

Jury/Witness duty leave

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State	Statute
Alabama	<p>12-16-8 (a) Upon receiving a summons to report for jury duty, any employee shall, on the next day he or she is engaged in his or her employment, shall exhibit the summons to his or her immediate superior, and the employee shall thereupon be excused from his or her employment for the day or days required of him or her in serving as a juror in any court created by the constitutions of the United States or of the State of Alabama or the laws of the United States or of the State of Alabama. (b) An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this subsection shall be construed to require an employer to provide annual, vacation, or sick leave to employees who otherwise are not entitled to the benefits under policies of the employer. (c) Notwithstanding the excused absence provided in subsection (a) of this section, any full-time employee shall be entitled to his or her usual compensation received from such employment less the fee or compensation he received for serving as such juror. (d) It shall be the duty of all persons paying jurors their fee or compensation for services to issue to each juror a statement showing the daily fee or compensation and the total fee or compensation received by the juror. (e) Notwithstanding subsection (a), a court shall automatically postpone and reschedule the service of a summoned juror who is an employee of an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer also has been summoned to appear during the same period. A postponement pursuant to this section shall not affect an individual's right to one automatic postponement under Section 12-16-63.1.</p> <p>12-16-8.1 Discharge of employee on jury duty forbidden; when employee must return to work; employee's cause of action upon discharge; damages; provision supplemental to other law. (a) No employer in this state may discharge any employee solely because he serves on any jury empanelled under any state or federal statute; provided, however, that the employee reports for work on his next regularly scheduled hour after being dismissed from any jury. (b) Any employee who is so discharged shall have a cause of action against the employer for said discharge in any court of competent jurisdiction in this state and shall be entitled to recover both actual and punitive damages. (c) The provisions of this section are supplemental to any statutes, existing or to be enacted in the future, that are designed to protect and safeguard a citizen's right and duty to serve on a lawful jury, and the provisions of this section shall not repeal or supersede the provisions of any law not directly inconsistent herewith.</p>
Alaska	<p>Sec. 09.20.037. Protection for employee on jury duty. (a) (a) An employer may not deprive an employee of employment or threaten, coerce, or penalize an employee because the employee receives or responds to a summons for jury service, serves as a juror, or attends court for prospective jury service. This section does not require an employer to pay wages to an employee for time spent on jury service or in court for prospective jury service. (b) If an employer violates this section, the employee may bring a civil action to recover wages lost as a result of the violation, other damages that resulted from the violation, and may also seek an order requiring the reinstatement of the employee.</p>
Arizona	<p>21-236. Absence from employment for jury duty; vacation and seniority rights; violation; classification A. An employer shall not refuse to permit an employee to take a leave of absence from employment for the purpose of serving as a juror. No employer may dismiss or in any way penalize any employee because he serves as a grand or trial juror, provided, however, that an employer shall not be required to compensate an employee when the employee is absent from his employment because of his jury service. Any absences from employment shall not affect vacation rights which employees otherwise have. B. An employee shall not lose seniority or precedence while absent from his employment due to his serving as a member of a grand or trial jury. Upon return to employment the employee shall be returned to his previous position, or to a higher position commensurate with his ability and experience as seniority or precedence would ordinarily entitle him.</p>

C. A person who violates any provision of this section is guilty of a class 3 misdemeanor.

Arkansas

21-4-213 (a) Any A state employee serving as a juror or subpoenaed as a witness to give a deposition in a court or hearing not involving personal litigation or service as a paid expert witness outside the scope of state employment in state or federal court shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in any court shall not be counted as annual leave. (b) If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before any body with power to issue a subpoena, the state employee is: (1) Entitled to his or her salary if the employee is a witness in a matter: (A) Within the employee's scope of state employment; or (B)(i) Outside the employee's scope of state employment; and (ii) The employee is not serving as a paid expert witness or is not a party to the matter; and (2) Required to take annual leave to attend the deposition, hearing, or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter. (c)(1) If a law enforcement officer is subpoenaed to appear at a time when the officer is not scheduled for regular duty: (A) This section shall not apply; and (B) A law enforcement officer shall be entitled to retain witness and mileage fees tendered to the officer. (2) As used in this section, "law enforcement officer" means any public servant vested by law with a duty to maintain public order or to make arrests for offenses.

23-112-509 (b)(1) The sheriffs and constables serving and returning any summons, citation, or subpoena shall be paid the same fees as provided for the services in the circuit court. (2) Any person who appears before the commission, or a duly designated employee thereof other than an employee of the commission, in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court.

16-31-106. (a) (1) Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of sick leave, loss of vacation time, or any other form of penalty as a result of his or her absence from employment due to jury duty, upon giving reasonable notice to his or her employer of the summons.

(2) No employer shall subject an employee to discharge, loss of sick leave, loss of vacation time, or any other form of penalty on account of his or absence from employment by reason of jury duty. (b) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor.

16-90-1105 An employer may not discharge or discipline a victim or a representative of the victim for: (1) Participation at the prosecuting attorney's request in preparation for a criminal justice proceeding; or (2) Attendance at a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim.

16-43-808 (a) If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before any body with power to issue a subpoena, the state employee is: (1) Entitled to retain any witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is: (A) Outside the employee's scope of state employment; or (B) The employee is a party to the matter other than as a representative of the state employer. (2) Entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is: (A)(i) Within the employee's scope of state employment; (ii) The employee uses a personal vehicle for travel in obeying the subpoena; and (iii) The employee's employer does not reimburse the employee for travel expenses; or (B) Outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena. (b) If the state employee is subpoenaed for purposes under subsection (a) to appear on a non-work day, the employee may retain any witness and mileage fees tendered to him or her.

California

230. Jury and Witness duty leave. (a) An employer may not discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that he or she is required to serve. (b) An employer may not discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. (c) An employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. (d) (1) As a condition of taking time off for a purpose set forth in subdivision (c), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. (2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form of any of the following: (A) A police report indicating that the employee was a victim of domestic violence or sexual assault. (B) A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court. (C) Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental

injuries or abuse resulting in victimization from an act of domestic violence or sexual assault

Colorado

13-71-126 Compensation of employed jurors during first three days of service. All regularly employed trial or grand jurors shall be paid regular wages, but not to exceed fifty dollars per day unless by mutual agreement between the employee and employer, by their employers for the first three days of juror service or any part thereof. Regular employment shall include part-time, temporary, and casual employment if the employment hours may be determined by a schedule, custom, or practice established during the three-month period preceding the juror's term of service.

Connecticut

Sec.51-247a. Employer not to discharge employee for jury service. Penalty. Action for recovery of wages and reinstatement. Liability of employer for failure to compensate juror-employee. (a) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons in accordance with the provisions of section 51-232, responds thereto, or serves as a juror. Any employer who violates this section shall be guilty of criminal contempt, and, upon conviction thereof, may be fined not more than five hundred dollars or imprisoned not more than thirty days or both. (b) If an employer discharges an employee in violation of this section, the employee, within ninety days of such discharge, may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring reinstatement of the employee. Damages recoverable shall not exceed lost wages for ten weeks. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court. (c) Any employer who fails to compensate a juror-employee under subsection (b) of section 51-247 and who has not been excused from such duty under section 51-247c shall be liable to the juror-employee for damages. The juror may commence a civil action in any superior court having jurisdiction over the parties. Extreme financial hardship on the employer shall not be a defense to this action. The court may award treble damages and reasonable attorney's fees to the juror upon a finding of willful conduct by the employer

