

CIVIL SERVICE BOARD

CITY OF JACKSONVILLE, FLORIDA

ADDENDUM NO. 6

SUBPOENAS

- A. **ISSUANCE.** The issuance of subpoenas and subpoenas duces tecum for Civil Service Board Grievance or Appeal Hearings shall be delegated by the Civil Service Board to the Chairman of the Civil Service Board, the chief administrative officer to the Civil Service Board, or other such person as the Board may specifically designate. An aggrieved person, person's counsel, or any member of the Board desiring that a subpoena be issued shall request in writing at least ten (10) calendar days in advance of a hearing that the Civil Service Board issue the requested subpoena. Written requests for subpoenas may be made fewer than ten (10) days in advance of a hearing only upon a showing of an emergency and that the subpoena is necessary to promote a just hearing, and shall be issued only with the Chairman's approval. The requesting party shall furnish the full names and addresses of all witnesses to be subpoenaed, and an itemized description of any documents to be produced and the date and time for the witness to appear.
- B. **SERVICE.** Service of subpoenas upon witnesses shall be as prescribed by law and shall be at the instance and cost of the party requesting the subpoena.
- C. **COMPENSATION.** All subpoenaed witnesses shall be compensated in accordance with Section 134.104, Jacksonville Ordinance Code, by the party requesting the subpoena at the time of service of the subpoena.
- D. **ATTENDANCE.** When a witness is properly served and compensated, that person is required to attend the hearing designated and remain in attendance until released by either the party serving the subpoena, or the Chairman of the Civil Service Board.
- E. **PENALTY FOR FAILURE TO APPEAR OR FOR SWEARING FALSELY.** A person duly and properly served with a subpoena who fails to appear when called at a hearing or refuses to testify (where there is no apparent constitutional basis for the refusal) shall suffer the penalties as prescribed in Section 134.105, Jacksonville Ordinance Code, and as authorized by Article 18.01, Charter, City of Jacksonville, as well as those sanctions which may be imposed by a Circuit Court for "Contempt of Court," including fines and imprisonment. Whoever, being summoned to appear at a hearing and testify and who willfully affirms falsely or willfully swears falsely in regard to any matter or thing shall suffer the penalties as prescribed in Section 134.106, Jacksonville Ordinance Code.
- F. **IMPOSITION OF SANCTIONS.** Upon proof of proper service and compensation, the Chairman of the Board may, on the Chair's own motion, or upon written request of any party appearing before the Board, seek sanctions in Circuit Court or penalties in County Court,

against any person who fails to honor a subpoena or subpoena duces tecum.

- G. CONTINUANCES. Whenever in the discretion of the Chairman, a continuance of a hearing is essential to afford substantial justice in the event a properly subpoenaed witness does not appear, such continuance may be granted upon a showing of (1) proper service, (2) proper compensation, and (3) that the testimony of the witness is essential to a fair presentation of the case and cannot be otherwise stipulated to.

In the event of any continuance, the Chairman is authorized to require properly served witnesses to appear at the new hearing under the existing subpoena, without the necessity of the reissuance of the subpoenas.