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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2921

01/31/2022 Authored by Wazlawik and Xiong, J., The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy

1.1 A bill for an act
1.2 relating to employment; requiring certain employers to pay an employee's regular
1.3 wages during jury service; amending Minnesota Statutes 2020, section 593.48;
1.4 proposing coding for new law in Minnesota Statutes, chapter 593.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [593.471] JUROR COMPENSATION DURING JURY SERVICE.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section and section 593.48, the
1.8 following terms have the meaning given them.

1.9 (b) "Employee" means a full-time employee, part-time employee, or self-employed
1.10 employee.

1.11 (c) "Employer" means any person having one or more employees in Minnesota and
1.12 includes the state and any political subdivision of the state.

1.13 (d) "Full-time employee" means an employee who works in a position for 30 or more
1.14 hours per workweek. An employee that works in both a full-time position and part-time
1.15 position for one or more employers each workweek shall be considered a full-time employee.

1.16 (e) "Paid time off" means annual, vacation, or sick leave that an employee accrues while
1.17 employed by an employer.

1.18 (f) "Part-time employee" means an employee who works in a position for less than 30
1.19 hours per workweek.

1.20 (g) "Self-employed employee" means an employee who works for himself or herself
1.21 and no other employer.

2.1 (h) "Small employer" means an employer that employed an average of at least one but
2.2 not more than 50 employees on business days during the preceding calendar year.

2.3 (i) "Unemployed juror" means a juror who is not an employee and includes but is not
2.4 limited to retired persons, homemakers, students, and persons receiving unemployment
2.5 benefits.

2.6 Subd. 2. **Jury service as excused absence.** An employee is excused from employment
2.7 for the time period the employee serves as a juror or attends court for prospective jury
2.8 service. An employer may request reasonable verification that an employee was summoned
2.9 for jury service and either served as a juror or attended court for prospective jury service.
2.10 If an employee summoned for jury service is employed in a night shift position, the employee
2.11 shall be excused from employment for the shift immediately preceding the employee's first
2.12 day of jury service.

2.13 Subd. 3. **Prohibition to require use of paid time off.** An employee must not be required
2.14 to use paid time off for time serving as a juror or attending court for prospective jury service.

2.15 Subd. 4. **Compensation.** (a) An employer must pay a full-time employee the employee's
2.16 regular compensation for time spent serving as a juror or attending court for prospective
2.17 jury service. The payment must not exceed the equivalent of eight hours of regular
2.18 compensation per day of jury service.

2.19 (b) An employer must pay a part-time employee the employee's regular compensation
2.20 for time spent serving as a juror or attending court for prospective jury service. The payment
2.21 must not exceed the equivalent of the number of hours the employee was to work on each
2.22 day of jury service.

2.23 (c) A self-employed employee must pay himself or herself regular compensation for the
2.24 time spent serving as a juror or attending court for prospective jury service. The payment
2.25 must not exceed the equivalent of eight hours of regular compensation per day of jury
2.26 service.

2.27 (d) An unemployed juror may apply for reimbursement under section 593.48.

2.28 Subd. 5. **Waiver of compensation requirement.** (a) Small employers are exempt from
2.29 the requirements under subdivision 4. This paragraph does not preclude a small employer
2.30 from choosing to pay an employee in accordance with subdivision 4.

2.31 (b) An employer or self-employed employee may apply to the jury commissioner of the
2.32 county in which the employee is serving as a juror for a waiver from subdivision 4 of this
2.33 section if the employer demonstrates financial hardship that would result from the payment

3.1 of such compensation. The judicial council shall prescribe the time, form, and manner of
 3.2 the application under this subdivision.

3.3 (c) An employee of a small employer or an employee whose employer receives a waiver
 3.4 under this subdivision shall be treated as an unemployed juror and is eligible for
 3.5 compensation under section 593.48. Notwithstanding section 593.48, an employee may
 3.6 apply to the jury commissioner of the county in which the employee is serving as a juror
 3.7 for a special compensation award in addition to the maximum unemployed juror rate if the
 3.8 employee can demonstrate that financial hardship would result from payment at the
 3.9 unemployed juror rate.

3.10 Subd. 6. **Civil action.** If an employer fails to comply with the requirements of this section
 3.11 and has not received a waiver under subdivision 5, the employee may commence a civil
 3.12 action against the employer within 30 days for recovery of lost wages. Damages recoverable
 3.13 shall not exceed lost wages for six weeks. An employee who prevails shall be allowed a
 3.14 reasonable attorney's fee fixed by the court.

3.15 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to individuals
 3.16 summoned for jury service on or after that date.

3.17 Sec. 2. Minnesota Statutes 2020, section 593.48, is amended to read:

3.18 **593.48 COMPENSATION OF JURORS AND TRAVEL REIMBURSEMENT**
 3.19 **UNEMPLOYED JUROR.**

3.20 ~~A An unemployed juror shall be reimbursed for round-trip travel between the juror's~~
 3.21 ~~residence and the place of holding court and compensated for required attendance at sessions~~
 3.22 ~~of court and may be reimbursed for additional day care expenses incurred as a result of jury~~
 3.23 ~~duty at rates determined by the supreme court a rate of \$15 an hour. A juror may request~~
 3.24 ~~reimbursement for additional parking expenses incurred as a result of jury duty, in which~~
 3.25 ~~ease the reimbursement shall be paid and the juror's compensation for required attendance~~
 3.26 ~~at sessions of court shall be reduced by the amount of the parking reimbursement. Except~~
 3.27 ~~in the Eighth Judicial District where the state shall pay directly, the compensation and~~
 3.28 ~~reimbursement shall be paid out of the county treasury upon receipt of authorization to pay~~
 3.29 ~~from the jury commissioner. These jury costs shall be reimbursed monthly by the supreme~~
 3.30 ~~court upon submission of an invoice by the county treasurer. A monthly report of payments~~
 3.31 ~~to jurors shall be sent to the jury commissioner within two weeks of the end of the month~~
 3.32 ~~in the form required by the jury commissioner. No payment to an unemployed juror under~~
 3.33 ~~this section may exceed \$120 per day of jury service. A payment to an unemployed juror~~
 3.34 ~~under this section shall not cause the juror to lose unemployment benefits.~~

- 4.1 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to individuals
- 4.2 summoned for jury service on or after that date.