

APPROVED AND SIGNED BY THE GOVERNOR

Date 2-19-80

Time 9:30 A.M.

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



No: 760

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 760

(By MR. HENDRICKS)

(Originating in the House Committee on the Judiciary)

[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.

1 (a) Any person who, as an employee, is discriminated
2 against by his employer because such employee received, or
3 was served with a summons for jury duty, or was absent from
4 work to respond to a summons for jury duty or to serve on
5 any jury in any court of this state, the United States or any
6 state of the United States, shall have an action against his
7 employer in the circuit court of the county where the jury
8 summons originated or where the discrimination occurred. If
9 the circuit court finds that an employer terminated or threat-
10 ened to terminate from employment, or decreased the regular
11 compensation of employment of an employee for time the em-
12 ployee was not actually away from his employment because
13 the employee served as a juror, the court may order the
14 employer to cease and desist from this unlawful practice and
15 order affirmative relief, including, but not limited to, rein-
16 statement of the employee with or without back pay, and
17 reasonable attorney's fees as may be determined by the court,
18 as will effectuate the purposes of this section.

19 (b) Nothing in this section shall be construed to require
20 an employer to pay an employee any wages or other compen-
21 sation for the time the employee is actually away from his
22 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.

1 It is unlawful for any person to terminate or threaten to
2 terminate from employment, or decrease the regular compensa-
3 tion of employment of an employee for time the employee was
4 not actually away from his employment because an employee
5 received, or was served with a summons for jury duty, or was
6 absent from work to respond to a summons for jury duty or to

7 serve on any jury in any court of this state, the United States
8 or any state of the United States.

9 Any person violating the provisions of this section shall
10 be guilty of a misdemeanor, and, upon conviction, shall be
11 fined not less than one hundred dollars nor more than one
12 thousand dollars, or imprisoned in the county jail not more
13 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

Queen C. Johnston
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Heltis
Clerk of the Senate

W. A. Blawie
Clerk of the House of Delegates

H. C. Brotherton
President of the Senate

Chas. N. Lee
Speaker House of Delegates

The within *is approved* this the *19*
day of *Feb.*, 1980.

John D. Poyne
Governor

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