forth in a collective bargaining agreement between the City and a union.


David J. Cieslewicz
Mayor

APM No. 2-36
April 11, 2005