



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of Stephen N. Ment  
Judiciary Committee Public Hearing  
March 3, 2008**

**Senate Bill 327, An Act Concerning Jury Service Scheduling  
And Employer Hardship Exceptions**

Good afternoon. My name is Stephen Ment and I am here to testify on behalf of the Judicial Branch in regards to *Senate Bill 327, An Act Concerning Jury Service Scheduling and Employer Hardship Exceptions*. This bill would require the Judicial Branch to place additional information on a jury summons regarding postponement of jury service and mandate when a prospective juror may postpone his or her jury service to if the postponement is necessary due to travel, require prospective jurors to bring a copy of their employer's policy concerning wages for jury service to jury duty, and require employers to make available a written statement regarding their policy concerning wages paid for jury service to their employees.

Section 1 of the bill addresses the first two of these three items, which the Judicial Branch opposes. We believe that lines 12 - 17, which adds language to the summons and dictates when a prospective juror may postpone his or her service to, is confusing and unnecessary. Prospective jurors are already informed via the summons of their right to a postponement, which may be granted for any reason. There is no need to add special, restrictive language because the postponement is sought due to the fact that the juror is traveling on the date summonsed.

Lines 18-23 of the bill impose an obligation on jurors to present a written copy of their employer's policy regarding payment. It is unclear what would the Judicial Branch would do with the form or what would happen if the employee failed to bring it to court. Potential jurors are often anxious and uneasy about their obligation to report

for jury duty; adding this additional requirement could serve to increase already high levels of stress. Furthermore, this language could have the unintended effect of adversely impacting the jury pool if this additional information is used during voir dire to exclude individuals whose employers will not be paying their wages after a fifth day of jury service.

Attached to my testimony is a copy of new brochure produced by the Judicial Branch, in conjunction with the Department of Labor, entitled "Jury Duty in Connecticut: A Guide to Juror Service for Employees and Employers". This brochure is mailed to every individual summonsed to jury duty and answers common questions about jury service and the rights and responsibilities of employees and employers. It also encourages open communication between each. We believe that this brochure will yield a greater understanding of the law, and we have already seen a decrease in the number of calls placed by employees reporting difficulties in the workplace.

Section 2 of the bill would mandate employers to make available to his or her employees a written statement of their policy concerning payment of regular wages for jury service. We believe that this information would be helpful to prospective jurors and we support its enactment.

Thank you for the opportunity to testify.

## A Guide to Juror Service for Employees and Employers

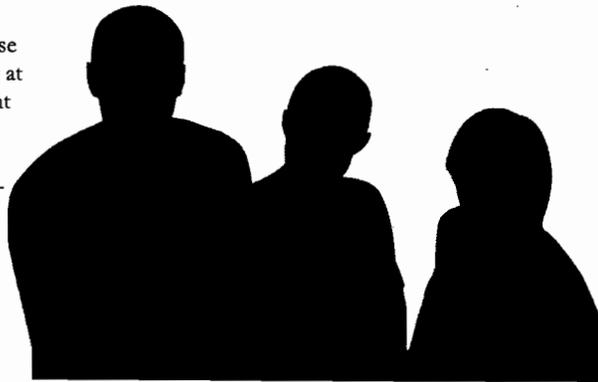
### *Introduction*

Jury duty is vital for the operation of the courts. The Connecticut Judicial Branch and the Connecticut Department of Labor are committed to providing information to assist employees and employers through this process. This booklet has been developed to answer some commonly asked questions employees and employers have about jury duty. This publication is strictly informational and not intended as legal advice.

To ensure that jury duty is convenient for both the employee and the employer, both have an obligation to communicate with one another about this issue as soon as a summons is received. Many issues regarding jury service may be resolved through open and frank communication and cooperation between employees and their employers.

If you have further questions, please contact Jury Administration directly at 1-800-842-8175, or the Department of Labor at 860-263-6790.

We hope you will find the information in this publication helpful.



### *Summary*

- Jury Duty is essential!
- Talk to your employer immediately after receiving a summons.
- You can not be dismissed from your job or disciplined for serving jury duty.
- Full time employees are paid their regular wages for the first five days or part thereof of jury service.

*Read Answers to Common Questions Inside Brochure.*

### **Jury Administration Contact Information**

1-800-842-8175

Monday - Friday

8:00 a.m. to 8:00 p.m.

Please visit our website at  
[www.jud.ct.gov/juror.htm](http://www.jud.ct.gov/juror.htm)

### **Department of Labor**

860-263-6790

Please visit our website at  
[www.ct.gov/dol](http://www.ct.gov/dol)

A joint publication of the Connecticut  
Judicial Branch, Division of Superior Court  
Operations and The State of Connecticut  
Department of Labor.



