

EHB 2729

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THE STATE SENATE
Monday, April 1, 2002

ENGROSSED

House Bill No. 2729

ENGROSSED HOUSE BILL NO. 2729 - By: PETTIGREW and NANCE of the House and NICHOLS of the Senate.

An Act relating to jurors; amending 38 O.S. 2001, Sections 34 and 35, which relate to employers of persons required to serve on juries; prohibiting employers from requiring employees to use leave for jury duty; providing penalties; providing that employer is not required to pay wages for person on jury duty, unless the person takes paid leave; granting employee called for jury duty the option of taking either paid leave or leave without pay; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 38 O.S. 2001, Section 34, is amended to read as follows:

Section 34. Every person, firm or corporation who discharges an employee ~~or~~, causes an employee to be discharged, or requires an employee to use sick leave or vacation leave because of said employee's absence from ~~his~~ employment by reason of said employee's having been required to serve as a grand, multicounty grand, or petit juror on a grand, multicounty grand, or petit jury shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). The provisions of this section shall not require an employer to pay an employee wages for the time the employee is absent from employment

1 for jury duty unless the employee uses paid leave for that purpose.
2 It shall be the decision of the employee whether to use paid leave
3 or take leave without pay for absence from employment for jury duty.

4 SECTION 2. AMENDATORY 38 O.S. 2001, Section 35, is
5 amended to read as follows:

6 Section 35. Every person, firm or corporation who discharges ~~or~~
7 an employee, causes an employee to be discharged ~~an employee,~~ or
8 requires an employee to use sick leave or vacation leave because of
9 said employee's absence from ~~his~~ employment by reason of said
10 employee's having been required to serve as a grand, multicounty
11 grand, or petit juror on a grand, multicounty grand, or petit jury
12 shall be liable to the ~~person so discharged~~ employee in a civil
13 action at law for both actual and exemplary damages. Damages shall
14 include all pecuniary losses suffered including, but not limited to,
15 lost earnings, both past and future, the value of lost leave, mental
16 anguish and all reasonable damages incurred in obtaining other
17 suitable employment. The provisions of this section shall not
18 require an employer to pay an employee wages for the time the
19 employee is absent from employment for jury duty unless the employee
20 takes paid leave for that purpose. It shall be the decision of the
21 employee whether to use paid leave or take leave without pay for
22 absence from employment for jury duty.

23 SECTION 3. This act shall become effective November 1, 2002.

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-26-02 - DO
2 PASS.