

How should we handle pay while our employee is serving jury duty?

Q. One of our employees received a jury duty summons. What are our obligations towards the employee in terms of pay and leave?

A. Pursuant to sections 122.001 and 122.0022 of the Juror's Right to Reemployment Act in the Texas Civil Practices & Remedies Code, when an employee is out on jury duty leave, his or her job is protected.

That is, an employee who is on jury duty is entitled to protection against termination or other adverse action by his or her employer. Moreover, employers with a leave policy may not count jury duty leave toward any absence limit specified in an attendance policy.

With regard to pay, Texas law does not require employers to offer employees paid leave for jury duty.

The rule is slightly different for exempt employees in the event of absences due to jury duty. If an exempt employee works any part of a week and misses the rest of the week for jury duty, he or she must receive the full salary for the workweek. If an exempt employee misses a full week, no pay is due for that week.

Texas employers may require an employee to use vacation or other paid leave time for jury duty leave.

Before doing so, however, employers should ensure that their vacation or paid time off policy (or any labor agreement) does not prohibit such a requirement.

Any employer that chooses to pay regular wages or salary to employees who are out on jury duty leave may require the employees to turn over the jury duty pay to the employer.