

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 - 14

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March 22, 1994

RE: May state employee accept compensation for jury duty service?

DECISION: Yes

This opinion is in response to your February 17, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 22, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are a state employee who recently received compensation for jury duty service. Upon finding no statute addressing whether or not you could accept such compensation, you contacted the General Counsel of the Department of Personnel who confirmed the absence of any such law. You are requesting an opinion on whether compensation for jury duty service may be accepted by state employees.

The Commonwealth of Kentucky *Employee Handbook* provides the following guidance concerning court leave:

All employees of Kentucky state government receive paid leave time whenever they must serve as jurors or comply with a court subpoena. Court leave is not granted though if you are the party bringing the court action (i.e., party plaintiff). If you initiate the case, you must use annual or compensatory leave.

The time you must spend during working hours traveling to court is also included in paid court leave. But if you are dismissed from jury duty or from serving as a witness, you must return directly to your job.

Be sure to show a copy of any court summons to your supervisor before taking court leave. Otherwise, your absence will not be properly authorized.

Additionally, KRS 11A.040(5) provides:

(5) No public servant shall knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

The Commission believes jury service is not a part of an employee's official duty, and thus, this provision does not prohibit the acceptance of compensation for jury duty in addition to paid leave time.