51-217(a) A person shall be excused from jury service during the jury year commencing September 1, 1999, and each jury year thereafter, if during the next three preceding jury years such person appeared in a court for jury service and was not excused from such jury service, except that such person may request to be summoned for jury service during such three-jury-year period in the same manner as persons are summoned who are not excused from jury service. Such request may be made at any time with written notice to the Jury Administrator. (b) The court shall have authority to excuse a juror from juror service, upon a finding of extreme hardship. Sec. 2. Subsection (c) of section 51-217 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2008): (c) The Jury Administrator shall have the authority to establish and maintain a list of persons to be excluded from the summoning process, which shall consist of (1) persons who are disqualified from serving on jury duty on a permanent basis due to a disability for which a licensed physician has submitted a letter stating the physician's opinion that such disability permanently prevents the person from rendering satisfactory jury service, (2) persons seventy years of age or older who have requested not to be summoned, (3) elected officials enumerated in subdivision (4) of subsection (a) of this section and judges enumerated in subdivision (5) of subsection (a) of this section during their term of office, and (4) persons excused from jury service pursuant to section 51-217a, as amended by this act, who have not requested to be summoned for jury service pursuant to said section. Persons requesting to be excluded pursuant to subdivisions (1) and (2) of this subsection must provide the Jury Administrator with their names, addresses, dates of birth and federal Social Security numbers for use in matching. The request to be excluded may be rescinded at any time with written notice to the Jury Administrator. Sec. 3. Section 51-247a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2008): (a) An employer shall not deprive an employee of his or her employment, or threaten or otherwise coerce the employee with respect to his or her employment, because the employee receives a summons in accordance with the provisions of section 51-232, responds to the summons, or serves as a juror. (b) Any juror-employee who has served eight hours of jury duty in any one day shall be deemed to have worked a legal day's work as that term is used in section 31-21, as amended by this act, and an employer shall not require the juror-employee to work in excess of said eight hours. (c) Any employer who violates this section shall be guilty of criminal contempt, and, upon conviction thereof, may be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. (d) If an employer discharges an employee in violation of this section, the employee, within ninety days of such discharge, may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring reinstatement of the employee. Damages recoverable shall not exceed lost wages for ten weeks. If the employee prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court. (e) Any employer who fails to compensate a juror-employee under subsection (b) pursuant to section 51-247 of the 2008 supplement to the general statutes and who has not been excused from such duty to compensate a juror-employee pursuant to section 51-247c of the 2008 supplement to the general statutes shall be liable to the juror-employee for damages. The juror may commence a civil action in any superior court having jurisdiction over the parties. Extreme financial hardship on the employer shall not be a defense to such action. The court may award treble damages and reasonable attorney's fees to the juror upon a finding of willful conduct by the employer. (f) Each state's attorney, assistant state's attorney and deputy assistant state's attorney shall collect in the name of the state and by suit when necessary, any fines imposed under this chapter. Sec. 4. Section 31-21 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2008): Subject to the provisions of subsection (b) of section 51-247a, as amended by this act, eight hours of labor performed in any one day by any one person shall be a legal day's work unless otherwise agreed.

Delaware	<p>§ 4515. Protection of jurors' employment. (a) (a) An employer shall not deprive an employee of employment, or threaten or otherwise coerce the employee with respect thereto, because the employee receives a summons, responds thereto, serves as a juror or attends Court for prospective jury service. (b) Any employer who violates subsection (a) of this section is guilty of criminal contempt and upon conviction may be fined not more than \$500 or imprisoned not more than 6 months, or both. (c) If an employer discharges an employee in violation of subsection (a) of this section, the employee may file a civil action in Superior Court within 90 days for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. An employee who prevails shall be allowed a reasonable attorney's fee fixed by the Court. (66 Del. Laws, c. 5, § 1.)</p>
District of Columbia	<p>§ 15-718. Juror fees. (c) (c) For jury service of 5 days or less, petit or grand jurors employed full-time in the District of Columbia shall be entitled to their usual compensation less the fee received for jury service. A person shall not be considered a full-time employed juror on any day of jury service in which that person: (1) Would not have accrued regular wages to be paid by the employer if the employee were not serving as a juror on that day; or (2) Would not have worked more than 1/2 of a shift that extends into another day if the employee were not serving as a juror on that day. Employers with 10 or less employees shall not be required to pay a juror-employee his or her usual compensation. (d) If an employer fails to pay an employee in violation of subsection (c) of this section, the employee may bring a civil action for recovery of wages or salary lost as a result of the violation. If an employee prevails in an action under this subsection, that employee shall be entitled to reasonable attorney fees fixed by the court.</p>
Florida	<p>40.271 Jury service.-- (1) No person summoned to serve on any grand or petit jury in this state, or accepted to serve on any grand or petit jury in this state, shall be dismissed from employment for any cause because of the nature or length of service upon such jury. (2) Threats of dismissal from employment for any cause, by an employer or his or her agent to any person summoned for jury service in this state, because of the nature or length of service upon such jury may be deemed a contempt of the court from which the summons issued. (3) A civil action by the individual who has been dismissed may be brought in the courts of this state for any violation of this section, and said individual shall be entitled to collect not only compensatory damages, but, in addition thereto, punitive damages and reasonable attorney fees for violation of this act.</p> <p>92.57 Termination of employment of witness prohibited. — A person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena. In any civil action arising out of a violation of this section, the court may award attorney's fees and punitive damages to the person unlawfully dismissed, in addition to actual damages suffered by such person.</p> <p>741.313 Unlawful action against employees seeking protection. — (1) As used in this section, the term: (a) "Domestic violence" means domestic violence, as defined in s. 741.28, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence. (b) "Employee" has the same meaning as in s. 440.02(15). (c) "Employer" has the same meaning as in s. 440.02(16). (d) "Family or household member" has the same meaning as in s. 741.28. (e) "Sexual violence" means sexual violence, as defined in s. 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence. (f) "Victim" means an individual who has been subjected to domestic violence or sexual violence. (2)(a) An employer shall permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave may be with or without pay, at the discretion of the employer. (b) This section applies if an employee uses the leave from work to: 1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence; 2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence; 3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence; 4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or 5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence. (3) This section applies to an employer who employs 50 or more employees and to an employee who has been employed by the employer for 3 or more months. (4)(a) Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer appropriate advance notice of the leave as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer. (b) An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, that is available to the employee, unless the employer waives this requirement. (c)1. A private employer must keep all information relating to the employee's leave under this section confidential. 2. An agency, as defined in s. 119.011, must keep information relating to the employee's leave under this section confidential and exempt from disclosure to the extent authorized by subsection (7). (5)(a) An employer may not interfere with, restrain, or deny the exercise of or any attempt by an employee to exercise any right provided under this section. (b) An employer may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his or her rights under this section. (c) An employee has no greater rights to continued employment or to other</p>

benefits and conditions of employment than if the employee was not entitled to leave under this section. This section does not limit the employer's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this section. (6) Notwithstanding any other law to the contrary, the sole remedy for any person claiming to be aggrieved by a violation of this section is to bring a civil suit for damages or equitable relief, or both, in circuit court. The person may claim as damages all wages and benefits that would have been due the person up to and including the date of the judgment had the act violating this section not occurred, but the person may not claim wages or benefits for a period of leave granted without pay as provided in paragraph (2)(a). However, this section does not relieve the person from the obligation to mitigate his or her damages. (7)(a) Personal identifying information that is contained in records documenting an act of domestic violence or sexual violence and that is submitted to an agency, as defined in chapter 119, by an agency employee under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. (b) A written request for leave that is submitted by an agency employee under the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken. (c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2013, unless reviewed and saved from repeal through reenactment by the Legislature.

Sections 11-31, et seq., of the Code of Metropolitan Miami-Dade--County provides that employers are to pay employees for jury service if: The employee is regularly scheduled for work at least 35 hours a week; The employer has at least 10 full-time employees; The employee serves as a juror in Miami-Dade County; The employer has offices or does business in Miami-Dade County; and, The employee gives the employer copies of the summons and notice of jury service at least five working days prior to absence from work. Payment under this ordinance does not include commissions. If a juror receives payment for jury service from the State, the employer may deduct this amount from the employee's pay.

