

- SUBJECT:** Penalizing employers who terminate employees who perform jury duty
- COMMITTEE:** Economic Development — committee substitute recommended
- VOTE:** 7 ayes — Jim Solis, Deshotel, Homer, Luna, McClendon, Seaman, Yarbrough
1 nay — Keffer
1 absent — Van de Putte
- WITNESSES:** For — Jennifer A. Sutton

Against — Bill Hammond, Texas Association of Business and Chambers of Commerce; Robert Howden and Joseph Ols, National Federation of Independent Business; David Pinkus, Small Business United of Texas

On — Gregg Abbot
- BACKGROUND:** Civil Practice and Remedies Code, sec. 122.001 prohibits an employer from terminating a permanent employee because that employee serves as a juror. An employee terminated for this reason is entitled to reinstatement to the former position and to damages that may not exceed an amount equal to six months' salary.
- DIGEST:** CSHB 1324 would establish a criminal penalty for employers who violate sec. 122.001. An offense would be a Class B misdemeanor, punishable by up to 180 days in jail and/or a maximum fine of \$2,000. The bill also would authorize a court to punish by contempt an employer who terminated an employee because the employee performed jury duty or who took any other action intended to influence an employee not to perform jury duty.

CSHB 1324 also would set minimum damages at an amount not less than one year's salary for an employee injured through a violation of sec. 122.001.

The bill would take effect September 1, 1999, and would apply only to actions that occurred on or after that date.

SUPPORTERS SAY: Fewer people are serving on juries when summoned to court. For example, last year in Dallas County, only 23 percent of people summoned for jury duty reported for duty. There is also a growing problem of employers discouraging employees from serving on a jury when summoned.

According to the National Center for State Courts, employment termination for jury duty is a crime in most states. Texas needs to ensure that employees do not have to choose between their jobs and their civic duty.

CSHB 1324 would not add more regulations for businesses to follow. Instead, it would increase the penalty for an existing law that has no effective penalty. Existing law requires jurors to show up for jury duty when they receive a summons. A person who fails to answer a jury summons is subject to a contempt action punishable by a fine of between \$100 and \$1,000 in addition to any criminal punishment prescribed by law. An employer who tries to prevent an employee from serving on a jury should be subject to punishment also.

OPPONENTS SAY: The reason that people are not showing up for jury duty when summoned is not because employers discourage it. People avoid jury duty because it is an economic hardship. Jury duty pays only between \$6 and \$50 per day, and employees do not always receive paid leave time.

Employers who fire employees or discourage them from serving on juries do not understand the law. Some employers believe that business necessity is a legitimate excuse from jury duty. CSHB 1324 would add more regulations that employers would have to comply with. Employers need better outreach concerning the existing law, not criminal punishment.

OTHER OPPONENTS SAY: CSHB 1324 does not specify who at a business would be prosecuted or held in contempt for violating the law, and thus could be interpreted to apply to several different people.

NOTES: The committee substitute added the provisions setting minimum damages for injured employees and allowing the employer to be punished for contempt.