



COMPTROLLER GENERAL OF THE UNITED STATES
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August 29, 1973

Major R. T. O'Brien
Finance and Accounting Officer
Defense Contract Administration Services
Region, Cleveland ~~Accountancy~~
Defense Supply Agency ~~DL305711~~
Federal Office Building
1240 East Ninth Street
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Dear Major O'Brien:

Your letter of June 26, 1973, DCRO-PA, concerned jury fees received by Mr. Kenneth A. De Laat during the period from May 14 through May 25, 1973, while he served on the petit jury in the Court of Common Pleas in Cleveland, Ohio.

On most days during Mr. De Laat's period of jury service he worked from 8 a.m. to 12 noon at his regular duties and performed jury duties from 1 p.m. to 6:30 p.m. In those circumstances you pose the following questions:

"Should Mr. De Laat:

- "(a) be required to turn in all fees?
- "(b) be allowed to keep a pro-rated share of fee (if so, how should the computation be pro-rated)?
- "(c) be allowed to keep all fees for those days in which he served beyond normal duty hours?"

Federal Personnel Manual Supplement 990-2, Book 630, paragraph 810-2.2(1) contains instructions concerning the disposition of jury fees received by Federal employees from State and local courts. These instructions are based on decisions of this Office and provide as follows:

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" * * * If an employee is absent from his regularly scheduled duties to serve as a juror in a State or local court, he should be instructed to collect all fees and allowances payable as a result of the jury service (43 Comp. Gen. 672). The employee must forward the fees collected to the accounting office of his primary organization unit; otherwise, payroll deduction will be made from compensation due him (20 Comp. Gen. 279, 280; Cf. 36 id. 591). The agency shall apply the jury fees received by the employee against, but not to exceed, the amount that would otherwise be due him for the period of his absence on jury duty (29 Comp. Gen. 302; 20 id. 209). The employee is permitted to keep any excess of the jury fee over the amount of compensation due him (29 Comp. Gen. 302)."

The example given in 29 Comp. Gen. 302 (1950), was of a GS-1 employee who received compensation at the rate of \$1.06 per hour. In that decision it is stated that if such an employee is absent from regular work for 3 hours, due to jury duty in a State court, and received \$5 in jury fees then \$1.52 is retained by the employee. The formula is to multiply the hours lost to the Government (3) by the hourly rate of pay (\$1.06) and subtract this from the fees received for jury duty. The excess, if any, is retained by the employee.

From this example, it is apparent that the jury fee is not prorated over working and nonworking hours but the entire amount of daily jury fees is used to offset the hours lost to Government service. See also 43 Comp. Gen. 434 (1963) where the general rule is restated. The statute under which the cited decisions were rendered is now incorporated in title 5, United States Code, sections 5515 and 6322.

Accordingly, and since it is apparent that the \$5 jury fee would not equal Mr. De Leat's pay for the periods he was absent from his job, he must turn over all fees paid for jury duty.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States