Georgia

34-1-3. Jury/Witness Duty. (a) It shall be unlawful for any employer or the agent of such employer to discharge, discipline, or otherwise penalize an employee because the employee is absent from his or her employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee at the judicial proceeding. It shall be unlawful for any employer or the agent of such employer to threaten to take or communicate an intention of taking any action declared to be unlawful by this subsection. (b) Any employer or agent of such employer who violates subsection (a) of this Code section shall be liable to the injured employee for all actual damages thereby suffered by the employee and for reasonable attorney's fees incurred by the employee in asserting a successful claim under this Code section. (c) This Code section shall not apply to an employee who is charged with a crime, nor shall it prohibit an employer from requiring an employee to abide by regulations requiring reasonable notification to an employer of the employee's expected absence or delay in reporting to work in order to attend a judicial proceeding.

Hawaii

[§612-25] Protection of jurors' employment. (a) An employer shall not deprive an employee of the employee's employment, or threaten or otherwise coerce the employee with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service. (b) Any employer who violates subsection (a) is guilty of a petty misdemeanor. (c) If an employer discharges an employee in violation of subsection (a) the employee within ninety days from the date of discharge may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks. If the employee prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court. [L 1973, c 191, pt of §1; gen ch 1985]

[§621-10.5] Unlawful suspension or discharge from employment; penalty; right of action. (a) An employer shall not deprive an employee of the employee's employment, or threaten or otherwise coerce the employee with respect thereto, because the employee receives a summons, responds thereto, serves as a witness or attends court as a prospective witness. (b) Any employer who violates subsection is guilty of a petty misdemeanor. (c) If an employer discharges or suspends an employee in violation of subsection the employee within ninety days from the date of discharge or suspension may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks. If the employee prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court. [L 1978, c 13, §1; gen ch 1985]

Idaho

2-218. Employer Prohibited from penalizing employee for jury service- Penalty - Action by discharged employee for lost wages. (1) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service. (2) Any employer who violates subsection (1) of this section is guilty of criminal contempt and upon conviction may be fined not more than three hundred dollars (\$300). (3) If an employer discharges an employee in violation of subsection (1) of this section the employee within sixty (60) days may bring a civil action for recovery of treble the amount of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

<p>Illinois</p>	<p>705 ILCS 305/4.1 Jury duty; notice to employer; right to time off. (a) Any person who is not legally disqualified to serve on juries, and has been duly summoned for jury duty for either petit or grand jury service, shall be given time off from employment to serve upon the jury for which such employee is summoned, regardless of the employment shift such employee is assigned to at the time of service of such summons. An employee shall give his employer reasonable notice of required jury service. An employer may not deny an employee time off for jury duty because such employee is then assigned to work a night shift of employment, that is, an employer cannot require a night shift worker to work while such employee is doing jury duty in the daytime. (b) No employer shall discharge, threaten to discharge, intimidate or coerce any employee by reason of the employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of this State. (c) If an employee gives reasonable notice of required jury service, any employer who violates the provisions of this Section: (1) may be charged with contempt of court. In such an event, the State's Attorney shall file a petition for civil contempt, criminal contempt, or both, against the employer to be prosecuted by the State's Attorney; and (2) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of the violation; and (3) may be enjoined from further violations of this Section and ordered to reinstate any employee discharged by reason of jury service. As used in this Section, "reasonable notice of required jury service" means that the employee summoned for jury duty must deliver to the employer a copy of the summons within 10 days of the date of issuance of the summons to the employee. (d) Any individual who is reinstated to a position of employment in accordance with this Section shall be considered as having been on furlough or leave of absence during his period of jury service, shall be reinstated to his position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer under established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual entered upon jury service. (e) In any action or proceeding under this Section, the court may award a prevailing employee who brings the action by retained counsel a reasonable attorney's fee. (f) Any right or remedy provided in this Section is in addition to any right or remedy otherwise provided by law to an employee. (g) No employer shall be obligated to compensate an employee for time taken off for jury duty. (h) The official responsible for issuing the summons may advise the juror of his rights under this Act by printed insert with the summons or on the summons itself.</p>
<p>Indiana</p>	<p>IC 33-28-4-8.3 (a) If a person: (1) is summoned to serve as a juror; and (2) notifies the person's employer of the jury summons within a reasonable period: (A) after receiving the jury summons; and (B) before the person appears for jury service; the person's employer may not subject the person to any adverse employment action as the result of the person's jury service. (b) An employee may not be required or requested to use annual vacation or sick leave for time spent: (1) responding to a summons for jury service; (2) participating in the jury selection process; or (3) serving on a jury. This subsection does not require an employer to provide annual vacation or sick leave to an employee who is not otherwise entitled to these benefits.</p>
<p>Iowa</p>	<p>607A.45 Employer prohibited from penalizing employee--penalty--action for lost wages. An employer shall not deprive an employee of employment or threaten or otherwise coerce an employee with respect to the employee's employment because the employee receives a notice to report, responds to the notice, serves as a juror, or attends court for prospective juror service. An employer who violates this subsection commits contempt. 2. If an employer discharges an employee in violation of subsection 1, the employee may within sixty days of the discharge bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for a period of six weeks. If the employee prevails, the employee shall be allowed reasonable attorney fees as determined by the court.</p> <p>622.71A Volunteer fire fighters--witness compensation. A volunteer fire fighter, as defined in section 85.61, who is subpoenaed to appear as a witness in connection with a matter regarding an event or transaction which the fire fighter perceived or investigated in the course of duty as a volunteer fire fighter, shall receive reasonable compensation as determined by the court from the party who subpoenaed the volunteer fire fighter. The daily compensation shall be equal to the average daily wage paid to full-time fire fighters of the same rank within the judicial district. However, the requirements of this section are not applicable if a volunteer fire fighter will receive the volunteer fire fighter's regular salary or other compensation pursuant to the policy of the volunteer fire fighter's regular employer, for the period of time required for travel to and from where the court or other tribunal is located and while the volunteer fire fighter is required to remain at that place pursuant to the subpoena.</p>
<p>Kansas</p>	<p>43-173. Jury service; right to serve; liability; costs. (a) No employer shall discharge or threaten to discharge any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of Kansas. (b) Any employer who violates the provisions of this section: (1) Shall be liable for damages for any loss of wages, actual damages and other benefits suffered by an employee by reason of such violation; (2) shall be ordered to reinstate any employee discharged by reason of such employee's jury service; and (3) may be enjoined from further violations of this section and ordered to provide other appropriate relief. (c) Any individual who is reinstated to a position of employment in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during such period of jury service, shall be reinstated to employee's position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such individual entered upon jury service. (d) In any action or proceeding under this</p>

