

Draft - Meeting Minutes (to be voted on at the 9/1/26 meeting)
Task Force on Removing Barriers to Jury Service

Date: August 12, 2026

Time: 11:30am-1:00pm

Location: Virtual via WebEx Webinar

Members in Attendance: Derek Sangston, Chair Kimberly McCullough, Tim Dooley, Representative Tom Andersen, Royce Williams, Kia Tolbert, Nansi López, Honorable Tucker Rossetto, Honorable Chanpone Sinlapasai

Members Not in Attendance: Senator James Manning, Jr., Bryan Brock, Senator Kim Thatcher, Honorable Matthew Shirtcliff, Keren Farkas, Representative Wallan

Quorum: Yes (7)

Ratify Prior Meeting Minutes

- Will wait until we have a quorum to vote on the minutes

Employment Related Issues

- Chair McCullough shared the Oregon Revised Statutes and Oregon Administrative Rules from the meeting materials
- ORS 10.090
 - It's unlawful for an employer to discharge, threaten to discharge, intimate, or coerce any employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial jury, or jury of inquest
 - Employers are required to allow employees to serve their jury duty, they can't take any adverse employment action against them for participating
 - If an employer violates this, an employee can file a civil action (sue) or file a complaint with BOLI under ORS 659A.820
 - Representative Andersen asked if there's an attorney's fees provision if an employee sues or files a BOLI complaint? Can they receive attorney's fees?
 - Chair McCullough replied that attorney fees are available if one files suit under ORS 659A.885(1)
 - Employees can't be required to use sick leave, vacation leave, or annual leave when on jury duty, they have to be allowed to take leave without pay
 - Employees may be given the option to choose whether to use vacation leave, sick leave, or leave depending on the employer's policies
 - An employer is not required to pay employees for their jury service, but they may choose to do so

- Employees need to be informed of their statutory rights when they're summoned
 - That information is generally included on the summons or linked to on the summons
- ORS 10.092 (Insurance Coverage)
 - An employer with 10 or more employees commits an unlawful employment practice if:
 - The employer stops providing health, disability, life, or other insurance coverage for an employee while they're doing jury service and the employee; and
 - The employee elected to have coverage continue while they served or were scheduled to serve as a juror and they gave notice of that election to their employer in compliance with the employer's notification policy
 - Puts the responsibility on the employee to say that they want to have their insurance continued
 - It's unclear why the employee has to inform the employer that they want their insurance continued during jury service
 - What happens if an employer doesn't have a policy about what the notification is?
 - An employer may have a policy that says you only get insurance if you work X number of hours in a month, a week, etc.
 - Seems like this protection is about jury duty causing the employee to fall under an hours requirement, so some additional money needs to be paid to keep the insurance going
 - If the employer paid any of that money to continue the insurance that should have been paid by the employee, the employer can deduct that amount (up to 10% of the employees gross pay per pay period) from the employee's pay upon their return to work until it is paid
 - If the employee stopped working for the employer before the total amount had been repaid by the employee, then the employer can deduct it from any remaining amounts due to the employee or can seek to recover it through legal means
 - If an employee alleges a violation of this statute, they can bring a civil action or file a complaint with BOLI
 - Chair McCullough noted the task force should think about ways this statute could be improved
- ORS 657.155 (Unemployment Insurance)

- When someone is eligible for unemployment insurance and they serve on jury duty, they can't be denied their insurance benefits as long as they do not miss an opportunity to perform work due to jury duty and actively seek work on the days they were not engaged in jury duty
- If you're on unemployment insurance, you don't get time off for jury duty the way you do if you're employed
 - Chair McCullough noted that the task force may want to discuss if this is a good policy

Overview of Barriers and Potential Policy Solutions

- Illinois Law HB 4844 Re: Not Having to Work Night Shifts
 - If an employee works the night shift on the same day they have jury service, or are scheduled to work the night shift, they don't have to work that night shift
 - Tolbert was concerned that, even if they weren't required to work the night shift, people would still do it rather than miss an opportunity to work
 - Not sure the Illinois bill resolves the problem of employees working/serving on a jury all day since people still need to work to avoid financial hardship
 - Chair McCullough agreed with Tolbert that there's still a financial/compensation issue but noted that the idea is that they are not required to work, not that they can't choose to
 - Sangston noted that there are Oregon policies that prohibit employees in certain industries from working too many hours
 - If we have an employee that wants to go to work after jury duty, they should have that option
 - Oregon Business and Industries (OBI) would need to run that idea by their employment attorneys
 - Chair McCullough asked Sangston to check with OBI's employment attorneys and asked if it's better to say an "employee may, but is not required to, work the night shift"
 - Tolbert asked if that would present any safety issues (e.g., such as for truck drivers who'd be at jury service all day then driving all night)
 - Chair McCullough suggested a provision such as "as long as it doesn't present safety issues or violate an employer's policy"

