

Pennsylvania Law on Jury Duty

“An employer shall not deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror or attends court for prospective jury service.” — 42 Pa. C.S. §4563

The right to a jury trial is guaranteed in the U.S. Constitution and in all state constitutions. If people called to serve on juries could be punished for serving, it wouldn't be long before courts wouldn't be able to muster enough folks to create jury panels.

Because Pennsylvania takes jury duty seriously, the legislature passed a law prohibiting most employers from retaliating against or punishing employees who become jurors.

Ordinarily, most employers won't be seriously inconvenienced by an employee's jury duty. Most jurors serve for just a few days or a week. In some cases, jurors hearing complicated cases may be sequestered. Only rarely do jurors serve longer than two weeks. However, someone who's picked to serve on a statewide investigative grand jury could serve for 18 to 24 months, one week per month.

Pennsylvania law doesn't require employers to compensate employees for jury duty. However, the law clearly states that employers can't interfere with employees' fulfillment of their civic duty. Employers aren't allowed to “deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce” an employee because he or she is summoned for jury duty or serves as a juror.

Employers who violate this statute are guilty of a summary criminal offense. Employees must file suit to recover lost wages and benefits. Losing employers will also be responsible for the employee's attorney fees.

As the Pennsylvania law is written, employers in the retail industries are exempt if they employ fewer than 15 people. Manufacturers are exempt if they employ fewer than 40 people. However, a recent Pennsylvania case ruled the exemption was illegal in a case where the employer had fewer than 15 employees. The reason? The court thought that firing an employee called to jury duty was wrong because the effect is to limit the available jury pool. Since Pennsylvanians are entitled to a “representative” jury pool by another law, the jury-duty exemption was unconstitutional and the small employer could still be held liable for firing the employee.

As a practical matter, most judges will excuse jurors who work for small employers if they ask.

Advice: Develop a simple company policy on jury duty that shows you understand that it's an important civic duty. Although you are not required to pay employees who take time off to serve, you may want to consider allowing jurors to take vacation or personal days. You may also want to consider paying employees for a week of jury duty, minus the amount the court pays jurors.

Excerpted from Pennsylvania's 13 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: [Pennsylvania Employment Law](#).