	<p>section, the court may award a prevailing employee who brings such action by retained counsel reasonable attorney fees as part of the costs. The court may award a prevailing employer reasonable attorney fees as part of the costs only if the court finds that the action is frivolous or brought in bad faith.</p>
Kentucky	<p>29A.160 Employer's duties. An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service. (2) If an employer discharges an employee in violation of subsection (1) of this section, the employee may within ninety (90) days of such discharge bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee with full seniority and benefits. Damages recoverable shall not exceed lost wages. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.</p> <p>337.415 Court-ordered appearance by employee not grounds for dismissal by employer -- Penalty for unlawful discharge. No employer shall discharge an employee for taking time off, as required by law, to appear in any duly constituted local, state or federal court or duly constituted administrative tribunal or hearing if such employee, prior to taking such time off, gives notice to the employer that he is required to serve by presenting a copy of the court or administrative certificate to said employer. The penalty for such unlawful discharge may include, but is not limited to, reemployment, assessment of court costs, appropriate attorney fees, and back pay as ordered by a court of competent jurisdiction.</p>
Louisiana	<p>965. Jury duty; dismissal forbidden; uninterrupted compensation; penalties A.(1) No employer shall discharge, without cause, any employee called to serve or presently serving any jury duty and no employer shall make, adopt, or enforce any rule, regulation, or policy providing for the discharge of any employee who has been called to serve, or who is presently serving on, any grand jury or on any jury at any criminal or civil trial. (2) Any employer violating the provisions of this Subsection shall be required to reinstate all discharged employees at the same employment, wages, salary, benefits, and other conditions of employment enjoyed by said employees before their discharge. The employer shall additionally be fined not less than one hundred nor more than one thousand dollars for each employee discharged. B.(1) Any person who is regularly employed in the state of Louisiana shall, upon call or subpoena to serve on a state petit or grand jury, or central jury pool, be granted a leave of absence by his employer, of up to one day, for that period of time required for such jury duty. Such leave of absence shall be granted without loss of wages, or sick, emergency, or personal leave or any other benefit. (2) Any employer who violates the provisions of this Subsection shall be required to pay the claimant employee his full wages for one day of that period required for jury duty, without reduction in sick, emergency, or personal leave or any other benefit. The employer shall additionally be fined not less than one hundred dollars nor more than five hundred dollars for each offense.</p>
Maine	<p>§1218. Protection of jurors' employment and health insurance</p> <p>An employer may not deprive an employee of employment or health insurance coverage, or threaten or otherwise coerce the employee with respect to loss of employment or health insurance coverage, because the employee receives a summons for jury service, responds to a summons for jury service, serves as a juror or attends court for prospective jury service. [1989, c. 801, §1 (rpr); 4 (aff).] Any employer who violates this section is guilty of a Class E crime. [1989, c. 801, §1 (rpr); 4 (aff).] If an employer discharges an employee or terminates the health insurance coverage of an employee in violation of this section, the employee may bring a civil action within 90 days for recovery of wages or health insurance benefits lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable for wages may not exceed lost wages for 6 weeks. If the employee prevails, the employee must be allowed a reasonable attorney's fee fixed by the court. [1989, c. 801, §1 (rpr); 4 (aff).]</p>
Maryland	<p>§ 8-105. Protection of jurors' employment. An employer may not deprive an employee of his employment solely because of job time lost by the employee as a result of responding to a summons issued under this title, or as a result of attending court for service or prospective service as a petit or grand juror under the provisions of this title.</p> <p>§ 9-205. Depriving witnesses of employment; penalty. (a) In general.- An employer may not deprive an employee of the employee's job solely because of job time lost by the employee as a result of: (1) The employee's response to a subpoena requiring the employee to appear as a witness in any civil or criminal proceeding, including discovery proceedings; or (2) The employee's attendance at a proceeding that the employee has a right to attend under § 11-102 or § 11-302 of the Criminal Procedure Article, or under § 3-8A-13 of this article. (b) Penalty.- An employer that violates subsection (a) of this section may be fined not more than \$1,000.</p> <p>8-105 (a) Employment.- An employer may not deprive an employee of employment solely because of job time lost by the employee as a result of responding to a summons issued under this title, or as a result of attending court for service or prospective service as a petit or grand juror under the provisions of this title. (b) Leave.- An employer may not require an employee to use the employee's annual, vacation, or sick leave to respond to a summons issued under this title for service on a petit jury.</p>
Massachusetts	<p>Chapter 234A: Section 48. Payment of regularly employed jurors. Each regularly employed trial or grand juror shall be paid regular wages by his employer for the first three days, or part thereof, of juror service.</p>

Regular employment shall include part-time, temporary, and casual employment as long as the employment hours of a juror reasonably may be determined by a schedule or by custom and practice established during the three-month period preceding the term of service of such juror. Each self-employed trial or grand juror shall compensate himself for the first three days, or part thereof, of juror service.

Michigan

600.1348 Jurors; threats, discharge, or discipline by employer; requiring additional hours of work; misdemeanor; penalty. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a person because that person is summoned for jury duty, serves on a jury, or has served on a jury, is guilty of a misdemeanor, and may also be punished for contempt of court. (2) An employer or the employer's agent who requires a person having jury duty to work any number of hours during a day which, if added to the number of hours which the person spends on jury duty during that day, exceeds the number of hours normally and customarily worked by the person during a day, or the number of hours normally and customarily worked by the person during a day which extends beyond the normal and customary quitting time of that person unless voluntarily agreed to by that person, or as provided in a collective bargaining agreement is guilty of a misdemeanor, and may also be punished for contempt of court.

780.762 Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor; penalty; "victim representative" defined. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court. (2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court. (3) As used in this section, "victim representative" means any of the following: (a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age. (b) A parent, guardian, or custodian of a victim of an assaultive crime if the victim of the assaultive crime is less than 18 years of age. (c) A person who has been designated under section 2(2) to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability.

Minnesota

593.50 Protection of jurors' employment. Subdivision 1. Juror protection. An employer shall not deprive an employee of employment, or threaten or otherwise coerce the employee with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service. Subd. 2. Criminal contempt. An employer who violates subdivision 1 is guilty of criminal contempt and upon conviction may be fined not more than \$700 or imprisoned not more than six months, or both. Subd. 3. Civil action. If an employer discharges an employee in violation of subdivision 1 the employee within 30 days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks. An employee who prevails shall be allowed a reasonable attorney's fee fixed by the court.

611A.036 Prohibition against employer retaliation. An employer or employer's agent who threatens to discharge or discipline a victim or witness, or who discharges, disciplines, or causes a victim or witness to be discharged from employment or disciplined because the victim or the witness is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, is guilty of a misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to offer job reinstatement to any victim or witness discharged from employment in violation of this section, and to pay the victim or witness back wages as appropriate.

Mississippi

§ 13-5-23, [Until January 1, 2008, this section shall read as follows:]13-5-23. All qualified persons shall be liable to serve as jurors, unless excused by the court for one (1) of the following causes: (a) When the juror is ill, or when on account of serious illness in the juror's family, the presence of the juror is required at home, (b) When the juror's attendance would cause a serious financial loss to the juror or to the juror's business, or (c) When the juror is under an emergency, fairly equivalent to those mentioned in the foregoing paragraphs (a) and (b). An excuse of illness under paragraph (a) may be made to the clerk of court outside of open court by providing the clerk with either a certificate of a licensed physician or an affidavit of the juror, stating that the juror is ill or that there is a serious illness in the juror's family. The test of an excuse under paragraph (b) shall be whether, if the juror were incapacitated by illness or otherwise for a week, some other persons would be available or could reasonably be procured to carry on the business for the week, and the test of an excuse under paragraph (c) shall be such as to be the fair equivalent, under the circumstances of that prescribed under paragraph (b). In cases under paragraphs (b) and (c) the excuse must be made by juror, in open court, under oath. It shall be unlawful for any employer or other person to persuade or attempt to persuade any juror to avoid jury service, or to intimidate or to threaten any juror in that respect. So to do shall be deemed an interference with the administration of justice and a contempt of court and punishable as such. But a tales juror, save when drawn and retained for the week, shall not be compelled to serve two (2) days successively

