



# County Technical Assistance Service

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## Jury and Court Duty

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Jury and Court Duty

**Reference Number:** CTAS-1007

State law requires that employees be excused from work when they are summoned for jury service. Upon receiving a summons to report for jury duty, an employee must present the summons to the supervisor on the next day he or she works. The employee must be excused from work for the entire day or days the employee is required to serve as a juror, except the employee can be required to return to work on days when the employee is required to serve less than three (3) hours. The employee is entitled to his or her usual compensation, less the amount of fee or compensation received for serving as a juror (or the employer may choose to pay the employee the usual compensation without deducting the juror fee).

The employer is not required to compensate an employee for more time than was actually spent serving and traveling to and from jury duty. These provisions do not apply to any employee who has been employed on a temporary basis less than six (6) months, and special rules apply to night-shift employees. T.C.A. § 22-4-106.

Employees may not be discharged, demoted or suspended for taking time off for jury service when they have given the required notice. T.C.A. § 22-4-106. Federal law also prohibits the discharge of an employee for performing jury service in federal court. 28 U.S.C. § 1875.

Employees also may be subpoenaed to testify in court. Although no state law establishes specific requirements, public policy dictates that employees be given time off in order to comply with a validly issued subpoena to appear in court. Employers are not required to compensate employees for appearing in court as a party or as a witness.

As with all other forms of leave, policies covering these areas must be set out in writing under T.C.A. § 5-23-104.

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