

EMPLOYMENT LAW SUMMARY

Alabama 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, Alabama employers must follow state laws that require employee leave in certain circumstances.

(Employers must also provide leave required by federal laws—not addressed here—such as the Family and Medical Leave Act.)

Alabama has employment laws regarding:

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

The chart below provides a high-level overview of state leave laws for workers in Alabama.

Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	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. 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. 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.
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.
Adoption Leave	The Alabama Adoption Promotion Act requires employers that provide paid leave for the birth and care of employees' biological children to provide equivalent paid leave or two weeks' paid leave (whichever is less) for the care of children placed with employees for adoption, during the first year after placement. Leave may be taken intermittently if the employer and employee agree. When two adoptive parents of the same child work for one employer, the employer is required to provide the leave to only one of the parents. Covered employers are also required by the law to provide eligible employees with 12 weeks of unpaid family leave for the birth and care of a child born to or placed for adoption with an employee during the first year after the child's birth or placement. This leave runs concurrently with FMLA leave. Requests for additional family leave due to the adoption of an ill or disabled child must be considered on the same basis as cases of complication accompanying the birth of a child to an employee. However, employers are not required to provide leave beyond the employee's FMLA entitlement.

**TYPE
OF
LEAVE**

REQUIREMENTS

Military
Leave

Alabama law provides military members (including members of the Civil Air Patrol and the National Disaster Medical System) 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. Active members of any state National Guard employed in Alabama are covered by the federal Servicemembers Civil Relief Act (SCRA) and the federal Uniformed Services Employment and Reemployment Rights Act in time of war, armed conflict, or emergency proclaimed by the governor or by the U.S. President if the members are called or ordered to state active duty or federally funded duty for other than training. These active National Guard members are eligible for military differential pay and restoration of annual or sick leave if they are on active duty for 30 or more consecutive days.

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. Local ordinances have also been enacted across the country mandating employee leave for different purposes. 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.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Alabama.

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