

FLSA-961

May 7, 1979

This is in reply to your letter of April 16, 1979, with which you enclosed correspondence from *** concerning the threat by his wife's employer to refuse to pay her wages while she is on jury duty.

We have considered your constituent's comments under the provisions of the Fair Labor Standards Act, the Federal law of most general application concerning wages and hours of work. The major highlights of this law are contained in the enclosed "Handy Reference Guide" which you may wish to send to .

While this law provides many beneficial labor standards, there is no provision in the Act which would require an employer to pay an employee for time spent on jury duty. This law only requires that an employer pay a covered and nonexempt employee the appropriate minimum wage and overtime pay for hours that are worked. Any payment of wages for hours that are not worked, such as jury duty, is a matter for agreement between the employer and the employees or their authorized representatives. Therefore, we regret that we are unable to assist *** in this situation.

However, you may wish to suggest that your constituent contact the Department of Industrial Relations for the State of California at State Building Annex, 455 Golden Gate Avenue, San Francisco, California 94302 (Telephone: (415) 537-3356) to determine if a state law may be applicable in this situation.

Sincerely,

Xavier M. Vela
Administrator