	<p>unless the case in which the juror is impaneled continues longer than one (1) day. Grand jurors shall serve until discharged by the court. [From and after January 1, 2008, this section shall read as follows:] 13-5-23. (1) All qualified persons shall be liable to serve as jurors, unless excused by the court for one (1) of the following causes: (a) When the juror is ill and, on account of the illness, is incapable of performing jury service; or b) When the juror's attendance would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. (2) An excuse of illness under subsection (1)(a) of this section may be made to the clerk of court outside of open court by providing the clerk with a certificate of a licensed physician, stating that the juror is ill and is unfit for jury service, in which case the clerk may excuse the juror. If the excuse of illness is not supported by a physician's certificate, a judge of the court for which the individual was called to jury service shall decide whether to excuse an individual under subsection (1)(a) of this section. (3) (a) The test of an excuse under subsection (1)(b) of this section for undue or extreme physical or financial hardship shall be whether the individual would either: (i) Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or (ii) Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or (iii) Suffer physical hardship that would result in illness or disease. (b) "Undue or extreme physical or financial hardship" does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment or business. (c) A judge of the court for which the individual was called to jury service shall decide whether to excuse an individual under subsection (1)(b) of this section. (d) A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty. (e) A person asking a judge to grant an excuse under subsection (1)(b) of this section shall be required to provide the judge with documentation such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. (4) After two (2) years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature. (5) A tales juror shall not be compelled to serve two (2) days successively unless the case in which the juror is impaneled continues longer than one (1) day. Grand jurors shall serve until discharged by the court.</p>
<p>Missouri</p>	<p>494.460. 1 Employers prohibited from disciplining employees because of jury duty, action for damages, attorney fees. An employer shall not terminate, discipline, threaten or take adverse actions against an employee on account of that employee's receipt of or response to a jury summons. 2. An employee discharged in violation of this section may bring civil action against his employer within ninety days of discharge for recovery of lost wages and other damages caused by the violation and for an order directing reinstatement of the employee. If he prevails, the employee shall be entitled to receive a reasonable attorney's fee.</p>
<p>Montana</p>	<p>2-18-619. Jury duty -- service as witness. (1) Each employee who is under proper summons as a juror shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his juror time off against his annual leave, he shall not be required to remit his juror fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court. (2) An employee subpoenaed to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowances paid him by the court. (3) Employers may request the court to excuse their employees from jury duty if they are needed for the proper operation of a unit of state or local government.</p>
<p>Nebraska</p>	<p>25-1640 Employee; penalized due to jury service; prohibited; penalty. Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. Any person who is summoned to serve on jury duty shall be excused upon request from any shift work for those days required to serve as a juror without loss of pay. No employer shall subject an employee to discharge, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty on account of his or her absence from employment by reason of jury duty, except that an employer may reduce the pay of an employee by an amount equal to any compensation, other than expenses, paid by the court for jury duty. Any person violation the provisions of this section shall be guilty of a Class I misdemeanor.</p>
<p>Nevada</p>	<p>6.190 1. Any person, corporation, partnership, association or other entity who is: (a) An employer; or (b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment, of a person who is a juror or who has received a summons to appear for jury duty, and who deprives the juror or person summoned of his employment, as a consequence of his service as a juror or prospective juror, or who asserts to the juror or person summoned that his service as a juror or prospective juror will result in termination of his employment, is guilty of a gross misdemeanor. 2. A person discharged</p>

from employment in violation of subsection 1 may commence a civil action against his employer and obtain: (a) Wages and benefits lost as a result of the violation; (b) An order of reinstatement without loss of position, seniority or benefits; (c) Damages equal to the amount of the lost wages and benefits; (d) Reasonable attorney's fees fixed by the court; and (e) Punitive or exemplary damages in an amount not to exceed \$50,000.

3. If a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror: (a) Require the person to use sick leave or vacation time; or (b) Require the person to work: (1) Within 8 hours before the time at which he is to appear for jury duty; or (2) If his service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day. Any person who violates the provisions of this subsection is guilty of a misdemeanor.

4. Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1, 2 and 3. The person summoned, if he is employed, shall give the notice to his employer at least 3 days before he is to appear for jury duty.

5. Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.

NRS 50.070 Termination or threat of termination of employment because of service as witness prohibited; penalty; remedies. 1. Any person, corporation, partnership, association or other entity who is: (a) An employer; or (b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment, of a person who is a witness or who has received a summons to appear as a witness in a judicial or administrative proceeding, who deprives the witness or person summoned of his employment, as a consequence of his service as a witness or prospective witness, or who asserts to the witness or person summoned that his service as a witness or prospective witness will result in termination of his employment, is guilty of a misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain: (a) Wages and benefits lost as a result of the violation; (b) An order of reinstatement without loss of position, seniority or benefits; (c) Damages equal to the amount of the lost wages and benefits; and (d) Reasonable attorney's fees fixed by the court.

New Hampshire

500-A:14 Protection of Juror's Employment; Action Brought by Employee. - I. An employer shall not deprive an employee of his employment, or threaten or coerce him regarding his employment because the employee receives and responds to a summons, serves as a juror, or attends court for prospective jury service.

II. Any employer who violates paragraph I may be found in contempt of court.

III. If an employer discharges an employee in violation of paragraph I, the employee may, within one year of the discharge, bring a civil action for: (a) Recovery of wages lost as a result of the violation; and (b) An order requiring his reinstatement.

IV. Damages recovered shall not exceed lost wages. If an employee prevails in an action under paragraph III, the employee shall be allowed a reasonable attorney's fee fixed by the court.

500-A:14 Protection of Juror's Employment; Action Brought by Employee. I. An employer shall not deprive an employee of his employment, or threaten or coerce him regarding his employment because the employee receives and responds to a summons, serves as a juror, or attends court for prospective jury service.

II. Any employer who violates paragraph I may be found in contempt of court.

III. If an employer discharges an employee in violation of paragraph I, the employee may, within one year of the discharge, bring a civil action for: (a) Recovery of wages lost as a result of the violation; and (b) An order requiring his reinstatement.

IV. Damages recovered shall not exceed lost wages. If an employee prevails in an action under paragraph III, the employee shall be allowed a reasonable attorney's fee fixed by the court.

New Jersey

2B:20-16. Excuse from employment for jury duty; compensation. Any person employed full-time by any agency, independent authority, instrumentality or entity of the State or of any political subdivision of the State shall be excused from employment at all times the person is required to be present for jury service in any court of this State, any court of another state, or any federal district court or in the United States District Court for New Jersey, and shall be entitled to receive from the employer the person's usual compensation for each day the person is present for jury service in lieu of any payment for juror service as provided in P.L.1993, c.275 (C.22A:1-1.1).

2B:20-17. Employment protection a. An employer shall not penalize an employee with respect to employment, or threaten or otherwise coerce an employee with respect to that employment, because the employee is required to attend court for jury service. b. An employer who violates subsection a. of this section is guilty of a disorderly persons offense. c. If an employer penalizes an employee in violation of subsection a. of this section, the employee may bring a civil action for economic damages suffered as a result of the violation and for an order requiring the reinstatement of the employee. The action shall be commenced within 90 days from the date of the violation or the completion of jury service, whichever is later. If the employee prevails, the employee shall be entitled to a reasonable attorney's fee fixed by the court.

New Mexico

7.7.14 Administrative leave. D. Employees shall be entitled to administrative leave when appearing during regularly scheduled work hours in obedience to a subpoena as a witness before a grand jury or court or before a federal or state agency. Fees received as a witness, excluding reimbursement for travel, shall be remitted to

the employee's agency. E. Employees shall be entitled to leave with pay for serving on a grand or petit jury during regularly scheduled work hours. Fees received as a juror, excluding reimbursement for travel, shall be remitted to the employee's agency.

38-5-18 A. An employer shall not deprive an employee of employment or threaten or otherwise coerce the employee because the employee receives a summons for jury service, responds to the summons, serves as a juror or attends court for prospective jury service. B. An employer shall not require or request an employee to use annual, vacation or sick leave for time spent responding to a summons for jury service, participating in the jury selection process or serving on a jury. Nothing in this subsection requires an employer to provide annual, vacation or sick leave to employees who are not otherwise entitled to those benefits under company policies.

[Editors note: New Mexico jury duty leave provisions apply only to public employers]

New York

§ 519. Right of juror to be absent from employment. Any person who is summoned to serve as a juror under the provisions of this article and who notifies his or her employer to that effect prior to the commencement of a term of service shall not, on account of absence from employment by reason of such jury service, be subject to discharge or penalty. An employer may, however, withhold wages of any such employee serving as a juror during the period of such service; provided that an employer who employs more than ten employees shall not withhold the first forty dollars of such juror's daily wages during the first three days of jury service. Withholding of wages in accordance with this section shall not be deemed a penalty. Violation of this section shall constitute a criminal contempt of court punishable pursuant to section seven hundred fifty of this chapter.

