

Minnesota: JURY DUTY

Summary

- All employers in Minnesota must excuse employees from work to serve on a jury.
- Employers are not obligated to compensate employees for the time spent on jury duty.
- An employer may not terminate, threaten or coerce an employee because the employee serves on a jury.

Employers Obligated to Provide Jury Duty Leave

All employers in Minnesota must provide jury duty leave to all employees. An employer may request that employees provide written verification of the days they reported for jury service. +[Minn. Stat. § 593.50](#)

Employees Qualified for the Leave

All employees are eligible for jury duty leave. +[Minn. Stat. § 593.50](#).

An employee may request a one-time postponement of jury service for up to nine months if the period of time on the jury summons presents a hardship due to employment or another reason (e.g., vacation, family business).

Compensation While on Leave

An employer is *not* required to compensate an employee for time spent on jury service. However, employees who belong to labor unions may be covered by their union contract.

While an employer is not required to compensate an employee on jury duty, in deciding compensation issues, an employer must consider the exempt and nonexempt status of employees.

Exempt Employees

An employee who is *exempt* under the Fair Labor Standards Act (and therefore not entitled to overtime) must be paid for the whole week for any workweek in which he or she served as a juror, and also performed any actual work. The employer may offset any amount received by an exempt employee as jury fees for a particular week against the salary due for that week. The employee need not be paid for any workweek during which he or she performs no work; for example, when an employee is on jury duty for an entire workweek.

Nonexempt Employees

The Fair Labor Standards Act does not require employers to pay *nonexempt* employees (typically, hourly workers who are entitled to overtime pay for working more than 40 hours in a workweek) for time spent away from work because of jury duty. Employers may elect to pay such employees, but deduct the amount paid by the court from any compensation paid. This practice is consistent with the philosophy behind the jury duty protection laws, which are intended to encourage individuals to perform their civic duty. However, because it is possible that an employee on jury duty may become involved in a long trial, written company policies should specify that any pay that is granted will be calculated as regular base pay only (no overtime) and will be limited to some finite period. If the employer does not intend to pay employees for lengthy jury service, there must be a written policy in place informing employees of that fact (i.e., an employer's policy may indicate that, after a certain length of time, the employee's jury service will no longer be paid leave). Failure to specify such limitation of payment could result in having to pay the employee for the entire length of his or her service.

Prohibited Actions

An employer may not deprive an employee of employment or terminate, threaten or otherwise coerce an employee because he or she:

- Receives a jury summons;
- Responds to a jury summons;
- Attends court for prospective jury service; or
- Serves as a juror.

An employer that engages in a prohibited act may be held in criminal contempt and:

- Fined up to \$700; and/or
- Jailed for up to six months.

A terminated employee may sue his or her employer for:

- Reinstatement;
- Back wages up to six weeks; and
- Reasonable attorney fees.

+*Minn. Stat. § 593.50.*