

Jury Duty & Witness – Federal & State Law Reference Chart

Jury Duty/Witness Service

- Does your state require granting leave to employees for jury duty and/or witness service?

State	Jury duty	Witness service	Covered employers
US	<p>Federal law prohibits employers from firing, threatening to fire, intimidating, or coercing any permanent employee because of his service on a federal jury. The law has been interpreted to impose on you the duty to ensure that employees are aware that they can report for jury duty without fear of reprisal. Employers may, however, require that employees provide reasonable notice of jury duty.</p> <p>There's no federal law that requires you to pay employees while serving on federal juries. A number of state and local laws, however, do include that requirement. State laws also may impose notice requirements on employees.</p> <p>For executive, professional, or administrative employees who are classified as exempt from the minimum wage and overtime requirements of the federal Fair Labor Standards Act (FLSA), note that the U.S. Department of Labor's regulations provide that deducting from an employee's pay for workplace absences occasioned by jury duty or attendance as a witness will destroy the "salary basis" on which he is paid and thus will preclude classifying him as exempt. The federal FLSA regulations do provide that you can offset any amounts received by an employee as jury fees or witness fees for a particular week against the salary due for that particular week without destroying the exemption.</p>		
AL	<p>Employers must allow employees time off to serve on jury duty and must pay employees their usual compensation, but employers cannot require them to use available paid leave (such as vacation or other accrued leave time) while serving. The jury duty fee is considered an expense allowance and is therefore not deductible from a juror's usual compensation. Employers are prohibited from discharging employees for serving on jury duty. The same employee cannot be called for jury duty more than once in a two-year period, and employers with five or fewer employees are protected from having more than one employee on jury duty at a time. <i>Citation:</i> Ala. Code § 12-16-8.</p>	<p>All employees who qualify as crime victims may take leave from employment to either: (1) respond to a subpoena to testify in a criminal proceeding; or (2) participate in the reasonable preparation of criminal processing.</p> <p>The statute does not specify the amount of leave that may be taken, nor does the statute specify a method for calculating leave time. <i>Citation:</i> Ala. Code § 15-23-81..</p>	<p>Jury duty: All employers. Witness Service: All employers.</p>
AK	<p>All employers: Employers may not penalize employees for jury service. Employers don't have to pay employees for time spent in jury service.</p> <p>State government: Court leave must be granted to full-time state-government employees, whether permanent, nonpermanent, or temporary. Employees called to serve on a jury are entitled to administrative leave with pay. Any compensation resulting from jury service is to be deducted from the employee's pay. <i>Citations: All employers:</i> AS 09.20.037. State government: AS 39.20.270.</p>	<p>All employers: Employees who are crime victims can't be penalized in terms of employment for taking time off to be witnesses in court. Employers don't have to pay employees for time spent as witnesses.</p> <p>State government: Court leave must be granted to full-time state-government employees whether permanent, nonpermanent, or temporary. Employees subpoenaed as witnesses are entitled to administrative leave with pay. Any compensation resulting from their service is to be deducted from the employee's pay. <i>Citations: All employers:</i> AS 12.61.017. State government: AS 39.20.270.</p>	<p>All employers under various statutes.</p>

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AZ	Employers must allow leave for jury duty and may not penalize employees serving jury duty. Employers aren't required to pay for time off for jury service. Employees can't lose seniority or other benefits because of service. An employer cannot request or require an employee to use annual, vacation, or sick leave for jury duty. The law also requires a court to postpone and reschedule the service of a summoned juror of an employer with five or fewer full-time employees if another employee of that employer is serving as a juror at the same time. <i>Citations:</i> A.R.S. §§ 21-236 and 23-1501.	No Arizona law specifically applies unless the person is a victim of a crime or juvenile offense. Crime victims working for covered employers have a right to leave work for purposes enumerated in the statutes, such as attending a court proceeding or seeking an injunction or order of protection, and may not be retaliated against. However, the employer is not required to pay the employee and may require or request that the employee use sick, vacation, or personal leave. Also, Arizona law probably would prohibit retaliatory discharge of an employee who is subjected to a valid subpoena. <i>Citations:</i> A.R.S. §§ 8-420, 13-4439, and 23-1501.	Jury duty: All employers. <i>Citation:</i> A.R.S. § 23-1501. Victims/Witness service: Employers with 50 or more employees in each of 20 or more calendar weeks in the current or preceding calendar year. <i>Citations:</i> A.R.S. §§ 8-420 and 13-4439.
AR	Employers must excuse employees from work for the day or days required by a jury summons after the employee has given reasonable notice. Employees can't lose sick leave, vacation time, or suffer any other penalty as a result of jury duty. Employers don't have to pay employees absent for jury duty. State employees, however, are entitled to full compensation in addition to any fees paid for jury service. <i>Citations:</i> Ark. Code Ann. §§ 16-31-106 and § 21-4-213; <i>Frolic Footwear, Inc. v. State of Arkansas</i> , 284 Ark. 487, 683 S.W.2d 611 (1985).	State employees serving as jurors or subpoenaed as witnesses to give depositions in a court or hearing not involving personal litigation or service as a paid expert witness outside the scope of state employment are entitled to full compensation in addition to any fees paid for such services. Leave for juror or witness service isn't counted as annual leave. <i>Citation:</i> Ark. Code Ann. § 21-4-213.	Jury duty: All employers. Witness service: State government.
CA	Employees may not be discharged or discriminated against when called for jury duty provided they give the employer reasonable notice. <i>Citations:</i> Cal. Lab. Code § 230; Cal Gov't. Code § 9414.	Employees may not be discharged or discriminated against when called to appear in court as a witness, including, without limitation, an employee who is a victim of a crime, provided they give the employer reasonable notice. An employer may not discharge or discriminate against an employee who is the victim of domestic violence, sexual assault, or stalking for taking time off from work to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or the victim's child. Also, employers that harass, terminate, or threaten to terminate employees under motivation by the fact that an employee is, was, or may be a witness before a committee or subcommittee of either the Senate or Assembly or a joint committee of both houses are guilty of a misdemeanor. <i>Citations:</i> Cal. Lab. Code §§ 230, 230.1, and 230.2.	No state law provides leave for this purpose.