§ 215.14 Employer unlawfully penalizing witness or victim. 1. Any person who is the victim of an offense upon which an accusatory instrument is based or, is subpoenaed to attend a criminal proceeding as a witness pursuant to article six hundred ten of the criminal procedure law or who exercises his rights as a victim as provided by section 380.50 or 390.30 of the criminal procedure law or subdivision two of section two hundred fifty-nine-i of the executive law and who notifies his employer or agent of his intent to appear as a witness, to consult with the district attorney, or to exercise his rights as provided in the criminal procedure law, the family court act and the executive law prior to the day of his attendance, shall not on account of his absence from employment by reason of such service be subject to discharge or penalty except as hereinafter provided. Upon request of the employer or agent, the party who sought the attendance or testimony shall provide verification of the employee's service. An employer may, however, withhold wages of any such employee during the period of such attendance. The subjection of an employee to discharge or penalty on account of his absence from employment by reason of his required attendance as a witness at a criminal proceeding or consultation with the district attorney or exercise of his rights as provided under law shall constitute a class B misdemeanor. 2. For purposes of this section, the term "victim" shall include the aggrieved party or the aggrieved party's next of kin, if the aggrieved party is deceased as a result of the offense, the representative of a victim as defined in subdivision six of section six hundred twenty-one of the executive law, a good Samaritan as defined in subdivision seven of section six hundred twenty-one of such law or a person pursuing an application or enforcement of an order of protection under the criminal procedure law or the family court act.

North Carolina

§ 9-32. Discharge of juror unlawful. (a) No employer may discharge or demote any employee because the employee has been called for jury duty, or is serving as a grand juror or petit juror. (b) Any employer who violates any provision of this section shall be liable in a civil action for reasonable damages suffered by an employee as a result of the violation, and an employee discharged or demoted in violation of this section shall be entitled to be reinstated to his former position. The burden of proof shall be upon the employer (c) The statute of limitations for actions under this section shall be one year pursuant to G.S. 1-54. (1987, c. 702, s. 1.)

North Dakota

27-09.1-17. Protection of jurors' and witnesses' employment. 1. An employer may not deprive an employee of employment, lay off, penalize, threaten, or otherwise coerce an employee with respect thereto, because the employee receives a summons or subpoena, responds thereto, serves as a juror or witness, or attends court for jury service or to give testimony pursuant to a subpoena. 2. Any employer who violates subsection 1 is guilty of a class B misdemeanor. 3. If an employer discharges an employee in violation of subsection 1, the employee within ninety days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable may not exceed lost wages for six weeks. If the employee prevails, the employee must be allowed a reasonable attorney's fee fixed by the court.

Ohio

§ 2313.18 Prohibited actions of employer of juror. /b> (A) No employer shall discharge or threaten to discharge any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313. of the Revised Code if the employee gives reasonable notice to the employer of the summons prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service. (B) Whoever violates this section shall be punished as for a contempt of court pursuant to Chapter 2705. of the Revised Code.

Oklahoma

§38 34. Discharge of employee for jury service - Use of sick leave or vacation leave ? Penalty. Every person, firm or corporation who discharges an employee, causes an employee to be discharged, or requires an employee to use sick leave or vacation leave because of said employee's absence from employment by reason

	<p>of said employee's having been required to serve as a grand, multi-county grand, or petit juror on a grand, multi-county grand, or petit jury shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). The provisions of this section shall not require an employer to pay an employee wages for the time the employee is absent from employment for jury duty unless the employee uses paid leave for that purpose. It shall be the decision of the employee whether to use paid leave or take leave without pay for absence from employment for jury duty.</p>
<p>Oregon</p>	<p>10.090 Prohibited acts by employers against jurors; notice to jurors; remedy for violations. An employer shall not discharge or threaten to discharge, intimidate, or coerce any employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial jury or jury of inquest. (2) This section shall not be construed to alter or affect an employer's policies or agreements with employees concerning employees' wages during times when an employee serves or is scheduled to serve as a juror. (3) When summoning jurors, the person whose duty it is under the law to summon shall notify each juror of the juror's rights under this section. (4) Upon complaint filed by a prospective juror or a juror who has served or upon petition of the district attorney, the circuit court shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including but not limited to, reinstatement of an employee discharged by reason of service as a juror, with back pay for the time the employee was discharged. [1975 c.160 §1; 1985 c.703 §11]</p> <p>419C.306 is amended to read: (c) An employer may not discharge, threaten to discharge, intimidate or coerce any employee by reason of the employee's attendance at a juvenile court hearing as required under paragraph (a) of this subsection. (d) This subsection shall not be construed to alter or affect an employer's policies or agreements with employees concerning employees' wages during times when an employee attends a juvenile court hearing under paragraph (a) of this subsection.</p> <p>10.055. (1) A judge of the court or clerk of court may allow, for good cause shown, a person summoned to serve as a juror for a particular jury service term to defer jury service to any other term beginning within one year after the end of the term for which the person was summoned. Except as provided in this section, a judge or clerk may not allow more than one deferral to a person under this section. The name of a person allowed to defer jury service shall be included with the names of persons to be summoned as jurors for the subsequent term to which jury service is deferred. (2) A judge or clerk may allow more than one deferral of jury duty under this section only for good cause. A person requesting a deferral under this subsection must provide a list of not less than 10 dates within the six-month period following the date of the request on which the person would be able to commence jury duty.</p> <p>10.090. (1) An employer shall not discharge or threaten to discharge, intimidate, or coerce any employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial jury or jury of inquest. (2) An employer may not require that an employee use vacation leave, sick leave or annual leave for time spent by the employee in responding to a summons for jury duty, and the employer shall allow the employee to take leave without pay for time spent by the employee in responding to a summons for jury duty. (2) This section shall not be construed to alter or affect an employer's policies or agreements with employees concerning employees' wages during times when an employee serves or is scheduled to serve as a juror. (3) When summoning jurors, the person whose duty it is under the law to summon shall notify each juror of the juror's rights under this section. (5) Upon complaint filed by a prospective juror or a juror who has served or upon petition of the district attorney, the circuit court shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including but not limited to, reinstatement of an employee discharged by reason of service as a juror, with back pay for the time the employee was discharged.</p>
<p>Pennsylvania</p>	<p>§ 4563. Protection of employment of petit and grand jurors. (a) General rule.--An employer shall not deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror or attends court for prospective jury service. Nothing in this section shall be construed to require the employer to compensate the employee for employment time lost because of such jury service. (b) Penalty.--Any employer who violates subsection (a) commits a summary offense. (c) Civil remedy available.--If an employer penalizes an employee in violation of subsection (a) the employee may bring a civil action for recovery of wages and benefits lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed wages and benefits actually lost. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court. (d) Exception.--Subsection (a) shall not apply to any employer in any retail or service industry employing fewer than 15 persons or any employer in any manufacturing industry employing fewer than 40 persons. (e) Right to excuse.--Any individual not entitled to reemployment under subsection (a) shall, upon request to the court, be excused from jury service.</p>
<p>Rhode Island</p>	<p>§ 9-9-28 Prohibition against loss of employment or longevity benefits. No employer doing business within the state of Rhode Island or otherwise subject to the jurisdiction of the state of Rhode Island shall cause any of its employees to suffer the loss of the employee's position, wage increases, promotions, longevity benefit, or any other emolument due to the employer-employee relationship because the employee has been called to serve jury duty; provided, however, that no employer, in the absence of a contract or collective bargaining agreement to the contrary, shall be responsible to pay to the employee any compensation for the period of the jury duty. In addition to all civil rights available to the employee because of this section, a violation of this section upon conviction shall be punishable as a misdemeanor.</p>

