



THE EMPLOYERS' GUIDE TO JURY SERVICE



NORTH CAROLINA
JUDICIAL BRANCH

MESSAGE *from the* CHIEF JUSTICE *of the* SUPREME COURT *of* NORTH CAROLINA



On behalf of the North Carolina Judicial Branch, thank you for taking the time to review this brochure that outlines employer responsibilities regarding jury service in North Carolina.

The right to trial by jury is one of the fundamentals of our democracy, and it is guaranteed by the constitutions of the United States and the State of North Carolina. It protects litigants, provides a vital link between the legal system and community values, and presents an opportunity for citizens to actively participate in the administration of justice.

Thousands of citizens from throughout North Carolina serve as jurors in our courts each month. Jury pools are comprised of citizens without regard to race, ethnicity, religion, gender, or economic or employment status. Were it not for the thousands of North Carolinians who perform this important civic duty throughout our great state each month, and the support of their employers, the Judicial Branch could not complete its important mission of upholding the rule of law.

As Chief Justice, I sincerely thank you for your support of the North Carolina Judicial Branch and its mission to administer justice for all.

Sincerely,



Mark Martin

Mark Martin, Chief Justice
Supreme Court of North Carolina

INTRODUCTION

Jury service is at the heart of the American system of justice, where citizens participate directly in the legal process. Indeed, it is part of our democratic tradition. We have settled legal disputes by jury trials for more than 200 years, which means those who serve can be part of a long-standing historical tradition.

REPORTING REQUIREMENTS

Who must report for jury service?

At least every two years, an independent Jury Commission in each county prepares a master jury list of qualified citizens. The Commission uses the list of registered voters and people with driver's license records from each county as sources for their jury list. Names are chosen at random from this master list.

There are, however, several legal qualifications that must be met in order to be a juror:

- You must be a citizen of North Carolina and a current resident of this county.
- You must be at least 18 years old and physically and mentally competent.
- You cannot have been convicted of a felony, or have pleaded guilty or "no contest" to a felony charge. If your citizenship rights have been restored, however, you may serve as a juror.
- You cannot have served as a juror any time during the last two years or served a full term of service as a grand juror during the last six years.
- You must be able to understand the English language.

Can jury service be postponed?

Yes. Jurors may ask to defer their service to a date that is more convenient. Jurors must have a pressing reason why they cannot serve on the date on the summons, e.g., prior vacation plans. Jurors may ask to be excused for a variety of reasons. A juror may request to be excused if they have a disability that would interfere with their service; if they have served as a trial juror within the past two years; if they have served a full term as a grand juror within the past six years; if they are age 72 or older; or if they are otherwise ineligible to serve. If their jury summons does not tell them how to request a deferral, they can call the Clerk of Superior Court's Office in their county.



What happens if a juror does not report for jury service?

A jury summons is an official court summons. Failure to report could mean that the court could hold you in contempt and / or impose a \$50 fine.

How often does a person have to serve as a trial, or petit juror?

Jurors can serve as often as every two years.

How can an employer verify that an employee actually served?

Jury summonses are issued via mail through the United States Postal Service. The summons contains the juror's name, address, and report date and time. Employees can present the summons upon receipt to their employers as proof of the date and time of their call to service. Typically, jurors are provided with some type of documentation once their service is completed. In some instances, they must ask for this documentation, as it may not be automatically provided. You can also contact your local Clerk of Superior Court's Office to verify if your employee served and, if so, the dates and length of their service. Assuming your employee notifies you in advance of their jury service, you should request they provide you with proof of service once it is completed, if desired.

JUROR PAY

How much are jurors paid?

Petit, or trial jurors receive \$12 for the first day of service and \$20 thereafter. If jurors serve more than five days, they will receive \$40 per day. Grand jurors receive \$20 per day. The Clerk of Court will issue jury payment in the form of a check after the jury service concludes. However, G.S. 7A-312(a) provides, in part, that "Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees. Persons summoned as jurors shall be exempt during their period of service from paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site of that service."

Are jurors' transportation costs paid?

No. The court does not provide transportation or pay the cost of transportation for jury service. However, G.S. 7A-312(a) provides, in part, that "Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees. Persons summoned as jurors shall be exempt during their period of

service from paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site of that service.”

EMPLOYERS’ OBLIGATIONS

Must employers allow employees to serve?

§ 9-32. Discharge of juror unlawful.

- (a.) No employer may discharge or demote any employee because the employee has been called for jury duty, or is serving as a grand juror or petit juror.
- (b.) Any employer who violates any provision of this section shall be liable in a civil action for reasonable damages suffered by an employee as a result of the violation, and an employee discharged or demoted in violation of this section shall be entitled to be reinstated to his former position. The burden of proof shall be upon the employee.
- (c.) The statute of limitations for actions under this section shall be one year pursuant to G.S. 1-54. (1987, c. 702, s. 1.)

Must employers pay employees who perform jury service?

There is no requirement that the employer pay the employee for jury duty unless the employer has promised to do so. Jury duty is just like any other wage benefit — the employer has to give it only if the employer has made a promise to do so. “Wage benefits” are benefits such as, but not limited to, vacation pay (including PTO and PDO leave), sick leave, jury duty pay, and holiday pay. If the employer has made such a promise, then the employer must have written policies on all of its promised wage benefits which have to be made available to its employees.

State law does not require private employers to pay employees for absences caused by jury service. Although not required to do so, many private employers pay all employees called to jury service regardless of exempt or nonexempt status. The court pays jurors a small fee, and the private employer may offset any amounts received by an employee for a particular week against the salary due for that particular week. However, special rules apply to exempt employees. Under federal law, employers typically cannot deduct an exempt, salaried employee’s pay for time spent serving on a jury, unless the employee did no work for the entire week.



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