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CO	Employees are protected from adverse employment actions for taking time off work for jury summons or jury duty. Such adverse employment actions include loss of employment, any incidents, or benefits. Moreover, all regularly employed jurors must be paid regular wages, not to exceed \$50 a day unless by mutual agreement, for the first 3 days of juror service. <i>Citations:</i> C.R.S. §§ 13-71-126 and 13-71-134(1).	An employer may not discharge or discipline any victim or a member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation of a criminal proceeding. <i>Citations:</i> C.R.S. §§ 24-34-402.5 and 24-4.1-303(8).	Jury duty: All employers.
CT	Employers must provide leave, and retaliation is prohibited. Employers must pay employees serving on juries regular wages for the first five days. Any juror-employee who has served eight hours of jury duty in any one day shall be deemed to have worked a legal day's work, and an employer shall not require the juror-employee to work in excess of said eight hours. <i>Citations:</i> Jury: Conn. Gen. Stat. §§ 51-247 and 51-247a.	Employers may not discriminate against an employee for responding to a subpoena and appearing as a witness in a criminal case. Nor can crime victims be discriminated against for attending court proceedings and participating in police investigations relating to that crime. They also may not be discriminated against for having a protective order issued on their behalf. Employees who are family violence victims are entitled to take paid or unpaid leave during any calendar year in which the leave is reasonably necessary to: seek medical care or counseling for physical or psychological injury or disability; obtain services from a victim services organization; relocate due to the family violence; or participate in any civil or criminal proceeding related to or resulting from such family violence. <i>Citations:</i> Conn. Gen. Stat. § 54-85b; Public Act 10-144.	All employers.
DC	Employers may not deprive employees of employment, threaten, or otherwise coerce them because they receive a summons, respond to a summons, serve as jurors, or attend court for prospective jury service. For jury service of five days or less, petit or grand jurors employed full time by employers with more than 10 employees are entitled to their usual compensation less the fee received for jury service (approximately \$30 per day). <i>Citations:</i> D.C. Code §§ 11-1913 and 15-718.	Employers may not discharge, threaten, or otherwise coerce employees because they receive or respond to a summons. <i>Citation:</i> D.C. Code § 11-1913.	Jury duty: All employers. Witness service: All employers.

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DE	No specific requirements for leave, but employers may not discharge or threaten employees for jury service. <i>Citation: Jury duty: 10 Del. C. § 4515.</i>	No generally applicable laws regarding employee leave to appear as witnesses, but state law provides that school bus drivers, aides, and crossing guards required to prepare for and/or appear in court as witnesses during working hours to testify about the overtaking or passing of a school bus that is flashing its lights won't suffer any loss in wages, salary, or leave time. Such employees must be compensated when preparing to and/or testifying as witnesses in such cases. An employer may not discharge or discipline a victim or a representative of the victim for participating at the prosecutor's request in preparation for a criminal justice proceeding, attending a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim, or attending a criminal justice proceeding in response to a subpoena. <i>Citations: Witness service: 21 Del. C. § 4166(g). Victims: 11 Del. C. § 9409.</i>	Jury duty: All employers. Witness service: Schools. Victims: All employers.
FL	Employers may not discharge or threaten to discharge employees because of jury service. <i>Citation: FSA § 40.271.</i>	Employers may not discharge employees who testify in response to a subpoena. <i>Citation: FSA § 92.57.</i>	Jury duty: All employers.
GA	It's unlawful for employers to discharge, discipline, or otherwise penalize employees who are absent to attend judicial proceedings in response to subpoenas, summonses for jury duty, or other court orders or processes. The statute doesn't apply to employees charged with crimes, and it doesn't prohibit employers from requiring employees to provide reasonable notice of expected absence. Georgia courts have held that an employee is not required to prove that a court order or subpoena mandating their appearance was actually enforceable in order to assert a claim under the jury duty statute. Rather, the plaintiff need only show that the order was facially valid such that a reasonable employee would have construed it as mandating compliance. <i>Thomas v. HL-A-Co.</i> , 313 Ga. App. 94 (2011). <i>Citation: O.C.G.A. § 34-1-3.</i>	It's unlawful for employers to discharge, discipline, or otherwise penalize employees who are absent to attend a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process. The statute doesn't apply to employees charged with crimes, and it doesn't prohibit employers from requiring employees to provide reasonable notice of expected absence. Also, it's a criminal offense to threaten or interfere with a witness with the intent to deter that individual from testifying freely, fully, and truthfully. <i>Citations: O.C.G.A. §§ 34-1-3 and 16-10-93.</i>	Jury duty: All employers. Witness service: All employers.