South Carolina	<p>41-1-70. Liability of employer for dismissal or demotion of employee who complies with subpoena or serves on jury. Any employer who dismisses or demotes an employee because the employee complies with a valid subpoena to testify in a court proceeding or administrative proceeding or to serve on a jury of any court is subject to a civil action in the circuit court for damages caused by the dismissal or demotion. Damages for dismissal are limited to no more than one year's salary or fifty-two weeks of wages based on a forty-hour week in the amount the employee was receiving at the time of receipt of the subpoena. Damages for demotion are limited to the difference for one year between the salary or wages based on a forty-hour week which the employee received before the demotion and the amount he receives after the demotion.</p>
South Dakota	<p>16-13-41.1. Discharge or suspension from employment for jury service as misdemeanor. No person shall discharge any employee or suspend any employee from his employment for serving as a juror in any court in the State of South Dakota. Any person violating this section is guilty of a Class 2 misdemeanor.</p>
Tennessee	<p>22-4-108. Absence from employment - Amount of compensation. (a) (1) Upon receiving a summons to report for jury duty, any employee shall on the next day the employee is engaged in such employee's employment exhibit the summons to the employee's immediate superior, and the employee shall thereupon be excused from employment for the day or days required of the employee while serving as a juror in any court of the United States or the state of Tennessee; provided, that such employee's responsibility for jury duty exceeds three (3) hours during the day for which excuse is sought. (2) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from employment as provided by this section for the shift immediately preceding the employee's first day of service on any lawsuit. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day, then such person shall be excused from the person's next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of the provisions of this subsection to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned. (b) (1) Notwithstanding the excused absence as herein provided, the employee shall be entitled to such employee's usual compensation received from such employment, less the amount of the fee or compensation the employee received for serving as a juror, except that the employer may pay the employee such employee's usual compensation without deducting an amount equal to the fee or compensation the employee received for such employee's jury service. (2) Railroad employees who are paid on a mileage basis will be paid the mileage pay they would have received had they reported for work rather than for jury service on each day covered by the provisions of this section. (c) It is the duty of all persons paying jurors their fee or compensation for jury service to issue to each juror a statement showing the daily fee or compensation and the total amount of fees or compensation received by the juror. (d) No employer shall be required under the provisions of this section to compensate an employee for more time than was actually spent serving and traveling to and from jury duty. (e) This section shall not apply to any employer who employs on a regular basis less than five (5) people or to any employee who has been employed on a temporary basis for less than six (6) months. (f) (1) No employer shall discharge or in any manner discriminate against an employee for serving on jury duty if such employee, prior to taking time off, gives the required notice pursuant to subsection (a) to the employer that such employee is required to serve. (2) (A) Any employee who is discharged, demoted, or suspended because such employee has taken time off to serve on jury duty is entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer. (B) Any employer who willfully refuses to rehire, or otherwise restore an employee or former employee commits a Class A misdemeanor. (g) Any employer who violates the provisions of this section commits a Class A misdemeanor. (h) For the purposes of this section, "employer" includes the state of Tennessee or any local government.</p>
Texas	<p>122.001. Juror's Right to Reemployment; Notice of Intent to Return. (a) A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. (b) An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return.</p> <p>§ 52.051. Penalizing Employee for Compliance with Subpoena. (a) An employer may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. (b) If the subpoena to which a violation of Subsection (a) applies is issued by a court, the employer violating Subsection (a) may be found in contempt by the court issuing the subpoena. (c) If the subpoena to which a violation of Subsection (a) applies is issued by a legislative committee or a state agency, the employer violating Subsection (a) is subject to the authority of the committee or agency to impose a monetary penalty, not to exceed \$500, on a person who violates an order of the committee or agency. (d) An employee discharged in violation of this section is entitled to return to the same employment that the employee had at the time the employee was subpoenaed if the employee, as soon as practical after release from compliance with the subpoena, gives the employer actual notice that the employee intends to return. (e) An employee injured because of the violation of this section by an employer may recover: (1) damages in an amount that does not exceed six months' compensation at the rate at which the employee was compensated when the subpoena was issued; and (2) reasonable attorney's fees (f) It is a defense to an action by an employee under this section for reemployment that reemployment is impossible or unreasonable because of a change in the employer's circumstances while the employee complied with the subpoena.</p>

Utah	<p>78-46-21. Employer not to discharge or threaten employee for jury service -- Criminal penalty -- Civil action by employee. (1) An employer may not deprive an employee of employment, threaten or take any adverse employment action, or otherwise coerce the employee regarding his employment because the employee receives a summons, responds to it, serves as a juror, or a grand juror, or attends court for prospective jury or grand jury service. (2) An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this statute who otherwise are not entitled to those benefits under company policies. (3) Any employer who violates this section is guilty of criminal contempt and upon conviction may be fined not more than \$500 or imprisoned not more than six months, or both. (4) If any employer discharges an employee in violation of this section, the employee within 30 days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable may not exceed lost wages for six weeks. If the employee prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.</p>
Vermont	<p>§ 499. Jurors and witnesses. (a) No employer may discharge an employee by reason of his service as a juror, or penalize such employee or deprive him of any right, privilege, or benefit on a basis which discriminates between such employee and other employees not serving as jurors. All employees shall be considered in the service of their employer during all times while serving as jurors in accordance with this section for purposes of determining seniority, fringe benefits, credit toward vacations and other rights, privileges, and benefits of employment. (b) No employer may discharge an employee by reason of the employee's absence from work while in attendance as a witness pursuant to a summons duly issued and served in any proceeding, civil or criminal, in any court of competent jurisdiction within or without the state, or in any other proceeding before a board, commission, attorney, or other person or tribunal in the state authorized by law to hear testimony under oath; nor shall an employer penalize such employee or deprive him of any right, privilege, or benefit on a basis which discriminates between such employee and other employees not appearing as witnesses. All employees shall be considered in the service of their employer while appearing as witnesses in accordance with this section for purposes of determining seniority, fringe benefits, credit toward vacations, and other rights, privileges, and benefits of employment. (c) A person who violates a provision of this section shall be fined not more than \$200.00.</p>
Virginia	<p>§ 18.2-465.1. Penalizing employee for court appearance or service on jury panel. Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard or who, having appeared, is required in writing by the court to appear at any future hearing, shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons. Any employer violating the provisions of this section shall be guilty of a Class 3 misdemeanor.</p> <p>18.2-465.1 Any person who is summoned to serve on jury duty or any person, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard or who, having appeared, is required in writing by the court to appear at any future hearing, shall neither be discharged from employment, nor have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment due to such jury duty or court appearance, upon giving reasonable notice to his employer of such court appearance or summons. No person who is summoned and appears for jury duty for four or more hours, including travel time, in one day shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty. Any employer violating the provisions of this section is guilty of a Class 3 misdemeanor.</p>
Washington	<p>2.36.165 (1) An employer shall provide an employee with a sufficient leave of absence from employment to serve as a juror when that employee is summoned pursuant to chapter 2.36 RCW. (2) An employer shall not deprive an employee of employment or threaten, coerce, or harass an employee, or deny an employee promotional opportunities because the employee receives a summons, responds to the summons, serves as a juror, or attends court for prospective jury service. (3) An employer who intentionally violates subsection (1) or (2) of this section shall be guilty of a misdemeanor. (4) If an employer commits an act in violation of subsection (2) of this section the employee may bring a civil action for damages as a result of the violation and for an order requiring the reinstatement of the employee. If the employee prevails, the employee shall be allowed a reasonable attorney's fee as determined by the court. (5) For purposes of this section employer means any person, association, partnership, or private or public corporation who employs or exercises control over wages, hours, or working conditions of one or more employees.</p> <p>7.69.030 Sec. 1. (1) It is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and</p>

