

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1660 Session of
1993

INTRODUCED BY JAMES, CARN, MELIO, WILLIAMS, GERLACH, DEMPSEY,
BELFANTI, CIVERA, TIGUE, SAURMAN, TRELLO, HARLEY, ROBINSON,
BELARDI, DeWEESE, MICHLOVIC, HUGHES AND KIRKLAND,
MAY 25, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MAY 25, 1993

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, requiring an employer to
3 pay regular compensation to an employee who serves on a jury;
4 and providing an employer with a tax deduction for
5 compensation paid to an employee who serves on jury duty.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 4563 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 4563. Protection of employment of petit and grand jurors.

11 (a) General rule.--An employer shall not deprive an employee
12 of his employment, seniority position or benefits, or threaten
13 or otherwise coerce him with respect thereto, because the
14 employee receives a summons, responds thereto, serves as a juror
15 or attends court for prospective jury service. [Nothing in this
16 section shall be construed to require the employer to compensate
17 the employee for employment time lost because of such jury
18 service.]

(b) Penalty.--Any employer who violates subsection (a) or
(f) commits a summary offense.

(c) Civil remedy available.--If an employer penalizes an
employee in violation of subsection (a) the employee may bring a
civil action for recovery of wages and benefits lost as a result
of the violation and for an order requiring the reinstatement of
the employee. Damages recoverable shall not exceed wages and
benefits actually lost. If he prevails, the employee shall be
allowed a reasonable attorney's fee fixed by the court.

(d) Exception.--Subsection (a) shall not apply to any
employer in any retail or service industry employing fewer than
15 persons or any employer in any manufacturing industry
employing fewer than 40 persons.

(e) Right to excuse.--Any individual not entitled to
reemployment under subsection (a) shall, upon request to the
court, be excused from jury service.

(f) Compensation to be paid by employer.--An employer of a
juror shall continue to pay an employee who serves on any jury
the employee's regular compensation as if the employee were on
annual or sick leave; however, the employer may not deduct days
the employee spends on jury duty from the annual or sick time
accrued by the employee. The employee, in return, shall give the
employer the jury duty allowance. The employer may deduct
compensation to an employee paid while the employee is a juror,
minus the jury duty allowance setoff, from the employer's income
tax, in addition to other adjustments to gross income which the
employer may take for employees' compensation.

Section 2. This act shall take effect in 60 days.