



DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF STATE HUMAN RESOURCE MANAGEMENT
POLICY GUIDELINE

STATE PERSONNEL SYSTEM

SUBJECT:

Jury Duty Payments and Administrative Leave

POLICY GUIDELINE: HRM #2022-004

EFFECTIVE DATE: July 5, 2022

SUPERSEDES: Rule Interpretation 60L-34-2010-#002: Accepting Payment for Jury Duty Services

STATUTES/RULES/REGULATIONS/LAWS:

Section 40.24, Florida Statutes (F.S.), Compensation and reimbursement policy

Section 110.219, F.S., Attendance and leave; general policies

Rule 60L-34.0071, Florida Administrative Code (F.A.C.), Administrative Leave

FORMS: N/A

ADDITIONAL REFERENCE MATERIALS: N/A

QUESTION AND ANSWER:

Question 1:

Under what circumstances are employees allowed to accept payment for performing jury duty services in addition to receiving administrative leave with pay?

Answer:

Various factors affect whether an employee may keep the fees paid by the court. The State law that controls the fee for individuals who are compensated by the employer while serving on a jury applies only to jury duty in Florida courts. Naturally, an Other Personal Services (OPS) employee is eligible for payment of the fee from the first day of jury duty service since the State Personnel System (SPS) does not grant administrative leave to OPS employees. However, in accordance with this law, a salaried employee may keep fees beginning on the fourth day of service, even though the employee is still eligible for administrative leave.

In contrast, federal courts do not have a similar provision regarding juror compensation for jurors who are regularly employed so the SPS cannot require the employee to pay back or offset any part of the fees that the federal government may have paid.

Question 2:

If an employee's jury duty does not coincide with the employee's regular work schedule, is the employee allowed to use this administrative leave on the shift immediately prior to or after the jury duty?

Answer:

In accordance with Rule 60L-34.0071(3)(a), F.A.C., "the employee shall be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in the employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court." The rule authorizes the use of this administrative leave when it coincides with an employee's normal workday or on the next scheduled work shift but does not authorize it for the shift immediately prior to jury duty. Additionally, using administrative leave prior to jury duty could be problematic due to the following factors: the number of administrative leave hours are unknown in advance of the jury duty, the jury duty could be cancelled, or the employee might be unable to comply with the jury summons due to an emergency situation, transportation problems, etc.

APPLICABLE STATUTORY AND RULE CITATIONS:

Section 40.24, F.S., Compensation and reimbursement policy

(3)(a) Jurors who are regularly employed and who continue to receive regular wages while serving as a juror are not entitled to receive compensation from the clerk of the circuit court for the first 3 days of juror service.

(b) Jurors who are not regularly employed or who do not continue to receive regular wages while serving as a juror are entitled to receive \$15 per day for the first 3 days of juror service.

(4) Each juror who serves more than 3 days is entitled to be paid by the clerk of the circuit court for the fourth day of service and each day thereafter at the rate of \$30 per day of service.

(5) Jurors are not entitled to additional reimbursement by the clerk of the circuit court for travel or other out-of-pocket expenses.

Section 110.219, F.S., Attendance and leave; general policies

(5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules must be approved by the Administration Commission prior to their adoption. Such rules must provide for, but need not be limited to:

(k) Administrative leave provisions.

Rule 60L-34.0071, F.A.C, Administrative Leave

(3) An agency shall comply with the following provisions when granting administrative leave for the reasons described.

(a) Jury Duty:

An employee who is summoned as a member of a jury panel shall be granted administrative leave with pay for hours required for such duty not to exceed the number of hours in the employee's normal workday; however, if the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court. If the employee's court attendance does not coincide with the employee's regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in the employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court. Jury fees shall be retained by the employee.

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