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HI	No state law specifically grants employees leave for jury duty, but state law prohibits employers from discharging employees who participate as jurors. Employers may not discharge or coerce employees because they serve as jurors, receive summons for jury service, or attend court for prospective jury service. <i>Citation: HRS § 612-25.</i>	No state law specifically grants leave to employees to be witnesses, but state law prohibits employers from discharging employees who participate as witnesses in court. Employers may not discharge or coerce employees who serve as witnesses, receive a summons, or attend court as prospective witnesses. <i>Citation: HRS § 621-10.5.</i>	Jury duty: All employers. Witness service: All employers.
ID	Employers are prohibited from discharging employees for taking jury service leave. <i>Citation: Idaho Code § 2-218.</i>	Jury duty: All employers. Witness service: All employers.	Jury duty: All employers.
IL	Employers must give employees time off for jury duty when given reasonable notice of required service. Employers may not deny employees time off for jury duty because they are assigned to the night shift. Employers may not discharge, threaten to discharge, intimidate, or coerce any employee because of jury service. Employers aren't obligated to compensate employees for time off taken for jury duty. <i>Citations: 705 ILCS 305/4.1 and 705 ILCS 310/10.1.</i>	Employers may not discharge, threaten, or otherwise punish employees who are witnesses to crime because of time lost resulting from subpoenaed appearances at criminal proceedings. Employers aren't required to pay employees for that time lost. State law also prohibits discrimination or harassment against individuals who attend, participate in, or prepare for criminal or civil court proceedings relating to domestic or sexual violence in which the employee or a family or household member was a victim or who requested leave for such a purpose. <i>Citations: 725 ILCS 5/115-18 and 820 ILCS 180/30.</i>	Jury duty: All employers. Witness service: All employers.
IN	Employers may not knowingly or intentionally dismiss an employee, deprive an employee of employment benefits; or threaten such dismissal or deprivation because the employee received a summons, responded to a summons, served as a juror, or attended court for prospective jury service. A person who is dismissed from employment in violation of this law may bring a civil action against the employer within 90 days of the dismissal to recover wages lost as a result of the dismissal and reinstatement, and, if successful, the court will award reasonable attorneys' fees to the person's attorney. An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent responding to a summons for jury service, participating in the jury selection process, or serving on a jury. However, employers are not required to pay employees for their time away from work for jury duty. <i>Citations: I.C. §§ 35-44.1-2-11; 33-28-5-24.3; 34-28-4-1.</i>	Employers may not knowingly and intentionally dismiss an employee; deprive an employee of employment benefits; or threaten such dismissal or deprivation because the employee has received or responded to a subpoena in a criminal proceeding. A violation of this law is a Class B misdemeanor. <i>Citation: I.C. § 35-44.1-2-12.</i>	Jury duty: All employers. Witness service: All employers.

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IA	Employers are prohibited from threatening or otherwise coercing employees regarding jury service. It's also against the law to deprive anyone of employment because he or she is called for jury service. <i>Citation:</i> Iowa Code § 607A.45.	No state law provides leave for this purpose.	All employers.
KS	Employers are prohibited from threatening to discharge or discharging permanent employees because of absence for jury service. <i>Citations:</i> Kan. Stat. Ann. § 43-173(a) and Kan. Admin. Reg. § 1-9-8(a)(1)(A).	State government employees are entitled to leave with pay in order to comply with a subpoena to appear as a witness. <i>Citation:</i> Kan. Admin. Reg. § 1-9-8(a)(1)(B). No law specifically requires public employers to provide leave for employees to serve as witnesses, but employees may be protected through other statutes depending on circumstances. For example, the Kansas Act Against Discrimination (KAAD) prohibits retaliation against employees for assisting or testifying in support of a KAAD proceeding. <i>Citation:</i> Kan. Stat. Ann. § 44-1009(a)(4).	Jury duty: All employers. Witness statement: The Kansas Act Against Discrimination (KAAD) applies to all employers with 4 or more employees, including all Kansas government entities, except for nonprofit fraternal or social associations/corporations. <i>Citations:</i> Kan. Stat. Ann. § 43-173(a); Kan. Stat. Ann. § 44-1001 et seq.; <i>Kansas Human Rights Comm'n v. Topeka Golf Ass'n</i> , 18 Kan. App. 2d 581, 856 P.2d 515, (1993).
KY	Employers can't deprive employees of employment or otherwise threaten or coerce them because they receive a summons, respond to the summons, serve as a juror, or attend court for prospective jury service. If an employer violates the statute, it may be liable for wages lost as a result of the violation, ordered to reinstate the employee with full seniority and benefits, and ordered to pay the employee's attorney fees. Generally, employers are not required to pay employees who are absent for jury duty. Public employees, however, are entitled to serve as a juror without loss of time or pay unless the employee or a member of his family is a party to the proceeding. <i>Citations:</i> KRS § 29A.160 and 101; KAR §§ 3:015 and 2:102.	Employers may not discharge employees for taking time off to appear by court order in any local, state, or federal court or administrative tribunal or hearing. Employees must give notice before taking time off and must present a copy of the court or administrative certificate to their employers. Generally, employers are not required to pay employees who are absent to be witnesses. Public employees, however, are entitled to serve as a witness without loss of time or pay unless the employee or a member of his family is a party to the proceeding. <i>Citations:</i> KRS § 337.415 and 101; KAR §§ 3:015 and 2:102.	Jury duty: All employers. Witness service: All employers.
LA	Employers must allow employees to serve jury duty without threat of discharge or other adverse action. Employees are entitled to a one-day paid leave to serve on jury duty. The remaining time is unpaid. The employee must notify the employer of the summons within a reasonable time after receipt and prior to his appearance for jury duty. <i>Citation:</i> La. Rev. Stat. Ann. § 23:965.	Although employers are not required to provide leave, they are prohibited from discharging, discriminating, or retaliating in any other manner against employees because they testify or furnish any information in any investigation or proceeding relative to the enforcement of any state labor laws. <i>Citation:</i> La. Rev. Stat. Ann. § 23:964 (at a labor investigation).	Jury duty: All employers. Witness service: All employers.

