

JURORS COLLECTING UNEMPLOYMENT

Submitted by Deborah Preston – Marin County

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I've received a number of phone calls from prospective jurors who are collecting unemployment and I'll probably receive a lot more. Their questions are as follows:

Do I have to claim the \$15 per day as income?

On the claim form, there's a question that asks, "is there any day you were not available for full-time work?" If I am summoned for that day, how should I answer?

1	Sherry Spears	Fresno - I think the first \$100.00 doesn't affect their claim but fearing that I might give them wrong or outdated information I always direct them back to the unemployment office with their questions. Would like to know what others do.
2	Keri Shane	<p>Eldorado - I found this on the EDD site. I also tried to get through but it disconnect due to large volume of calls. I'm not sure I fully understand how they are to report based on this, but I wanted to share it.</p> <p>Total and Partial Unemployment TPU 370.1</p> <p>Jury Duty or Appearance as Witness</p> <p style="padding-left: 40px;">A. Jury Duty or Appearance as Witness</p> <p style="padding-left: 40px;">Section 1279 provides, in part, that: "For the purpose of this section only 'wages' includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness . . ."</p> <p style="padding-left: 40px;">Accordingly, compensation for services performed as a juror, or a witness constitute wages under Section 1279. Therefore, if a claimant serves as a witness or juror and receives fees that are XE, the claimant is ineligible under Section 1279.</p> <p style="padding-left: 40px;">By the same token, if such a claimant is in receipt of fees which are not XE, the claimant may be paid reduced benefits under Section 1279.</p> <p style="padding-left: 40px;">This would be true even where a claimant spends the full week as a witness or juror but receives fees which are not XE. This is because Section 1252(a)(4) provides that an individual is "unemployed" in:</p> <p style="padding-left: 40px;">"Any week during which he or she performs full-time work for five days as a juror, or as a witness under subpoena.</p>
3	Elizabeth Renteria	In Contra Costa we advise jurors to check with their unemployment department as to whether they will collect or waive juror fees.

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4	Diana Gifford-Tuggle	We let them know it is their responsibility to contact EDD for "legal advice". I have found that if they are paid the daily fee, it is reportable income and must be disclosed.
5	Kristen Greenway - AOC	<p>Based on an inquiry earlier in the year on this issue, I did a quick search to see what I could find. The information I found is provided below. I also included two helpful responses that have been posted from past inquiries.</p> <p>The section referenced immediately below provides the code related to jury service and unemployment benefits – It is section 1253.6 of the CA Unemployment Insurance Code (see (1) below). The second link is information related to the reporting of jury fees (see (2) below).</p>

		<p>As stated in many of the responses so far, it is important for the claimant to contact EDD themselves.</p>
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(1) Jury Duty and Unemployment Benefits:

http://www.edd.ca.gov/UIBDG/Able_and_Available_AA_360.htm