

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 353
Judiciary

(Delegates Holmes and Glenn)

Judicial Proceedings

Jury Service - Employers - Prohibited Acts

This bill prohibits an employer from requiring an individual who is summoned and appears for jury service for four or more hours, including traveling time, to work an employment shift that begins (1) on or after 5 p.m. on the day the individual appears for jury service; or (2) before 3 a.m. on the day following the individual's appearance for jury service. Existing penalties relating to employers and jury duty apply to a violation of the bill's provisions.

Fiscal Summary

State Effect: The bill's provisions are not expected to materially affect State operations or finances.

Local Effect: The bill's provisions are not expected to materially affect local government operations or finances.

Small Business Effect: Potential meaningful. Some small businesses may experience operational difficulties during days on which an employee is serving jury duty and is prohibited from being required to work due to the bill's provisions. However, these situations are likely to be infrequent and any potential operational impact likely will be temporary.

Analysis

Current Law: An employer may not require an employee to use annual, sick, or vacation leave to respond to a summons for jury service. An employer may not deprive an individual of employment or coerce, intimidate, or threaten to discharge an individual because of employment time lost due to jury service. A person who violates these provisions is subject to a fine not exceeding \$1,000.

Background: There are no restrictions in State law that prohibit an employer from requiring an employee to report to work after the employee's jury service for the day has concluded. At least four states (Connecticut, Illinois, Tennessee, and Virginia) have statutory provisions that limit an employer's ability to require employees to work after the employee's jury service has concluded for the day. For example, in Virginia, an employer may not require an employee who spends four or more hours in one day, including travel time, in jury service to start a work shift that begins on or after 5 p.m. on the day of the jury service or before 3 a.m. on the following day.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Maryland Municipal League, Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2012
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