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ME	Employers may not retaliate against employees who respond to a summons for jury service, appear in court in connection with jury service, or serve as a juror. Specifically, employers may not threaten an employee with loss of employment or health insurance. Employers aren't required to pay employees absent for jury service. <i>Citation:</i> 14 M.R.S.A. § 1218.	No state law provides leave for this purpose.	Jury duty: All employers.
MD	Employers may not deprive employees of employment solely because they respond to a summons for jury service. Employers may not require an employee to use annual, sick, or vacation leave to respond to a summons for jury service. An employer may not require an individual who is summoned and appears for jury service for 4 or more hours, including travel time, to work a shift that begins on or after 5:00 p.m. on the day of jury service or before 3:00 a.m. the following day. <i>Citations:</i> Md. Code Ann., Cts. & Jud. Proc. §§ 8-501, 8-502 and Labor & Employ. § 3-709.	Employers may not deprive employees of employment solely because they lose time while responding to a subpoena requiring service as a witness in any civil or criminal proceeding. <i>Citation:</i> Md. Code Ann., Cts. & Jud. Proc. § 9-205.	Jury duty: All employers. Witness service: All employers.
MA	Employers must pay employees their regular pay for the first 3 days of state jury service. Retaliation is prohibited against employees because of jury service. <i>Citations:</i> No retaliation: Mass. Gen. Laws ch. 234A, § 61. Payment: Mass. Gen. Laws ch. 234A, § 48. No discharge: Mass. Gen. Laws ch. 268, § 14A.	Crime victims or crime witnesses who notify their employer may not be discharged or penalized for being a witness at a criminal proceeding. <i>Citations:</i> Mass. Gen. Laws ch. 258B, § 3(I) and ch. 268, § 14B.	Jury duty: All employers. Witness service: All employers.
MN	Employers are prohibited from depriving employees of employment or threatening or otherwise coercing them because of jury service. <i>Citation:</i> Minn. Stat. § 593.50.	Employers are prohibited from discharging, disciplining, or threatening to discharge victims or witnesses because they've been subpoenaed or requested by a prosecutor to attend court. Employers must also allow a victim's spouse and immediate family members reasonable time off from work to attend criminal proceedings regarding the victim's case. <i>Citation:</i> Minn. Stat. § 611A.036.	Jury duty: All employers. Witness service: All employers.

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MS	<p>All employers: Employers are prohibited from persuading or attempting to persuade any juror to avoid service, and employers are prohibited from threatening or intimidating employees about jury service.</p> <p>State government: State employees may be granted administrative leave for serving as jurors, in addition to any fees paid for such services. It shall not be counted as personal leave.</p> <p><i>Citations: All employers:</i> Miss. Code Ann. § 13-5-23. <i>State government:</i> Miss. Code Ann. § 25-3-92.</p>	<p>State-government employees may be granted administrative leave for serving as witnesses, in addition to any fees paid for such services. It shall not be counted as personal leave.</p> <p><i>Citation:</i> Miss. Code Ann. § 25-3-92.</p>	<p>Jury duty: All employers.</p> <p>Witness service: State government.</p>
MI	<p>Employers may not discipline or discharge employees for jury service. It's also unlawful for employers to require employees to work on a day when they have jury duty if the total number of hours worked "exceeds the number of hours normally and customarily worked by the person during a day," but an employee may voluntarily do that.</p> <p><i>Citation:</i> MCL 600.1348.</p>	<p>Employers may not discipline or discharge crime victims or a victim's representative for responding to a subpoena or request by a prosecuting attorney to attend court to give testimony.</p> <p><i>Citation: Witness:</i> MCL 780.762.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
MO	<p>Employers are prohibited from terminating, disciplining, or taking any adverse action against employees who respond to a jury summons. Employers don't have to pay employees on leave.</p> <p><i>Citation:</i> RSMo. § 494.460.</p>	<p>An employer may not discharge or discipline any witness, victim, or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding. In addition, an employer may not require any witness, victim, or member of a victim's immediate family who is absent from work for these reasons to use vacation time, personal time, or sick leave.</p> <p><i>Citation:</i> RSMo. § 595.209.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
MT	<p>Private sector: No laws require private employers to allow leave for jury duty.</p> <p>Public sector: Public employees continue to be paid while serving on a jury or as a witness, but they must remit any fees to the employing agency.</p> <p><i>Citation:</i> Mont. Code Ann. § 2-18-619.</p>	<p>Private sector: No laws require granting leave for employees to be witnesses in court.</p> <p>Public sector: Public employees continue to be paid while serving as witnesses, but they must remit fees to the employing agency.</p> <p><i>Citation:</i> Mont. Code Ann. § 2-18-619.</p>	<p>Jury duty: Public employers.</p>