- Sometimes jury service only takes a small portion of the day, so an employee may be able to rest before working the night shift
- Under current Oregon law, it seems an employer could require their employee to work the night shift because it wouldn't conflict with the timing of jury duty during the day, and that may be something we want to prohibit
 - Sangston noted he wasn't sure how frequently that scenario would happen and asked for Bureau of Labor and Industries (BOLI) statistics on how often this scenario occurs
 - Chair McCullough asked Harvis to check how many people ask for excusals because they have to work the night shift
 - Harvis replied that we can only get anecdotal evidence since that's not a statutory excusal
 - Harvis noted that for night shift employees the reason for excusal seems more about being late to or leaving early from jury service rather than asking for a full excusal
- Health Insurance Coverage Continuity
 - Chair McCullough noted confusion around why those provisions would only apply to employers with 10 or more employees
 - She suggested the Task Force may want to consider reducing that threshold by saying "for all employers"
 - There's a financial concern component for the state since, when someone is injured without insurance, the cost often falls on the state
 - Chair McCullough suggested Sangston run the question by OBI to see why that threshold would be there
 - Sangston thought these provisions may have borrowed from the paid sick leave bill which applies to employers with 10 or more employees
 - He noted the smaller employers are the ones more likely to have the biggest problems with the extra burden

- Sangston wanted to see statistics on how often this situation occurs
- HB 2828 (2011) created the employment insurance provisions
 - At the time, there were stories of people losing insurance coverage because they were serving jury duty and people asking for excusal because they'd lose their coverage otherwise
 - Harvis will check to see if this is happening now and how often it comes up
 - Chair McCullough suggested an update so that the hours spent serving on jury duty must count towards the minimum number of hours employees need to work to receive coverage
- Chair McCullough noted that it seems strange that jurors have to elect to keep insurance coverage and notify their employer of the election
 - It would make more sense for the employee to notify the employer that they're serving on jury duty (which they'd likely be telling them anyways)
 - Seems like a strange burden to put on an employee to know they may lose coverage and to know to elect to continue it
- Representative Andersen agreed and noted similar burdens on employees under ORS 10.090 and ORS 10.092
 - He asked if prospective jurors are given information on the rules they need to know to keep their insurance? What if they want to file a BOLI complaint or civil suit?
 - Chair McCullough does not think they are notified that they need to tell their employer to continue insurance
 - Representative Andersen noted the importance of employees knowing their rights
 - Chair McCullough suggested that if employees just needed to let their employer know they're serving on jury duty without specifically electing to continue insurance coverage, then that would lower the burden on employees
- Chair McCullough noted that there's a provision that an employee is responsible for continuing the cost of insurance coverage

- An employee needing to pay to continue their insurance coverage places a barrier on the employee, but shifting it to the employer may be burdensome for employers
 - Chair McCullough wondered how much it would cost to continue coverage when someone misses a day or two and they fall below the minimum hours worked threshold
- Sangston asked for more information on how often this scenario comes up
 - He found it hard to imagine an employer, especially a small employer, would have HR go through the task of unenrolling someone from insurance for the generally short duration of jury service only to re-enroll them after (it's an intensive process to unenroll and enroll)
 - Chair McCullough asked if there's any harm in having employers simply automatically continue insurance coverage?
 - Sangston was unsure without looking at the data since there could be potential unintended consequences for employers, especially small employers
 - Chair McCullough asked if Sangston's response would be different if it was found that there were people being adversely affected by the current rule?
 - Sangston replied it would make a difference, but he was not sure in what way
 - Chair McCullough noted that OJD would do some research and asked Sangston to do a surface level check to see if it would be a big shift for employers
 - Sangston speculated that reducing the burden of employees providing notice they want to continue coverage wouldn't be too hard
 - López asked if there could be an opportunity for the task force to do more work with small businesses, particularly among underrepresented communities and in the current socioeconomic climate?
 - She asked if the task force could have a pool of folks to have a conversation with about specific questions and how changes could impact them?
 - Chair McCullough thought that's a good idea and suggested the task force could put out a survey for people to fill out and we could look to López on who to give that to and how

