

ALABAMA

EMPLOYMENT LAW

Employee Leave Laws—Overview



Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws, such as the Family and Medical Leave Act (FMLA), require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Alabama has employee leave laws regarding:

- Jury duty leave;
- Military leave; and
- Voting leave.

This Employment Law Summary includes a chart that provides a high-level overview of Alabama’s employee leave laws and suggests compliance steps for employers.

STATE RESOURCES

Alabama Department of Labor

<https://www.labor.alabama.gov/>

OVERVIEW OF EMPLOYEE LEAVE LAWS

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	<p>Employers must provide employees summoned for jury duty with paid time off in order to serve as jurors. Employees are required to provide their employers with their jury summons the next working day after the employees receive them.</p> <p>An employer may not require an employee to use annual, vacation, unpaid leave, or sick leave for time spent serving as a juror. The employer may be able to deduct wages the employee received for serving as a juror from the employee’s compensation.</p> <p>An employer may not discharge or subject an employee to any adverse employment action due to serving as a juror, provided the employee returns to work following dismissal from jury duty.</p>
Military Leave	<p>In addition to the federal law USERRA, Alabama law provides military members with paid leave for days they are engaged in the field, coast defense or other training or service ordered under federal laws governing the U.S. Reserves. An employer is required to pay no more than 168 hours per calendar year to an employee called into active state service. Upon return from leave, the employee may not suffer loss of time, efficiency rating, annual leave or sick leave.</p>

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Voting Leave	Employees who are registered to vote must be permitted to take necessary time off from work, up to one hour , to vote in any municipal, county, state or federal primary or general election. Employees must provide reasonable notice to their employers if they require time off to vote. The employer may specify the hours of leave. However, if an employee’s work schedule begins at least two hours after the polls open, or ends at least one hour prior to the polls closing, the employee is not eligible for voting leave.
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SPECIAL NOTE: Alabama law requires private employers to pay employees for military leave. However, the Supreme Court of Alabama has held that the statute violates the Alabama Constitution (*White v. Associated Industries of Alabama*).

Please note that the information in the above chart focuses on statewide laws. Employers must be aware that numerous local ordinances have been enacted across the country mandating employers to provide employees with paid sick leave. An employer located in a city or county with a local paid sick leave law must generally comply with the local ordinance and statewide law, if applicable.

COMPLIANCE STEPS

It is important for Alabama employers to understand when their employees are entitled to take time off from work, and the legal protections associated with these leaves. Employers that violate federal or state leave law requirements may be subject to government investigations, fines, employee lawsuits, and significant penalties, fees, and damage awards.

To minimize these risks, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review, employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and receive ongoing training;
- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.