



Our staff experts conduct “special investigations” into your questions.

*Dear Deb,*

*I have an employee who has been summoned for jury duty to sit on a grand jury for a term of four months. Do I have to pay the employee's salary during this period of time?*

*Your friend,  
Jackie Jones, Human Resources Manager  
Feed the World*

Dear Jackie,

That depends on the type of employee we're talking about.

- 1) Hourly employees: whether the employees are classified as part-time or full-time, the law requires payment only for the time an hourly employee actually works. If an hourly employee is on jury duty, they're not working and the employer is not required by law to pay the employee. However, time not worked can be covered by available paid leave according to the company's own written policy.
- 2) Exempt salaried employees (employees paid a weekly, biweekly, semi-monthly, or monthly salary, whose duties qualify them for an overtime exemption):
  - a) If less than a full workweek is missed due to jury duty, federal law (the FLSA) would not allow a pro rata docking of the salary for time not worked; the employee would have to receive the agreed-upon salary for the entire workweek. Available paid leave may not be used to cover such an absence.
  - b) If a full workweek was missed due to jury duty, federal law (the FLSA) would allow a pro rata docking of the salary for time not worked.

No Maryland law requires employers to pay their employees while serving jury duty, but, as noted above, the Federal Labor Standards Act may prohibit an employer from docking an exempt employee's pay. Most private employers do provide full or partial compensation to their employees for time lost due to serving jury duty. Many county, state, and federal agencies provide administrative leave (or excused leave) for employees called for jury duty in Maryland.

Each county and Baltimore City is responsible for providing payment for serving jury duty. The reimbursement varies from \$15 to \$30 per day, depending on the jurisdiction. The employee must contact the Jury Commissioner's Office in his or her county for more information.

Employers are prohibited by law from taking adverse action against employees who are summoned for potential or actual jury service, including depriving an employee of their job solely because of time a person served as a juror or as a result of responding to a summons. The court will provide a juror with a certification of attendance. An employer who terminates an employee for serving on a jury or as a result of responding to a summons may be subject to criminal sanctions. Legislation pending gubernatorial action (HB 1185) would bar an employer from requiring an employee to use annual, sick, or vacation leave for jury service.

Finally, a grand juror is different from a regular (or petit) juror. Grand jurors serve for a term of four to six months, depending on the jurisdiction, usually meeting every other Friday. Grand juries are bodies that generally decide whether or not to indict someone for a serious criminal offense, and also conduct investigations into possible crimes. A grand jury can also conduct its own investigations. A petit juror sits, listens to evidence in a courtroom and determines the facts in a particular case.