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NE	Employers must allow leave for jury service without loss of pay, and it's illegal to retaliate against employees for taking jury leave. Additionally, employees must receive their regular wage less the \$35 per day the court pays for the duration of the jury duty. There is no limit to the length of jury service or the number of times an individual may be called to jury duty. <i>Citations:</i> Neb. Rev. Stat. §§ 25-1640 and 81-2705.	A witness to or victim of a crime has the right to request the state's Commission on Law Enforcement and Criminal Justice to intercede on his or her behalf with employers to ensure their cooperation in minimizing the employee's loss of pay and other benefits resulting from court appearances. <i>Citations:</i> Neb. Rev. Stat. §§ 81-1423 and 81-1848.	Jury duty: All employers. Witness service: All employers.
NV	Employers are prohibited from depriving employees of employment because of jury service. Employers are prohibited from requiring employees to use sick leave or vacation time for jury duty, and employers may not require employees who are summoned for jury duty to work certain hours. <i>Citation:</i> NRS 6.190.	Employees must be permitted to take leave to attend judicial or administrative proceedings in which they are a witness or have received a subpoena to appear as a witness. <i>Citation:</i> NRS 50.070.	Jury duty: All employers. Witness service: All employers.
NH	Employers may not deprive employees of employment, threaten, or coerce them because they receive and respond to a summons, serve as a juror, or attend court for prospective jury service. Any employer that does so will be considered to be in contempt of court. There are no payment requirements, but jurors are compensated by the state at a rate of \$10 per half day of service. <i>Citations:</i> N.H. Rev. Stat. Ann. §§ 500-A:14, 15.	An employer must permit an employee who is a victim of a crime, or whose immediate family member is a victim of a crime, to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime, unless the employee's leave would create an undue hardship for the employer. No pay is required and an employer may require the employee to use accrued paid vacation time, personal leave time, or sick leave time. <i>Citations:</i> N.H. Rev. Stat. Ann. § 275:61-65.	Jury duty: All employers. Crime victims/Witness service: Employers with 25 or more employees.

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NJ	Employers must allow employees time off for jury duty. The leave need not be paid. State law prohibits retaliation against employees who take leave for jury service. <i>Citation:</i> N.J.S.A. 2B:20-17.	<p>New Jersey Conscientious Employee Protection Act: The New Jersey Conscientious Employee Protection Act prohibits employers from retaliating against employees who provide information to or testify before any public body conducting an investigation, hearing, or inquiry into any violation of law. Employers aren't required to pay employees for leave taken for witness duty. The New Jersey Law Against Discrimination prohibits retaliation against any witness who testifies in any proceeding under the Act.</p> <p>New Jersey SAFE Act: The New Jersey Security and Financial Empowerment Act requires employers to provide up to 20 days of unpaid leave for a person who is a victim of a domestic violence incident, or whose child, parent, spouse, or partner was the victim of such incident, for multiple reasons including to attend court proceedings.</p> <p><i>Citations:</i> New Jersey Conscientious Employee Protection Act: N.J.S.A. 34:19-3, 10:5-12(d). New Jersey SAFE Act: N.J.S.A. 34:11C-1.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p> <p>New Jersey SAFE Act: Employers with 25 or more employees.</p>
NM	Employers can't discharge, threaten, or otherwise coerce employees who receive a jury summons, respond to a jury summons, serve as a juror, or attend court for prospective jury service. Employers can't require or request that employees use annual, vacation, or sick leave for time spent responding to a summons for jury service, participating in the jury selection process, or serving on a jury. <i>Citations:</i> NMSA 1978, §§ 38-5-18 and 38-5-19 (2005).	No law.	Jury duty: All employers.

