

**SUBJECT:** Requiring paid leave for jury duty for school district employees

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 8 ayes — Sadler, Dutton, Hernandez, Hochberg, Price, Rhodes, Uher, Williamson  
0 nays  
1 absent — Culberson

**WITNESSES:** For — Mike McLamore, Association of Texas Professional Educators  
Against — None

**DIGEST:** CSHB 939 would require all school districts to pay an employee who serves in any phase of jury duty the employee's normal compensation rate. The employee's accumulated personal leave could not be reduced because of service for jury duty.  
  
CSHB 939 would also prohibit a school district from discharging, disciplining reducing the compensation of, or otherwise discriminating against any employee who complied with a summons for jury duty.  
  
CSHB 939 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and apply to the 1997-1998 school year.

**SUPPORTERS SAY:** School district employees who fulfill their civic duties of appearing for jury duty should never be penalized for that action. While few do so overtly, school districts often place pressure on employees not to appear for jury duty because of the potential financial impact on the district. Some districts will not pay an employee for days spent on jury service and other districts will reduce an employee's personal leave for any day missed. While it is important to find ways to reduce costs and cut down on instructor absenteeism, penalizing school employees for service on a jury sends the wrong message to employees and students alike of the importance of such civic service.

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By requiring school districts to pay employees for jury service and not reduce employee personal leave, the state would be extending the same rights granted to state employees to employees of school districts. By prohibiting discrimination based on jury service, the state would be preventing other subtle — and some blatant — ways districts have to discourage jury service by their employees.

OPPONENTS  
SAY:

This bill would place an unfunded mandate on school districts. Those school districts whose budgets do not permit the flexibility needed to hire substitute teachers to replace those who must serve on jury duty could be penalized by this legislation.

NOTES:

The committee substitute to HB 939 added provisions requiring districts to pay employees their normal compensation for any days in which they serve for jury duty and prohibiting districts from reducing an employee's accumulated personal leave for appearing for jury duty.