

Message Regarding Jury Service and Employment

Requests for Partial Excuse, Postponement, or Excuse

Federal law allowing excusal from jury service is strict. Requests for partial excuse, postponement, or excuse based upon employment will not be given consideration if the request is made by the employer. The request must come from the summoned juror. Jury duty is a personal matter, and the court must know that the request is being made by the employee and not being coerced by the employer.

Employers' Help is Essential

For our jury system to work, it is essential that the courts and employers form a partnership to ensure that all citizens are available to serve on juries when called. Cooperation from the business community strengthens the jury system and without it our system would come to a halt. The importance of employers' participation cannot be emphasized enough.

Protection of Jurors' Employment

To ensure the serious need for federal jurors is met, the "Protection of Jurors' Employment Statute," 28 U.S.C. § 1875, was enacted in 1978. It begins as follows:

- (a) No employer shall discharge, threaten to discharge, intimidate, or coerce 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 the United States.

- (b) Any employer who violates the provisions of this section—
 - (1) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of such violation;
 - (2) may be enjoined from further violations of this section and ordered to provide other appropriate relief, including but not limited to the reinstatement of any employee discharged by reason of his jury service; and
 - (3) shall be subject to a civil penalty of not more than \$5,000 for each violation as to each employee, and may be ordered to perform community service.

Length of Jury Service

Qualified petit jurors are "on call" for jury service for approximately one month. This does not mean jurors will be reporting every day for one month. However, jurors may be called at any time during that one-month period (excluding weekends and federal holidays). Jurors may or may not need to report on the date indicated on their summons. If selected as a juror, trials usually average three to five days. In most instances, the burden of jury service is not so overwhelming that it could not

be absorbed, similar to vacation or sick leave. Certificates of attendance are provided to individuals that report to the courthouse for jury duty.

Individuals selected as grand jurors serve for 18 months, convening one session each month.

Financial Burden of Jury Service

Financial hardship claimed as an excuse by an individual summoned for jury service is not usually a valid reason for the court to grant release. Unless there are some compelling reasons for that excuse, it may not be granted.

Most employers have a jury duty policy, and we encourage individuals summoned for service to check with their employer regarding its jury duty policy. If the employment policy does not pay employees while they are on jury duty, the court asks employers to reconsider that policy. Federal jurors are paid a \$50.00 attendance fee for each day they report for jury duty. We hope paying the difference between the attendance fee and the employee's salary would not be overly burdensome for employers.