

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 135  
Appropriations

(Delegate Kelly, *et al.*)

---

**State Personnel - Contractual Employees - Paid Leave for Jury Duty**

---

This bill requires the Secretary of Budget and Management to adopt regulations that will provide leave with pay to contractual employees who have jury duty on a scheduled workday.

---

**Fiscal Summary**

**State Effect:** Increase in general fund expenditures to the extent that contractual employees claim leave for jury duty. Under one scenario, expenditures would increase by \$64,500 in FY 2004, increasing 4.5% annually thereafter.

**Local Effect:** None.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** The Secretary can only authorize leave with pay (by regulation) for jury service for permanent employees in the State Personnel Management System. Other paid leave for permanent employees includes military training or active military duty and activities necessary to comply with a subpoena unless the employee is a party to the action or a paid witness. Permanent and temporary employees of all branches of State government are entitled to a certain amount of paid leave to donate bone marrow or an organ or to provide disaster service for the American Red Cross.

**Background:** State policies toward paid jury leave for contractual employees differ. Michigan, North Carolina, Mississippi, and Oklahoma are among the states that do not

grant such leave. Nebraska pays for any employee covered by an employee union contract and Maine pays employees jury duty leave, minus any compensation that the employee receives from the court.

**State Expenditures:** The Department of Budget and Management (DBM) advises that the State granted 2,542 hours of jury duty leave to about 8.75% of its permanent employees in calendar 2002, based on a sample of 1,588 personnel from DBM and the Comptrollers' Office. Assuming that the same percentage of contractual employees statewide would claim jury duty leave (235), general fund expenditures would increase by approximately \$64,470 in fiscal 2004.

This estimate is based on 2,686 full-time contractual employees employed in the State Personnel Management System and the Maryland Department of Transportation in the fiscal 2004 budget allowance earning an average hourly pay of \$20. DBM expects the cost to increase by approximately 4.5% each year.

However, the Department of Legislative Services notes that hourly wages vary significantly for contractual employees and the amount of jury duty could also vary significantly. Agencies' expenditures could increase further to the extent that any contractual employee on jury leave would need to be temporarily replaced or overtime for existing employees is required to compensate for another employee's absence. Accordingly, neither the total expenditure increase or the increase for each State agency can be accurately forecasted at this time.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Budget and Management, Council of State Governments, Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2003  
ncs/jr

---

Analysis by: Ann Marie Maloney

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510