- A listening session where we schedule a date and time for folks to join in-person or remotely to share their thoughts and ideas could also be helpful
 - Task Force members could tune in and listen or be given a summary of what was discussed
- Unemployment Insurance Provisions
 - If you're on unemployment and there's an opportunity to work you must or you don't get insurance, but if you have a job your employer can't discriminate against you if you want to do jury duty
 - Chair McCullough noted it seems there could be a scenario where someone loses their unemployment insurance because they chose to do jury duty instead of taking a job
 - Do they get unemployment insurance back after jury duty?
 - Chair McCullough asked what if it was changed to say that you can get unemployment insurance if you took one or more days to go to jury duty?
 - Would the juror fee need to be waived? Or no, since juror compensation is less than what an employer would pay?
 - Sangston didn't think this was a question for OBI, but wanted to know what the unemployment department says about it
 - How many people on unemployment get called for jury duty and how would it change the calculus for what they are or aren't paying out?
 - Chair McCullough noted that the next step is for the Task Force to consult with the unemployment department
- Sample juror leave policies for employers are on California's Judicial Department website
 - López noted that information on OJD's website is often only available in a few languages, and asked how it's accessible to all community members?
 - She noted that for languages outside of the top 10 most common for Oregon, there should be an ability for people to reach out to someone within the department to get copies in other languages
 - Chair McCullough asked Harvis how much of our jury information is online in multiple languages?
 - Harvis replied that anything on the State of Oregon website should have a languages button at the top right to translate any of the pages into Chinese, English, Korean, Russian, Spanish, and Vietnamese, but for PDFs you would have to request them in the needed language
 - General brochures are translated, but OJD doesn't have an employment protections one

- The general juror brochure mostly mentions that employers can't fire or threaten to fire you
 - Chair McCullough suggested looking at what's currently in PDF on OJD's website that's not translated and seeing what we could improve there
- Chair McCullough shared the sample California juror leave policy and procedures for employers that's in the meeting materials
 - California doesn't require employers to pay employees for jury service, but they're trying to encourage it by including it in these sample leave policies
 - Provided with an excused absence and time off with regular day's pay
 - Benefits will remain in effect, and they'll accrue vacation and sick days
 - If they work evenings, arrangements can be made to facilitate
 - Chair McCullough asked what the Task Force members thought of the California sample policy? Is it something we should recommend that OJD or OJD/BOLI develop and make available to employers?
 - Tolbert said the idea makes sense, it takes away some of the responsibility of the employer having to come up with a policy, but we should agree on the details before deciding what we want to go with
 - Representative Andersen thought it's a good idea and would like to see continued work on it
 - Sangston didn't see an issue with it
- Accruing Vacation and Sick Time While Serving on Jury Duty
 - Chair McCullough noted that we may want to consider a statutory requirement that those accruals continue while a person is performing jury service
 - Sangston would want to run it by OBI, but he said they probably wouldn't like a blanket statement about accrual
 - There's a statewide sick leave policy that resets every year, so the smallest employers would have the hardest time keeping track of all the times for the different policies
 - Chair McCullough noted she could see overlapping regulation making it hard for employers to follow

- Tolbert asked if whatever policy the state has for employers/employees while they're at work should apply while they're at jury duty?
 - Chair McCullough noted that could help simplify things but is not as familiar with those statutes and may want to do some additional research on them

Returned to Meeting Minutes

- Chair McCullough noted that Royce Williams, Judge Sinlapsai, and Nansi López had joined the meeting since the roll call at the beginning of the meeting
- Chair McCullough asked if anyone had any changes to the 7/14/26 minutes
 - There were none
- Chair McCullough asked if there were any objections to ratifying the 7/14/26 minutes
 - There were none
- Chair McCullough stated that the 7/14/26 minutes were ratified