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NY	Employers may not discharge an employee for jury service, provided the employee notifies the employer that he or she has been summoned to serve prior to the commencement of service. Employers may withhold wages of employees serving on juries except employers with more than 10 employees may not withhold the first \$40 of daily wages during the first three days of jury service. Violation by an employer shall constitute a criminal contempt of court. <i>Citations:</i> N.Y. Judiciary Law §§ 519 and 750.	All: New York doesn't have rules against discharging employees for being witnesses in civil cases, but employers can't discharge employees for being witnesses in criminal matters if the employee is a victim or acting pursuant to a subpoena. Employers may withhold wages during witness service. Employees must give the employer notice of leave. Employers may request parties seeking employee testimony to provide verification of the employee's service as a witness. Public sector: State-government employees must be granted leave with pay with proof of necessity of appearance as a witness pursuant to a subpoena or court order. State-government employees eligible for overtime won't be paid for absences for appearances in actions to which they are a party. Overtime ineligible employees receive pay for any period of less than a workweek regardless of whether they're a party to the action. <i>Citations:</i> Witness service: N.Y. Penal Code § 215.14. NYCRR § 28-1.9. Public sector: NYCRR §§ 21.9, 28-1-9.	Jury duty: All employers. Witness service: All employers.
NC	Employers may not discharge or demote employees because they have been called for jury duty. <i>Citation:</i> N.C. Gen. Stat. § 9-32.	No state law provides leave for this purpose, but discharging employees for appearing as witnesses could implicate the wrongful discharge in violation of public policy theory.	Jury duty: All employers. Witness service: All employers.
ND	There is no requirement of payment, but employers may not retaliate or discharge employees for jury service. <i>Citation:</i> N.D.C.C. § 27-09.1-17.	There is no requirement of payment, but employers may not retaliate or discharge employees who take leave to give testimony pursuant to a subpoena. <i>Citation:</i> N.D.C.C. § 27-09.1-17.	Jury duty: All employers. Witness service: All employers.

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- Does your state require granting leave to employees for jury duty and/or witness service?

State	Jury duty	Witness service	Covered employers
OH	<p>All employers: Employers must grant leave for jury duty and may not discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent employee serving as a juror; attendance at any proceeding before a grand jury pursuant to a subpoena; attendance at juvenile court proceedings, for participating in preparations for criminal or delinquency proceedings (at the prosecutor's request) or for attendance at criminal or delinquency proceedings (pursuant to subpoenas), if attendance is necessary to protect victims' interests; attendance at criminal proceedings pursuant to subpoena. Employees must give reasonable notice and need not be paid. However, employers may not require or request that an employee use annual, vacation, or sick leave for time spent responding to a summons for jury duty, participating in the jury-selection process, or actually serving on a jury.</p> <p>State government: State-government employees receive paid leave for jury duty.</p> <p><i>Citations: Jury duty:</i> Ohio Rev. Code § 2313.19. State government: Ohio Rev. Code § 124.135.</p>	<p>All employers: Employers must grant leave and may not take adverse employment action or retaliate against employees because they appear as witnesses in criminal, delinquency, or grand jury proceedings, or because they assist prosecutors in preparing criminal cases. Employers aren't required to pay employees for lost time unless the case concerns offenses against the employer or involving the employee during the course of the employee's employment.</p> <p>State government: Employees receive paid leave for witness service after being subpoenaed.</p> <p><i>Citations:</i> Ohio Rev. Code §§ 2151.211, 2930.18, 2939.121, and 2945.451.</p>	<p>The term "employer" is generally not defined by the various statutes. The term should be broadly read, as it does not exclude any employers by the language of the statute.</p>
OK	<p>Employers may not discharge employees for absences as a result of jury service. Although employees may elect to use paid leave, employers may not require them to do so.</p> <p><i>Citation:</i> Okla. Stat. Title 38 § 34.</p>	<p>No state law provides leave for this purpose.</p>	<p>Jury duty: All employers.</p>

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OR	<p>Employers must grant leave for jury service. Employers may not "discharge or threaten to discharge, intimidate, or coerce any employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial jury or jury of inquest." Employers generally aren't required to pay employees for jury duty. If an employee is salaried and exempt, the employer must pay the full weekly salary if the employee performs any work during the workweek.</p> <p>It is an unlawful employment practice for an employer of 10 or more persons to cease to provide health, disability, life, or other insurance during a period when an employee is serving on jury duty. Further, the employer may not require that an employee's vacation leave, sick leave, or annual leave be used for time spent on jury duty. The employee is entitled to the unpaid time off. <i>Citations:</i> ORS 10.090, 659 A.885; <i>Nees v. Hocks</i>, 272 Or. 210, 536 P.2d 114 (1975).</p>	<p>Employers aren't required to pay employees for taking time off to serve as witnesses, but employers may not penalize or retaliate against employees who are subpoenaed to testify at court proceedings. <i>Citation:</i> <i>Dunwoody v. Handskill Corp.</i>, 185 Or. App. 605, 60 P.3d 1135 (Or. App. 2003).</p>	<p>Jury duty: All employers. Witness service: All employers.</p>
PA	<p>Employers are prohibited from discharging or penalizing employees for taking leave for jury service. The leave doesn't have to be paid. <i>Citation:</i> 42 Pa. C.S. § 4563.</p>	<p>Employers are prohibited from discharging or penalizing employees who are crime victims or family members of crime victims who take leave to be witnesses. The leave doesn't have to be paid. <i>Citation:</i> 18 Pa. C.S. § 4957.</p>	<p>Jury duty: All except retail or service businesses with fewer than 15 employees and manufacturing employers with fewer than 40 employees. Witness service: All employers.</p>

