



**House
Legislative
Analysis
Section**

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JURY DUTY: LEAVE TIME

**House Bill 4507 (Substitute H-2)
First Analysis (5-5-93)**

**Sponsor: Rep. H. Lynn Jondahl
Committee: Judiciary**

THE APPARENT PROBLEM:

Citizens summoned for jury duty are often otherwise employed, and Michigan law recognizes the importance of jury duty (and, indirectly, of the right to a trial by jury) by placing certain restrictions on employers: an employer may not discharge or discipline an employee called to jury duty, nor may an employer require an employee to work extra hours on days when he or she has jury duty. Reports are that problems with employers are relatively rare; however, at least one instance has arisen recently of a person who was required to use vacation time for time spent on jury duty. Legislation has been proposed to prevent this from happening again.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to forbid an employer from requiring an employee to use vacation time or any other form of personal leave time for the time that the employee was absent from work due to jury duty.

An employer who violated this provision would be guilty of a misdemeanor and could be fined up to \$2,000, and could also be punished for contempt of court. The \$2,000 maximum fine also would be attached to existing misdemeanor penalties for related offenses. Thus, a person would be subject to a fine of up to \$2,000 if he or she disciplined an employee summoned to jury duty, or required that employee to work unusually long hours.

If legislation was enacted that established jurisdiction and procedure for nonmotor civil infractions that did not involve municipal civil infractions, these violations involving employers and jury duty would become civil infractions, rather than misdemeanors. The \$2,000 maximum fine would be retained.

MCL 600.1348

FISCAL IMPLICATIONS:

Fiscal information is not available. (5-4-93)

ARGUMENTS:

For:

The bill would protect a citizen from being penalized with having to use vacation time for time spent on jury duty. Service on jury duty is an important civic obligation, and a person summoned to jury duty should not have to use precious vacation time to fulfill that obligation. At least four states (Arizona, Nevada, Vermont, and Virginia) have been reported to specifically prohibit an employer from requiring an employee to use vacation time; Michigan should join them.

Against:

Many believe that the bill should do more to protect employee/jurors from being penalized by employers. Under the bill, an employer would continue to be able to dock an employee's pay for time spent away on jury duty. With minimum juror compensation set by statute at \$15 per day, the loss of a regular day's salary for that day could pose a real hardship for the unfortunate employee.

For:

Under the bill, employers who violated jury duty provisions would be subject to stiff fines. This approach has several advantages: high fines are likely to better deter potential violators than the current misdemeanor penalties of 90 days and \$100 and, fines are a more appropriate punishment for a business identity. Should future events trigger the provision changing these misdemeanors to civil infractions, there would be an additional advantage: adjudication for civil violations does not carry with it the more time- and resource-consuming requirements of due process of law for criminal offenses.

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Against:

The bill should prevent "double-dipping" by requiring an employee to turn in his or her jury fee to his or her employer, if that employer pays the employee for the time spent on jury duty.

Response:

Such a provision would attempt to solve a problem that does not exist, as employers may now dock an employee's pay for the amount of time spent on jury duty or for the amount received in jury fees. It would be better to leave well enough alone.

POSITIONS:

There are no positions on the bill.