participate in criminal and civil justice processes without fear of adverse economic consequences. (2) One of the best predictors of whether a victim of domestic violence, sexual assault, or stalking will be able to stay away from an abuser is his or her degree of economic independence. However, domestic violence, sexual assault, and stalking often negatively impact victims' ability to maintain employment. (3) An employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection. (4) Thus, it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Child," "spouse," "parent," "parent-in-law," "grandparent," and "sick leave and other paid time off" have the same meanings as in RCW 49.12.265. (2) "Dating relationship" has the same meaning as in RCW 26.50.010. (3) "Department," "director," "employer," and "employee" have the same meanings as in RCW 49.12.005. (4) "Domestic violence" has the same meaning as in RCW 26.50.010. (5) "Family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship. (6) "Intermittent leave" and "reduced leave schedule" have the same meanings as in RCW 49.78.020. (7) "Sexual assault" has the same meaning as in RCW 70.125.030. (8) "Stalking" has the same meaning as in RCW 9A.46.110. **Sec. 3.** An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to: (1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking; (2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member; (3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking; (4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or (5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking. **Sec. 4.** (1) As a condition of taking leave for any purpose described in section 3 of this act, an employee shall give an employer advance notice of the employee's intention to take leave. The timing of the notice shall be consistent with the employer's stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave. (2) When an employee requests leave under section 3 of this act the employer may require that the request be supported by verification that: a) The employee or employee's family member is a victim of domestic violence, sexual assault, or stalking; and (b) The leave taken was for one of the purposes described in section 3 of this act. (3) If an employer requires verification, verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. (4) An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following: (a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking; (b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; (c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or (d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in section 3 of this act. (5) If the victim of domestic violence, sexual assault, or stalking is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation. (6) An employee who is absent from work pursuant to section 3 of this act may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time. (7) An employee is required to provide only the information enumerated in subsection (2) of this section to establish that the employee's leave is protected under this chapter. An employee is not required to produce or discuss any information with the employer that is beyond the scope of subsection (2) of this section, or that would compromise the employee's safety or the safety of the employee's family member in any way, and an employer is prohibited from requiring any such

disclosure.(8)(a) Except as provided in (b) of this subsection, an employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.(b) Information given by an employee may be disclosed by an employer only if:(i)Requested or consented to by the employee;(ii) Ordered by a court or administrative agency; or(iii) Otherwise required by applicable federal or state law. **Sec. 5.**(1)The taking of leave under section 3 of this act may not result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced. (2)Upon an employee's return, an employer shall either:(a)Restore the employee to the position of employment held by the employee when the leave commenced; or(b)Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. 3)(a) This section does not apply if the employment from which the individual takes leave is with a staffing company and the individual is assigned on a temporary basis to perform work at or services for another organization to support or supplement the other organization's workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects, all under the direction and supervision of the organization to which the individual is assigned. (b) This section does not apply if an employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employer would not otherwise have continued to employ the employee.(4) To the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under section 3 of this act. The coverage must be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave. **Sec. 6.**(1)The rights provided in this act are in addition to any other rights provided by state and federal law.(2)Nothing in this chapter shall be construed to discourage employers from adopting policies that provide greater leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by this act. (3) Nothing in this act shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement, or any employment benefit program or plan, that provides greater leave rights to employees than the rights provided by this act. **Sec. 7.** Upon complaint by an employee, the director shall investigate to determine if there has been compliance with this chapter and the rules adopted under this chapter. If the investigation indicates that a violation has occurred, the director shall issue a notice of infraction. Appeal from the director's decision is governed by chapter 34.05 RCW. **Sec. 8.** Any finding, determination, conclusion, declaration, or notice of infraction made for the purposes of enforcing this chapter by the director or by an appeal tribunal, administrative law judge, or reviewing officer is neither conclusive nor binding in any civil action filed pursuant to section 12 of this act or in any other common law or civil action, regardless of whether the prior action was between the same or related parties or involved the same facts. **Sec. 9.** (1) If an employer is found to have committed an infraction under section 7 of this act, the director may impose upon the employer a fine of up to five hundred dollars for the first infraction and a fine of up to one thousand dollars for each subsequent infraction committed within three years of a previous infraction. (2) The director may also order an employer found to have committed an infraction under section 7 of this act to comply with section 5(2)of this act. **Sec. 10.** (1) Except as provided in subsection (2)of this section, information contained in the department's complaint files and records of employees under this chapter is confidential and shall not be open to public inspection.(2)Except as limited by state or federal statute or regulations:(a)The information in subsection (1) of this section may be provided to public employees in the performance of their official duties; and(b)A complainant or a representative of a complainant, be it an individual or an organization, may review a complaint file or receive specific information therefrom upon the presentation of the signed authorization of the complainant. **Sec. 11.** No employer may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline,retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:(1)Exercised rights under section 3 of this act;(2) Filed or communicated to the employer an intent to file a complaint under section 7 or 12 of this act; or(3)Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under section 3, 7, or 12 of this act. **Sec. 12.** (1) Any employee deeming herself or himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees.(2)The remedy provided by this section is in addition to any common law remedy or other remedy that may be available to an employee.(3)An employee is not required to exhaust administrative remedies before filing a civil action to enforce this chapter. **Sec. 13.** The department shall include notice of the provisions of this chapter in the next reprinting of employment posters printed under RCW 49.78.340. Employers shall post this notice as required in RCW 49.78.340. **Sec.14.** Prosecuting attorney and victim/witness offices are encouraged to make information regarding this chapter available for distribution at their offices. **Sec. 15.** The director shall adopt rules as necessary to implement this chapter. **Sec. 16.** RCW 7.69.030 and 2004 c 120 s 8 are each amended to read as follows: There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;(3)To be notified by the party who

issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court; (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available; (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled; (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants; (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken; (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance; (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in section 2 of this act, shall be notified of their right to reasonable leave from employment under chapter 49. . . RCW (sections 1 through 15 of this act); (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim; (11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified; (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor; (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution; (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and (16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence. **Sec. 17.** Sections 1 through 15 of this act constitute a new chapter in Title 49 RCW. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

West Virginia

§52-3-1. Right of action for discrimination against employees summoned for jury duty; penalties. (a) Any person who, as an employee, is discriminated against by his employer because such employee received, or was served with a summons for jury duty, or was absent from work to respond to a summons for jury duty or to serve on any jury in any court of this state, the United States or any state of the United States, may have an action against his employer in the circuit court of the county where the jury summons originated or where the discrimination occurred. If the circuit court finds that an employer terminated or threatened to terminate from employment, or decreased the regular compensation of employment of an employee for time the employee was not actually away from his employment because the employee served as a juror, the court may order the employer to cease and desist from this unlawful practice and order affirmative relief, including, but not limited to, reinstatement of the employee with or without back pay as will effectuate the purposes of this section. (b) Nothing in this section shall be construed to require an employer to pay an employee any wages or other compensation for the time the employee is actually away from employment for jury services or to respond to a jury summons. (c) If the employee prevails in an action under subsection (a) of this section, the employee shall be allowed reasonable attorney's fees as fixed by the court. (d) Any employer who discriminates against an employee because the employee received or was served with a summons for jury duty, or was absent from work to respond to a summons for jury duty or to serve on any jury in any court of this state, the United States or any state of the United States, is guilty of civil contempt and shall be fined not less than one hundred dollars nor more than five hundred dollars.

Wyoming

1-11-401. Protection of jurors' employment. (a) No employer shall discharge, threaten to discharge, intimidate or coerce any employee by reason of the employee's jury service, for the attendance or scheduled attendance in connection with jury service, in any court in the state of Wyoming. (b) Any employer who violates the provisions of this section: (i) May be enjoined from further violations of this section in order to provide other appropriate relief, including but not limited to reinstatement; and (ii) Is liable for exemplary damages to the employee in an amount set by the court, but not to exceed one thousand dollars (\$1,000.00) for each violation as to each employee; and (iii) Is liable for the employee's reasonable costs and attorney's fees, as

set by the court, in enforcing his rights hereunder. (c)Any individual who is reinstated to a position of employment in accordance with this section shall be considered as having been on furlough or leave of absence during his period of jury service, shall be reinstated to his position of employment without loss of seniority and is entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or on leave of absence in effect with the employer at the time the individual entered upon jury service. (d)No action by an employee aggrieved hereunder shall be brought more than six (6) months after the alleged violation. (e)The court may award a prevailing employer a reasonable attorney's fee as part of the cost if the court determines that any action brought by an employee is frivolous, vexatious or brought in bad faith