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RI	<p>All: Employees may not suffer loss of position, wage increases, promotion, longevity benefit, or any other compensation because of jury duty. In the absence of a contract or collective bargaining agreement to the contrary, employers don't have to pay employees for the period of jury duty.</p> <p>Public sector: When public employees are paid by their employer for time spent performing jury duty, the time is counted as hours worked for purposes of overtime compensation.</p> <p><i>Citations: All:</i> R.I.Gen.Laws § 9-9-28. Public sector: R.I.Gen.Laws § 36-4-63.</p>	<p>If an employee receives a summons or subpoena, the employee must attend on the date in question at the court. If the employee fails to do so, the employee could be held in contempt of court. But, prior to June 6, 2016, the employee could be fired for missing work.</p> <p>Employees in Rhode Island are now entitled to time away from work to act as a witness in compliance with a subpoena. Rhode Island employers are prohibited from discharging, threatening, disciplining, or otherwise taking any adverse action against an employee because the employee is required to attend court or other hearing to act as a witness. Such time off need not be paid. Employees are required to promptly provide notice to their employer of being served with a subpoena and of the requirement to attend court or other hearing. Normal conditions for taking time off apply, such as following call-out procedures.</p> <p><i>Citation:</i> R.I. Gen. Laws § 9-1-54.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
SC	<p>The dismissal or demotion of employees who serve on a jury is prohibited.</p> <p><i>Citation:</i> S.C. Code Ann. § 41-1-70.</p>	<p>The dismissal or demotion of employees who comply with a subpoena is prohibited.</p> <p><i>Citation:</i> S.C. Code Ann. § 41-1-70.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
SD	<p>Employees serving on juries are entitled to the same job status, pay, and seniority as they had before serving. It's left to the employer's discretion whether the leave is with or without pay. Breastfeeding mothers are exempt from jury duty.</p> <p><i>Citations:</i> SDCL §§ 16-13-10.4 (breastfeeding), 16-13-41.1 (discharging or suspending an employee from employment for serving as a juror subjects the employer to a class 2 misdemeanor), and 16-13-41.2.</p>	<p>The South Dakota Supreme Court has made clear that terminations in violation of public policy will subject employers to wrongful termination action. Because employees can be compelled to attend court proceedings and are subject to criminal penalties if they disobey, termination for refusing to ignore a witness subpoena would likely result in liability.</p> <p><i>Citation:</i> <i>Niesent v. Homestake Mining Company</i>, 505 NW2d 781 (SD 1993) (see recognizing public policy).</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
TN	<p>Employees are entitled to leave for jury duty as long as they are required to serve. Employees are entitled to their usual compensation less the amount the employee received for serving as a juror. The employer may pay the employee's usual compensation without deducting the amount the juror receives for serving, including travel to and from jury duty.</p> <p><i>Citations:</i> Tenn. Code Ann. § 22-4-106; Atty. Gen. Op. 11-72.</p>	<p>No state law provides leave for this purpose.</p>	<p>Jury duty: Private employers employing at least 5 employees and state and local government.</p>

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TX	<p>Private employers may not discharge permanent employees because they serve as jurors. Also, school districts may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against employees because of compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district must pay the employee the normal daily compensation. Employees' accumulated personal leave may not be reduced because of jury service.</p> <p><i>Citations:</i> Tex. Civil Practices and Remedies Code § 122.001; Tex. Education Code § 22.006.</p>	<p>Employers may not discharge, discipline, or penalize employees because of compliance with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees discharged are entitled to return to the same employment they had at the time of the subpoena if they give the employer notice that they intend to return.</p> <p>Additionally, Texas requires employers to allow employees to take unpaid leave to appear as witnesses in court proceedings or to attend juvenile court proceedings when required as a parent or legal guardian. Employers cannot penalize employees for taking court attendance or witness duty leave.</p> <p><i>Citations:</i> Tex. Labor Code § 52.051 and Tex. Fam. Code § 51.116.</p>	<p>Jury duty: Private employers and school districts.</p> <p>Witness service: All employers.</p>
UT	<p>Employers may not deprive employees of employment or otherwise coerce them because they receive or respond to a summons for jury service, serve as a juror or grand juror, or attend court for prospective service. Employers may not require or even ask employees to use regular leave time for jury service, but employers aren't required to provide annual, vacation, or sick leave if the employee isn't otherwise entitled to such under the company's policies.</p> <p><i>Citation:</i> Utah Code § 78B-1-116.</p>	<p>Employers may not deprive employees of employment or otherwise coerce them because they attend a deposition or hearing in response to a subpoena.</p> <p><i>Citation:</i> Utah Code § 78B-1-132.</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
VT	<p>Employers may not discharge or penalize employees because of jury service. Employees are considered in the service of their employers while serving as jurors for the purposes of determining seniority, fringe benefits, vacation credit, and other rights, privileges, and benefits of employment.</p> <p><i>Citation:</i> 21 V.S.A. § 499(a).</p>	<p>Employers may not discharge or penalize employees for absence from work while serving as witnesses. Employees are to be considered in the service of their employers while appearing as witnesses for purposes of determining seniority, fringe benefits, vacation credit, and other rights, privileges, and benefits of employment.</p> <p>Vermont employers are also required to provide unpaid, job protected leave to crime victims to allow attendance at depositions and court proceedings related to the crime or requests for relief from abuse, stalking, or sexual assault.</p> <p><i>Citation:</i> Witness service: 21 V.S.A. §§ 472(c) and 499(b).</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>

