

SENATE, No. 219

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Requires certain employers with State contracts to pay their employees their usual compensation for each day of jury service.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning jury service and amending N.J.S.2B:20-17.

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3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

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6 1. N.J.S.2B:20-17 is amended to read as follows:

7 2B:20-17. Employment protection.

8 a. (1) An employer shall not penalize an employee with respect
9 to employment, or threaten or otherwise coerce an employee with
10 respect to that employment, because the employee is required to
11 attend court for jury service.

12 (2) An employer, who has a State contract, shall pay an
13 employee his usual compensation for each day he is present for jury
14 service, less the amount of per diem fee for each day of jury service
15 as shown on a statement issued to the juror by the sheriff or other
16 court officer making payment of juror fees.

17 As used in this section:

18 (a) "Employee" means a person who is employed for at least
19 12 months by an employer for not less than 1,000 base hours during
20 the immediately preceding 12-month period prior to jury service.

21 (b) "Employer" means a person or corporation, partnership,
22 individual proprietorship, joint venture, firm or company or other
23 similar legal entity who as a State contract and employs an average
24 of at least 50 employees for 20 or more weeks.

25 (c) "State contract" means any purchase, contract or agreement
26 the cost or contract price of which is to be paid, in whole or in part,
27 with or out of State funds.

28 (d) "State" means any of the principal departments in the
29 Executive Branch of State government, and any division, board,
30 bureau, office, commission or other instrumentality within or
31 created by such department and any independent State authority,
32 commission, instrumentality or agency.

33 b. An employer who violates subsection a. of this section is
34 guilty of a disorderly persons offense.

35 c. If an employer penalizes an employee in violation of
36 subsection a. of this section, the employee may bring a civil action
37 for economic damages suffered as a result of the violation and for
38 an order requiring the reinstatement of the employee. The action
39 shall be commenced within 90 days from the date of the violation or
40 the completion of jury service, whichever is later. If the employee
41 prevails, the employee shall be entitled to a reasonable attorney's
42 fee fixed by the court.

43 (cf: P.L.1995, c.44, s.1)

44

45 2. This act shall take effect six months after enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S219 DIEGNAN

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STATEMENT

This bill would enhance the current law which provides employment protection for jury service.

Currently, N.J.S.2B:20-17 prohibits an employer from penalizing an employee who is called for jury service. This bill would require an employer, who contracts with the State to continue to pay his employee his usual compensation for each day of jury service, less the amount of per diem fee for each day of jury service.

The bill defines “State contract” as any purchase, contract or agreement the cost or contract price of which is to be paid, in whole or in part, with or out of State funds. The bill would apply to employers who have a State contract and have at least 50 employees for 20 or more weeks. Under the bill, an employee means a person who is employed for at least 12 months by an employer for not less than 1,000 base hours during the immediately preceding 12-month period prior to jury service.