JDP-JA-27  
New 11/07

## Jury Duty in Connecticut

### *A Guide to Juror Service for Employees and Employers*



**The State of Connecticut  
Judicial Branch  
and  
The Department of Labor**

## ANSWERS TO COMMON QUESTIONS

[www.jud.ct.gov/juror.htm](http://www.jud.ct.gov/juror.htm)

### Q: Why is jury service important?

A: Jury Service is one of the cornerstones of a free society. By supporting their employees through jury service, employers are helping to preserve the right to a jury trial for all citizens.

### Q: When does jury service begin?

A: Jury service commences with the first day or part thereof on which an employee reports for jury duty pursuant to a summons, regardless of whether the employee is ultimately selected to serve as a juror at trial.

### Q: Must employers allow their employees to attend jury duty?

A: Yes. Conn. Gen. Stat. § 51-247a (a) prohibits employers from dismissing, threatening or coercing employees who are summoned for jury duty; respond to a jury summons or serve as a juror. Any employer who engages in such activity is subject to criminal penalties as provided in C.G.S. § 51-247a (a). Any employer who dismisses an employee is subject to a civil action by the employee for lost wages and reinstatement.

### Q: Are jurors paid for their service?

A: Yes. Full time employed jurors (those normally required to work at least 30 hours per week) are paid their regular wages by their employers for the first five days or part thereof of jury service. Beginning on the sixth day of juror service, all jurors are paid \$50.00 per day by the state, regardless of their employment status.



### Q: Is there a penalty if an employer refuses to pay an employee for the first five days of juror service?

A: Yes. Any employer refusing to pay full time employee for jury service may be liable to the employee for damages as provided by C.G.S. § 51-247a (c) and may be subject to the criminal penalties provided by C.G.S. § 51-247(a).

### Q: What if an employer can not afford to pay an employee who is performing juror service?

A: An employer may apply to the Superior Court for a waiver of obligation to pay. A waiver form is attached to the certificate of juror service each juror receives. The form is also available online at [www.jud.ct.gov](http://www.jud.ct.gov).

If the waiver is granted, the state will pay the amount the court finds to be the juror's regular wages, up to \$50 per day, for the first five days or part thereof of juror service. On the sixth day of juror service, all jurors receive \$50.00 per day from the state, regardless of employment status.

### Q: May an employer use an employee's accrued paid time off ("PTO") leave, i.e., vacation, sick or personal leave, to pay for the time spent by the employee in jury service?

A: No, an employer may not deduct accrued PTO time from exempt or non-exempt employees to pay for juror service.



### Q: Should the time spent by an employee in jury service be counted as hours worked by an employer for purposes of calculating overtime wages for an employee?

A: No. Conn. Gen. Stat. § 31-76b (1) (B) does not require an employer to include payments made for jury service into an employee's regular rate for purposes of overtime calculations.

### Q: How long will jury service take?

A: Most jurors complete their service in one day. If selected for a trial, its duration may vary from one to several days to several weeks. Lengthy trials are extremely rare.

### Q: Is there any proof that a juror performed juror service on a particular day?

A: A juror service certificate is mailed to each juror soon after serving. If immediate proof is required, the jury clerk may provide a note indicating the date of service and the time the juror was dismissed from the courthouse.

### Q: May a juror be required to return to work if he or she is dismissed by the court early in the day?

A: Yes. Potential jurors should speak to their supervisors as soon as possible after receiving a summons to learn their employer's policies about returning to work. In requiring an employee to return to work, employers should take into account factors such as the time of day the juror was released, travel time from the court and whether a change of clothes might be necessary.

### Q: Are self-employed individuals or sole proprietors required to serve?

A: Yes. No one is disqualified from serving based on employment status. It is possible to postpone jury service to a time of year that is more convenient to serve. Jurors have the opportunity to discuss their hardships with the court on the day of their appearance.

### Q: Who pays self-employed jurors?

A: Self employed jurors may apply to the Superior Court for a waiver of obligation to pay. A waiver form is attached to the certificate of juror service each juror receives. The form is also available online at [www.jud.ct.gov](http://www.jud.ct.gov).

If the waiver is granted, the state will pay the amount the court finds to be the juror's regular wages, up to \$50 per day, for the first five days or part thereof of juror service. On the sixth day of juror service, all jurors receive \$50.00 per day from the state, regardless of employment status.

### Q: How are jurors, whose regular wages consist of commissions, paid for juror service?

A: An average of commissions paid per day is calculated based on the previous month's earnings. The daily rate is paid to the juror by the employer for the first five days or part thereof of jury service.

### Q: Where can I get more information?

A: Call Jury Administration toll-free at 1-800-842-8175, or the Connecticut Department of Labor at 860-263-6790.