WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
Committee Substitute for
HOUSE BILL No. 760

(By Mr. Hendricks)

Passed February 13, 1980
In Effect Ninety Days From Passage
AN ACT to amend chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three; and to further amend article five, chapter sixty-one of said code, by adding thereto a new section, designated section twenty-five-a, relating to discriminating against an employee summoned for jury duty; creating a civil cause of action for such discrimination; making it unlawful to discriminate against an employee summoned for jury duty; and providing criminal penalties for unlawful discrimination.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three; and that article five, chapter sixty-one of said code be amended by adding thereto a new section, designated section twenty-five-a, all to read as follows:
CHAPTER 52. JURIES.

ARTICLE 3. DISCRIMINATION FOR JURY SERVICE.

§52-3-1. Right of action for discrimination against employee summoned for jury duty.

(a) Any person who, as an employee, is discriminated against by his employer because such employee received, or was served with a summons for jury duty, or was absent from work to respond to a summons for jury duty or to serve on any jury in any court of this state, the United States or any state of the United States, shall have an action against his employer in the circuit court of the county where the jury summons originated or where the discrimination occurred. If the circuit court finds that an employer terminated or threatened to terminate from employment, or decreased the regular compensation of employment of an employee for time the employee was not actually away from his employment because the employee served as a juror, the court may order the employer to cease and desist from this unlawful practice and order affirmative relief, including, but not limited to, reinstatement of the employee with or without back pay, and reasonable attorney's fees as may be determined by the court, as will effectuate the purposes of this section.

(b) Nothing in this section shall be construed to require an employer to pay an employee any wages or other compensation for the time the employee is actually away from his employment for jury services or to respond to a jury summons.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-25a. Discrimination against employee summoned for jury duty; penalty.

It is unlawful for any person to terminate or threaten to terminate from employment, or decrease the regular compensation of employment of an employee for time the employee was not actually away from his employment because he received, or was served with a summons for jury duty, or was absent from work to respond to a summons for jury duty or to
serve on any jury in any court of this state, the United States
or any state of the United States.

Any person violating the provisions of this section shall
be guilty of a misdemeanor, and, upon conviction, shall be
fined not less than one hundred dollars nor more than one
thousand dollars, or imprisoned in the county jail not more
than sixty days, or both fined and imprisoned.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Wells
Clerk of the Senate

A. C. Blankenship
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______ , 1980.

Governor

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