

S B

246

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Judiciary:

1988 - March 29

March 30

April 19

(7)

HOUSE COMMITTEE REPORT

Date referred: 3/7/88

FURTHER REFERRALS:

DATE: April 19, 1988

The Judiciary Committee has considered SB 246

"An Act relating to employment protection for jurors."

RECOMMENDS:

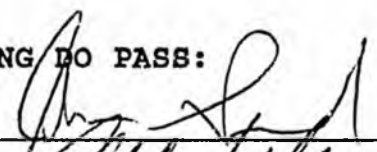
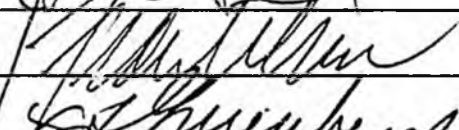
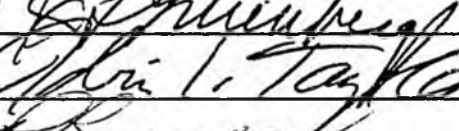
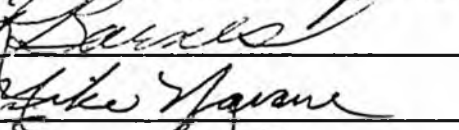
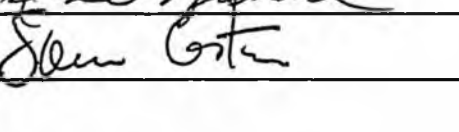
- replace with HCS SB 246 (Jud) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

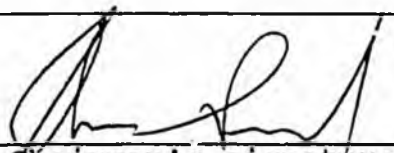
ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING TO PASS:

SIGNING OTHER RECOMMENDATIONS:



 Chairman's signature

5-1047L
Cramer
3/31/88

Original sponsor: Judiciary Committee

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 246 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to employment protection for ju-
7 rors."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.20 is amended by adding a new section to read:

10 Sec. 09.20.015. PROTECTION FOR EMPLOYEE ON JURY DUTY. (a) An
11 employer may not deprive an employee of employment or threaten, co-
12 erce, or penalize an employee because the employee receives or re-
13 sponds to a summons for jury service, serves as a juror, or attends
14 court for prospective jury service. This section does not require an
15 employer to pay wages to an employee for time spent on jury service or
16 in court for prospective jury service.

17 (b) If an employer violates this section, the employee may bring
18 a civil action to recover wages lost as a result of the violation,
19 other damages that resulted from the violation, and may also seek an
20 order requiring the reinstatement of the employee.



MAR 25 1987

Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

March 9, 1987

Senator Jay Kerttula
Chair, State Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

I am writing on behalf of the Alaska Court System to ask the Senate Judiciary Committee to consider introducing legislation which would prohibit an employer from firing an employee because of the employee's absence due to jury service.

I have attached a draft of proposed legislation which would establish such a prohibition. The draft is based upon Section 17 of the Uniform Jury Selection and Service Act (copy attached). However, the court system takes no position with regard to the appropriate sanction.

The House Judiciary Committee has also considered this request, and it is my understanding that legislative counsel has provided a work draft with somewhat different wording.

Thank you for considering this request. Please let me know if I can provide additional information or answer any questions.

Sincerely,

Karla L. Forsythe
Staff Counsel

KLF:bs

Att.

cc: Representative John Sund
Chief Justice Jay A. Rabinowitz
Arthur H. Snowden, II, Administrative Director

3/9/87-13

Library References

Jury ⇨ 73, 74.
C.J.S. Juries §§ 203, 204.

§ 17. [Protection of Jurors' Employment]

(a) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service.

(b) Any employer who violates subsection (a) is guilty of criminal contempt and upon conviction may be fined not more than [\$500] or imprisoned not more than [6] months, or both.

(c) If an employer discharges an employee in violation of subsection (a) the employee within [] days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for 6 weeks. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

COMMENT

In substance derived from Section 13 of the Uniform Consumer Credit Code (relating to wrongful discharge for garnishment), with the addition of the allowance of a reasonable attorney's fee to the prevailing plaintiff.

Action in Adopting Jurisdictions

Variations from Official Text:

Colorado. In subsec. (c), the time period (brackets in Official Text) is thirty days.

Idaho. In subsec. (b), substitutes "three hundred dollars" for "\$500".

In subsec. (c), the time period (brackets in Official Text) is 60 days.

North Dakota. Subsec. (b) reads: "Any employer who violates subsection 1 [subsec. (a) of uniform act] is guilty of a class B misdemeanor."

In subsec. (c), the time period (brackets in Official Text) is ninety days.

Library References

Master and Servant ⇨ 30(1), 34 et seq., 68, 73(1).

C.J.S. Master and Servant §§ 42, 47 et seq., 81 et seq., 92, 102 et seq.

§ 18. [Court Rules]

The [Supreme Court] may make and amend rules, not inconsistent with this Act, regulating the selection and service of jurors.

7

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/3/88

FURTHER REFERRALS: Judiciary

DATE: 3-4-88

The State Affairs Committee has considered SB 246

"An Act relating to employment protection for jurors."

RECOMMENDS:

- replace with HCS SB 246 (SA) the same title
- attached amendment(s) a new title

do pass

do not pass

no recommendation

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

fiscal impact

same as previous fiscal note published _____

zero fiscal note

same as previous zero fiscal note published 1/22/88

zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

 Chairman's signature