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HOUSE BILL NO. 243

Offered January 10, 2018

Prefiled January 2, 2018

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6, relating to employees summoned to report for jury duty.*

Patrons—Jones, J.C. and Delaney; Senator: McClellan

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:6 as follows:

§ 40.1-28.7:6. Employees summoned to report for jury duty.

A. Any person who is summoned to serve on jury duty 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.

B. 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.

C. Notwithstanding the excused absence as provided in subsection A or B, the employee serving as a juror shall be entitled to the employee's usual compensation received from such employment if the juror provides the employer with a statement provided by the applicable court showing the daily fee or compensation and the total amount of fees or compensation received by the juror, including any allowance or expense paid pursuant to § 17.1-618. However:

1. The employer has the discretion to deduct the amount of the fee or compensation the employee receives for serving as a juror;

2. No employer shall be required to compensate an employee for more time than was actually spent serving on and traveling to and from jury duty; and

3. If an employer employs fewer than five people on a regular basis or if the employee serving as a juror has been employed by an employer on a temporary basis for less than six months, the employer is not required to compensate the employee during the period of jury service pursuant to this section.

D. Any employee who is discharged from employment or has any adverse personnel action taken against him in violation of subsection A or § 18.2-465.1 shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by such violation by the employer. If the employee prevails in a proceeding under this section, he also may be awarded reasonable attorney fees and court costs.

E. For the purposes of this section, "employer" includes the Commonwealth and any locality.

F. The protections afforded to employees pursuant to this section are in addition to, and not in lieu of, protections provided by the provisions of § 18.2-465.1.

INTRODUCED

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