



POLICIES AND PROCEDURES

MONTGOMERY COUNTY
DEPARTMENT OF FIRE AND RESCUE SERVICES

NO. 530

PAGE
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DATE
November 26, 1991

TITLE
COURT APPEARANCES

DIRECTOR APPROVAL

A handwritten signature in black ink, appearing to be "J. B. [unclear]", written over the "DIRECTOR APPROVAL" field.

PURPOSE

1.0 The purpose of this policy is to ensure that Department of Fire and Rescue Services' personnel meet their legal mandates for court appearances and requests for depositions that evolve from their employment with the Department of Fire and Rescue Services.

APPLICABILITY

2.0 All employees of the Department of Fire and Rescue Services.

BACKGROUND

3.0 Employees of the DFRS may be subpoenaed to appear in court, required to give depositions, or requested to testify to circumstances or situations encountered in the course of employment. This policy provides guidelines and procedures to minimize the impact of these work related dispositions on both the employee and the Department.

DEFINITIONS

4.0 Subpoena - A written legal order directing a person to appear in court or a deposition to give testimony, show specified records, etc.

4.1 Deposition - A legal proceeding or interview where testimony is taken down, in writing, while under oath.

POLICY

5.0 It is the policy of the Department of Fire and Rescue Services to ensure that its personnel provide the necessary response to subpoenas for court appearances and requests for depositions in matters in which they participated during the performance of their duties.

5.1 Personnel in pay status during testimony or depositions are not eligible for additional compensation. Any additional compensation received for testimony must be deposited in the appropriate county fund.



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PROCEDURE

- 6.0 Personnel who have been served with a subpoena concerning a work related criminal case or civil litigation, or have been requested to provide a deposition concerning possible civil litigation must notify their Senior Career Officer, via the chain of command, upon receipt of the subpoena.
- 6.1 The Senior Career Officer will ensure that the conditions below are met:
- a. Depositions be given only within the jurisdictional boundaries of Montgomery County, Maryland, subject to applicable laws and rules of court.
 - b. Whenever possible, the depositions be scheduled on the employee's normal work day and, depending on the nature of the case, the Senior Career Officer or District Chief be present.
 - c. On-duty personnel be detailed to the proceedings as part of their normal work day.
 - d. Off-duty personnel be compensated, as provided for in the County Personnel Regulations.
- 6.2 If an employee is unable to honor a subpoena for some valid reason (personal illness, family problem of urgent proportion, unavoidable conflict of schedule, etc.), the employee must notify the Senior Career Officer and the attorney who has issued the subpoena of the reason for their absence.
- 6.3 Employees subpoenaed to court must report on or before the scheduled time and advise the respective attorney(s) of their presence.
- 6.4 Employees subpoenaed to court must remain until excused by the presiding judge, the Assistant State's Attorney, or until the case in question is concluded.
- 6.5 Employees subpoenaed to court to testify or give a deposition must wear the appropriate attire, i.e., Class A uniform or business suit.



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[Signature]

- 6.6 The Senior Career Officer must keep the District Chief and Bureau Chief advised of Department personnel involved in employment related legal cases. Information provided should include the details of the case and who the litigants are in order for the Department to determine the need for representation by counsel for the personnel involved.
- 6.7 Attendance at other legal proceedings must be approved in advance by the employee's Bureau Chief or designee.

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