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246

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: SR 246

CURRENT VERSION:

SCHEDULED: MARCH 4, 1988

SPONSOR: JUDICIARY COMM/KERTTULA

PHONE NO: 3771

CONTACT FILE: _____

BILL SUBJECT: RELATING TO EMPLOYMENT PROTECTION FOR JURORS

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
COURT SYSTEM	JAN STRANDBERG/264-8228	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
COURT SYSTEM	2/25/88		-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
3/4/88	HCS PASSED FROM STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

HSA

3-4-88

3:00 p.m.

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

Original sponsor: Judiciary Committee

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 246 (State Affairs)

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. DISCHARGE OF 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, serves as a juror, or attends court for prospec-
14 tive jury service.

15 (b) If an employer discharges an employee in violation of this
16 section, the employee may bring a civil action to recover wages lost
17 as a result of the violation, other damages that resulted from the
18 violation, and for an order requiring the reinstatement of the employ-
19 ee. If the employee prevails, the employee shall be allowed reason-
20 able attorney's fees and costs.

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS SENATE BILL NO. 246 (S A)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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7 jurors."

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16 section, the employee may bring a civil action to recover wages lost
17 as a result of the violation and for an order requiring the reinstatement
18 of the employee. If the employee prevails, the employee shall be
19 allowed reasonable attorney's fees and costs.

Other damage

CS - SA

(250)

*[as well as other damage
may be at
loose connection]*



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

*Beit
O.C.
introduce!*

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

1-28-88

*from
Betn to Jay*

SB-245 (AN ACT RELATING TO EMPLOYMENT PROTECTION OF JURORS)

THIS BILL WAS INTRODUCED BY THE JUDICIARY COMMITTEE AT THE REQUEST OF THE COURT SYSTEM. THE BILL SIMPLY ADDS A SECTION TO THE ALASKA CODE OF CIVIL PROCEDURE THAT PROTECTS JURORS FROM BEING FIRED FOR JURY SERVICE.

IF A PERSON IS FIRED FOR JURY SERVICE, THE PERSON CAN SUE FOR LOST WAGES AND REINSTATEMENT. THE PERSON COULD HAVE SUED FOR WRONGFUL TERMINATION EVEN WITHOUT THIS, BUT THIS MAKES IT VERY CLEAR IN THE LAW.

AS AN ASIDE, IT IS INTERESTING TO NOTE THAT THE COURT SYSTEM HAS BECOME MORE CONSIDERATE OF PROSPECTIVE JURORS' ECONOMIC SITUATIONS THIS YEAR. NOW, JURORS ARE QUESTIONED IF THERE WILL BE AN ECONOMIC HARDSHIP IF THEY SERVE. BEFORE THIS YEAR, JURORS WERE NOT EXCUSED FOR ECONOMIC HARDSHIP. THIS YEAR THE PRACTICE IS TO EXCUSE A PERSON WHO IS HAVING ECONOMIC PROBLEMS.

THIS IS A VERY SIMPLE PIECE OF LEGISLATION, AND WILL HOPEFULLY PROTECT PEOPLE WHO ARE CALLED TO DO THEIR CIVIL DUTY.

Library References

Jury \S 73, 74.
C.J.S. Juries $\S\S$ 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 1969 Maryland Jury Act and Michigan C.L.A. \S 600.1348. The civil remedy provided in subsection (c) parallels that provided in Section 5.202(6) 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 \S 30(1), 34 et seq., 68, 73(1).

C.J.S. Master and Servant $\S\S$ 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.