Where We Are Going From Here

- 9/1/26 Meeting – Trauma
 - Matti Girardi from the Multnomah County District Attorney's Office will talk about some work they're doing there around secondary trauma support for grand jurors
 - Could help inform some recommendations the Task Force may want to make statewide
 - OJD has done a trauma pilot with the vendor Canopy
 - Free mental health resources and judicial training on vicarious trauma for jurors
 - Harvis will speak on that at the next meeting
 - AB 2357 (California Legislation) Mental Health Pilot Program
 - Chair McCullough will check where that bill is in the process
 - What the federal courts do related to mental health
 - Discuss options of what we may want to recommend for Oregon
- 9/29/26 Meeting – Public Education
 - Look at Oregon's juror orientation video and recommend updates
 - OJD did a public service campaign that was grant funded (one month)
 - Look into what some other states have done and see if there are some recommendations from there

Public Comment

- Received a public comment through the online submission form that was about Oregon's master jury list
 - Concern about people potentially showing up on that list if they are ineligible to serve and that may have some impact on how many folks are eligible to serve and how many people request excusals
 - Concern about some people ending up on juries that are not eligible to serve
 - Harvis noted OJD has not done a systematic evaluation on the source lists
 - NCSC has supported conducting those evaluations in other states
 - Harvis noted that the comment pointed specifically at non-US citizens, but the number of disqualifications we get for that is very small, but people can become citizens, so changes are possible
 - Once OJD gets source lists from the DMV, we have another list from the Oregon Health Authority that removes those who are deceased
 - OJD also utilizes the national change of address lists so we aren't getting people who out of state, out of county, or have undeliverable addresses
- Judge Sinlapasai noted that she used to be a federal immigration attorney and that she has defended people in federal immigration court after they were accidentally sent a jury summons and showed up to court because they were worried about what would happen if they did not show up and were then removed based on their green card status
 - There are federal repercussions for what we don't do or could do to improve our juror lists
 - Even if the numbers are very small, the fear of repercussions or telling someone citizenship status is very high, because of that the numbers Harvis reported may actually be higher than the data shows
 - Judge Sinlapasai suggested partnering with Business Oregon to, in addition to listening sessions, doing a questionnaire for all businesses about how they have educated their employees about their rights or if they have comments to share with the Task Force on things we have not considered that impact businesses
 - Chair McCullough liked that idea and will do some outreach to Business Oregon
 - Chair McCullough asked if, beyond checking the source lists, if there is something we can do to prevent federal repercussions
 - Is there information we could provide that says if you are not a U.S. citizen you do not need to show up for jury service?

- Judge Sinlapasai replied that, in Oregon, there's a USCIS liaison we could reach out to and work with to get a master list of who they have to do a data comparison, then we can say we did a vetting of our list against their list for anyone who lives in Oregon
 - We could also reach out to NGOs and nonprofits for getting conversations out there to the most vulnerable users
 - Harvis clarified that OJD's data only reflects those who respond to the summons and make an excusal request, we can't know how many are erroneously receiving jury summonses if they don't reply
 - Harvis cautioned that people can become a citizen, so we wouldn't want to permanently exclude persons who may later become citizens
- López noted that people have reached out to Centro Cultural before that have received a jury summons and didn't know what to do with it
 - There is hesitation on who they can connect with to keep the information of said persons private, so it's a barrier for the communities that get this information and don't know how to navigate it
 - Public education and connecting with trusted organizations will be a big part of that work
 - Chair McCullough suggested brainstorming with Harvis steps that can be taken to address this and help provide support to the community
- Sangston noted that, for the issue of employees losing insurance due to missing hours because of jury service, he has had some larger employers tell him they don't bother unenrolling employees because the process is complicated; however, they would still be uneasy about unnecessarily adding a requirement on employers
- López asked that when we're bringing in people to talk about trauma/anxiety we should make sure they are also sharing information that's reflective of communities of color and how they see trauma
 - This includes trauma not only as a juror, but as a victim and the treatment they receive from judges and jurors
 - It should be a holistic approach
 - Chair McCullough asked if anyone has suggestions on who to invite for presenting on these topics to let her know
 - The discussion on trauma/anxiety can be expanded to be over multiple meetings if needed

Next Meeting

- Date: September 1, 2026

- Time: 11:30 a.m.-1:00 p.m.
- Via: Webex Webinar

DRAFT