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VA	<p>Employees can't be required to use sick leave or vacation time for jury service. Employers are prohibited from taking any adverse action against employees summoned for jury duty. Those who are summoned for jury duty and appear for four or more hours shall not be required to work on a shift beginning after 5 p.m. that day or before 3 a.m. the following day.</p> <p><i>Citation: VA Code § 18.2-465.1.</i></p>	<p>Employees summoned or subpoenaed to appear in court can't be discharged or have any adverse action taken against them and can't be required to use sick leave or vacation time. But defendants in criminal cases aren't protected. Employees must give employers reasonable notice of court appearances or summonses.</p> <p><i>Citation: VA Code § 19.2-11.01.</i></p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>
WA	<p>Employers are required to give leaves of absence to employees summoned to jury duty. Employers may not terminate, threaten, or harass such employees, or deny them promotional opportunities. Private employers aren't required to pay nonexempt hourly employees who are called to jury duty. Also, private employers that choose to pay employees on jury duty may require proof of service and may deduct from wages any juror fees received by the employee.</p> <p><i>Citation: Wash. Rev. Code § 2.36.165.</i></p>	<p>No law provides a general right to leave for service as a witness. However, an employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.</p> <p><i>Citation: Wash. Rev. Code § 49.76.030(1).</i></p>	<p>Jury duty: All employers.</p>
WV	<p>Employers may not discharge, threaten to discharge, or decrease the regular compensation of employees for the time they are not actually away from employment because they receive or were served with a summons for jury service. Violators may be charged with contempt of court and fined between \$100 and \$500 or be found guilty of a misdemeanor and fined between \$100 and \$1000. In addition, any employee terminated in violation of the law may be entitled to reinstatement, back pay, and attorney's fees.</p> <p><i>Citations: W. Va. Code §§ 61-5-25a and 52-3-1.</i></p>	<p>Employers may not discharge an at-will employee because that employee has given or may be called to give truthful testimony in a legal action.</p> <p><i>Citation: Page v. Columbia Natural Res., Inc., 198 W. Va. 378, 480 S.E.2d 817 (1996) (see substantial public policy).</i></p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>

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WI	<p>Private sector: Employers must grant employees who have been summoned for jury service unpaid leave for the duration of the service. Employers must consider the time the employee spends as a juror as time worked for purposes of determining seniority, pay advancement, or other terms and conditions of employment. Employers may not use an employee's absence for jury service as a basis for discipline or discharge.</p> <p>Public sector: State-government employees are entitled to paid leave.</p> <p><i>Citations: Private sector:</i> Wis. Stat. § 756.255. <i>Public sector:</i> Wis. Stat. § 230.35(3)(c).</p>	<p>Employers must allow employees who have been subpoenaed to testify in an action or proceeding pertaining to a crime or a juvenile proceeding to be absent from work. Employees subpoenaed to testify in an action or proceeding as a result of a crime against them or an incident involving them during the course of their employment must be paid for the time lost from work. An employer is prohibited from discharging an employee because the employee has been subpoenaed to testify in a criminal case or a proceeding brought under Chapter 48 (Children's Code) or Chapter 938 (Juvenile Code) of the Wisconsin statutes. An employee is obligated to notify the employer the first business day after receipt of a subpoena regarding testifying obligations. If the employee is subpoenaed to testify in a proceeding that is against the person's employer or relating to an incident involving the employee during the course of his or her employment, the employer may not decrease or withhold the employee's pay for time lost resulting from compliance with the subpoena.</p> <p><i>Citation:</i> Wis. Stat. § 103.87.</p>	<p>Jury duty: All private sector and public sector/state employers.</p> <p>Witness service: All employers.</p>
WY	<p>No employers can discharge, threaten to discharge, intimidate, or coerce any employee for jury service. Employees serving on juries are considered as having been on furlough or leave of absence and must be reinstated without loss of seniority or benefits.</p> <p><i>Citation:</i> Jury: Wyo. Stat. § 1-11-401.</p>	<p>Victims or witnesses responding to a subpoena can't suffer any change in terms of employment solely as a result of responding to a subpoena. Victims or witnesses responding to a subpoena in a criminal case, or victims who respond to a subpoena in a juvenile delinquency proceeding, during working hours, shall not suffer any change in terms of employment solely because of responding to the subpoena.</p> <p><i>Citations:</i> Wyo. Stat. §§ 1-40-209(a) and 14-6-508(a).</p>	<p>Jury duty: All employers.</p> <p>Witness service: All employers.</p>