

## OJD NOTICE

### **EMPLOYMENT PROTECTIONS FOR JURORS, EFFECTIVE JANUARY 1, 2012**

#### **Can I lose my job because I've been summoned for jury service?**

No. Under Oregon law, an employer commits an unlawful employment practice if the employer discharges, threatens to discharge, intimidates, or coerces an employee because of the employee's jury service or scheduled jury service. If your employer does so, you may file a complaint with the Bureau of Labor and Industries (under ORS 659A.820) or may file a civil action in circuit court (under ORS 659A.885).

#### **Will my employer pay me while I am on jury service?**

There is no Oregon law that requires an employer to pay salary or wages during an employee's jury service. An employer's personnel policies, the specific employment agreement between an employee and an employer, and, in some cases, the employee's employment status under federal law determine if an employee is paid during jury service.

#### **Can my employer require me to use my vacation, sick leave, or annual leave for time I spend responding to a summons for jury duty?**

No. An employer commits an unlawful practice if the employer requires an employee to use vacation leave, sick leave, or annual leave for time spent by the employee in responding to a summons for jury duty. The employer must allow the employee to take leave without pay for time spent by the employee in responding to a summons for jury duty. If your employer violates this law, you may file a civil action in circuit court (under ORS 659A.885).

#### **Can my employer stop providing my insurance coverage during times I have been scheduled to or do perform jury service?**

No. If the employer employs ten or more people, the employer commits an unlawful employment practice if

- the employer ceases to provide health, disability, life, or other insurance coverage for an employee during times when the employee serves or is scheduled to serve as a juror;
- the employee elected to have coverage continue while the employee served or was scheduled to serve as a juror; and
- the employee provided notice of that election to the employer in compliance with the employer's policy for notification.

If the employer pays part of the costs of providing insurance coverage that the employee should have paid if working, the law allows the employer to recover that amount over time, by deducting sums from the employee's pay. The law puts limits on how much the employer may deduct from the employee's pay each pay period. (See ORS 10.092 for specific details.)

If you believe that your employer violated this law because the employer stopped providing insurance while you were scheduled to or did perform jury service or because your employer deducted too much from your pay for the employer's recovery of the costs of providing insurance for you, you may file a complaint with the Bureau of Labor and Industries (under ORS 659A.820) or may file a civil action in circuit court (under ORS 659A.885).

#### **What if my employer violates the law? How would I complain about such practice?**

To file a complaint under ORS 659A.820 because your employer committed an unlawful employment practice, you would file a complaint with the Commissioner of the Bureau of Labor and Industries.

To file a civil action under ORS 659A.885 because your employer committed an unlawful practice or unlawful employment practice, you would file a civil action in circuit court.