

SUBJECT: Protecting school district employees on jury duty

COMMITTEE: Public Education — favorable, with amendment

VOTE: 8 ayes — Sadler, Dutton, Grusendorf, Hochberg, Lengefeld, Oliveira, Olivo, Smith

0 nays

1 absent — Dunnam

WITNESSES: For —Jackie Lain, Texas Association of School Boards

Against —None

BACKGROUND: Currently, Section 122 of the Civil Practice and Remedies Code prohibits an employer from terminating a permanent employee because that employee serves as a juror. If an employer violates this law, the terminated employee is entitled to reinstatement to the position and to damages, which may not exceed an amount equal to six months' salary.

DIGEST: HB 269, as amended, would prohibit a school district from discharging, disciplining, reducing the salary of, penalizing, or discriminating against a school district employee for complying with a jury summons.

The bill would require a school district to pay a non-salaried employee the normal daily compensation for each regularly scheduled work day that the employee served on a jury. The district would be prohibited from counting an employee's absence for jury duty against accumulated personal leave time.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and apply beginning the 1999-2000 school year.

SUPPORTERS SAY: School districts currently are not required to pay employees at their normal rate of pay for time spent responding to a jury summons. HB 269 would require districts to pay employees their normal rate of pay for each day spent on jury duty. People are reluctant to serve on juries due to the economic costs.

Texas law does not require employers to pay jurors' salaries while they serve. Jury duty pays from only \$6 to \$50 per day, and employees do not always receive paid leave time.

Fewer and fewer people are responding when they are summoned to court for jury selection. For example, last year in Dallas County, only 23 percent of people summoned for jury duty actually showed up.

HB 269 would ensure that school district employees who comply with a jury summons do not lose income in order to perform their civic duty to serve on a jury. This would help the employees and the communities in which they work. The cost to school districts would be minimal, and districts have no problem with paying for their employees doing their civic duty.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee amendment would prohibit district's from reducing an employee's salary rather than compensation and provide for paying a non-salaried employee's normal daily compensation.