



HR

Employment Practices

Courtesy of Meridian Benefits Consulting

Q

Do I need to pay an employee for the time they are away from work serving jury duty?

A

The Fair Labor Standards Act (FLSA) does not require an employer to pay an employee for time during which the employee did not work, including when an employee serves on jury duty. This type of benefit is generally a matter of agreement between an employer and its employees.

Although some states do require employers to pay employees who are asked to serve jury duty, federal law does not.

Employers should note that under the FLSA, if an exempt employee reports for jury duty for a partial week (or day) and works the rest of the week, he or she must be paid a full week's salary. However, if an exempt employee reports for a full week of jury duty and performs no work for the employer, the employer is not required to pay the full salary. Keep in mind, if the employee checks and responds to email messages while serving jury duty the entire week, he or she is considered to have worked that week.

Employers are required to allow employees to take time off work to fulfill jury duty and are generally also required to consider jury duty time as leave time. This means that an employee's benefits must continue throughout his or her absence for jury duty, and he or she must be able to return to his or her position with no loss of seniority when jury duty is finished.

Employers may choose to pay their employees for time spent on jury duty leave. If so, the employer has the option of paying employees the difference between their regular pay and the amount the employee was compensated by the court for jury duty.