

House Bill 1457

By: Representatives Frye of the 118<sup>th</sup>, Evans of the 57<sup>th</sup>, Alexander of the 66<sup>th</sup>, McLaurin of the 51<sup>st</sup>, Lim of the 99<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial  
2 relations, so as to provide for employees to maintain the same pay and benefits of  
3 employment when their attendance is required for jury duty or for other judicial proceeding;  
4 to prohibit employers from requiring employees to take paid or unpaid leave for such  
5 attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,  
9 is amended by revising Code Section 34-1-3, relating to discrimination against employee for  
10 attending a judicial proceeding in response to a court order or process and exception to  
11 applicability of Code section, as follows:

12 "34-1-3.

13 (a) It shall be unlawful for any employer or the agent of such employer ~~to discharge in~~  
14 response to a subpoena, summons for jury duty, or other court order or process which  
15 requires the attendance of the employee at the judicial proceeding to:

(1) ~~Discharge, discipline, or otherwise penalize an employee because the employee is absent from his or her employment for the purpose of attending a such judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee at the judicial proceeding. It shall be unlawful for any employer or the agent of such employer to;~~

(2) Deny or reduce pay to the employee for time spent attending such judicial proceeding;

(3) Require the employee to use paid or unpaid vacation leave, personal leave, sick leave, or other types of leave to attend such judicial proceeding;

(4) Reduce or eliminate any benefits provided to the employee prior to the receipt of a subpoena, summons for jury duty, or other court order or process which requires attendance at the judicial proceeding, including, but not limited to, the payment or reimbursement of tuition and the provision of paid or unpaid vacation leave, personal leave, sick leave, or other types of leave; or

(5) Threaten ~~threaten~~ to take or communicate an intention of taking any action declared to be unlawful by this subsection.

(b) Any employer or agent of such employer who violates subsection (a) of this Code section shall be liable to the injured employee for all actual damages thereby suffered by the employee and for reasonable attorney's fees incurred by the employee in asserting a successful claim under this Code section.

(c) This Code section shall not apply to an employee who is charged with a crime, nor shall it prohibit an employer from requiring an employee to abide by regulations requiring reasonable notification to an employer of the employee's expected absence or delay in reporting to work in order to attend a judicial proceeding."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.