

## Employer Information

## CALIFORNIA COURTS

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THE JUDICIAL BRANCH OF CALIFORNIA

### Why Compensate?

Jury service is an investment in America, in your employees, and in your business.

State law does not require employers to compensate employees who are absent because of jury service. Many employers do, however, have jury-leave policies that provide compensation to employees for the time they are needed at court for jury service.

### An Investment in America

Many prospective jurors cite a loss of pay as a legitimate reason for not serving on a jury.

Yet juries play an important and crucial role in our country's democratic process. Without them, our legal system would grind to a halt. Your help is essential in ensuring that all citizens are available to serve on juries when called. One of the ways you can help is to consider compensating your employees during jury service if you don't already.

### An Investment in Your Employees

Lack of compensation for jury service—a fundamental civic duty—places a financial burden on many employees. Paying your staff during their service boosts morale as they recognize that their employer values their civic service. Offering paid jury service is a values statement about your company and may differentiate your business in offering a competitive employment package.

### An Investment in Your Business

Businesses benefit from the jury system. Cases dealing with contracts, environmental issues, product defects, malpractice, intellectual fraud, and wrongful termination are brought by or against business in civil courts. Wouldn't you want people like yourself and your employees deciding these cases?

Please weigh all these factors when considering your company's jury service compensation policy. It's another way to show your support for American ideals, for your community, and for your employees.

**What it Costs:** Try thinking about it this way: If employee John makes \$35,000 per year, the cost of providing compensation for jury service compared to other benefits is quite small.

#### **Benefit:**

14 vacation days  
10 sick days  
8 paid holidays  
Vision, dental & medical insurance  
Tuition reimbursement

#### **Jury Service:**

1-day jury service or 7-day trial

#### **Total Annual Cost:**

\$1,900  
\$1,350  
\$1,100  
\$3,600  
\$1,900

#### **Total Annual Cost:**

\$135-\$945

## EMPLOYER FAQs

**Q. Can an employee seek a postponement of jury service?**

**A.** Yes, recognizing that some businesses may be seasonal, the courts will allow in most cases one postponement of service to a date chosen by the employee. The deferred date can be up to 6 months from the original date. This enables employees to select a more convenient time to serve.

**Q. My business can't afford to let our employees serve. What can I do to get my employees out of their jury service?**

**A.** The courts understand that jury service may pose challenges to both employers and their employees, and that is why the one-day or one-trial system has been adopted. However, the employer has a legal obligation to let the employee serve without fear of harassment or dismissal resulting from jury service. The [California Labor Code](#) prohibits an employer from firing or harassing an employee who is summoned to court to serve as a juror. Employees who are harassed or fired can file a claim with the state's [Division of Labor Standards Enforcement](#) and employers can also be prosecuted criminally and face misdemeanor charges if found guilty.

**Q. Is it mandatory for my firm to pay an employee during jury service?**

**A.** Employers are not required by law to compensate employees while they serve on a jury, but many do. These employers recognize that without juries our legal system will come to a halt and that financial hardship may discourage employees from fulfilling their civic duty.

**Q. Will the state reimburse me if I compensate my employees to fulfill their jury service?**

**A.** The courts currently reimburse those jurors not compensated by their employers \$15/day after the first day of service and 34 cents/mile one-way, from the juror's home to the courthouse. If an employer compensates the employee for jury service, those funds paid by the courts to the juror are refundable by the employee to the employer. However, the courts do not reimburse the employer directly.

**Q. Are there human resources guidelines available to help my firm adopt a jury duty compensation policy?**

**A.** Yes, a sample jury leave policy is available [here](#) (28 KB).

**Q. Can I stay in communication with my employee during a trial?**

**A.** You are free to communicate with your employee during trial recess at the employee's discretion. However, you are not permitted to communicate in any way about the trial with your employee.

<http://www.courts.ca.gov/24355.htm>