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STATE OF ALABAMA

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90-00229

Honorable Robert L. Hodges
Circuit Judge
Jackson County Courthouse
Scottsboro, AL 35768

Courts - Jurors - Compensation
- Employees, Employers,
Employment

1. "Full-time employee" as used in Code of Alabama 1975, § 12-16-8 (compensating employees while on jury service) includes employees paid hourly wages as well as salaried employees.
2. A Georgia corporation which employs a resident of Alabama at a Tennessee work site is not bound by the Alabama law requiring payment of the individual's usual compensation when the individual is serving as a juror in Alabama.

Dear Judge Hodges:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION 1

Does "full-time employee" under Section 12-16-8, Code of Alabama 1975, mean only salaried employees?

FACTS AND ANALYSIS

Code of Alabama 1975, § 12-16-8 concerns the compensating of individuals by their employers while the individuals are on jury service. Section 12-16-8 states in pertinent part:

"(a) Upon receiving a summons to report for jury duty, any employee shall on the next day he is engaged in his employment exhibit the summons to his immediate superior, and the employee shall thereupon be excused from his employment for the day or days required of him in serving as a juror in any court created by the constitutions of the United States or of the state of Alabama or the laws of the United States or of the state of Alabama.

"(b) Notwithstanding the excused absence provided in subsection (a) of this section, any full-time employee shall be entitled to his usual compensation received from such employment less the fee or compensation he received for serving as such juror."

An opinion of the Attorney General to Honorable John B. Green, Circuit Clerk of Blount County, dated June 30, 1986, considered the usual compensation under § 12-16-8 for an employee, who is not a salaried employee but who works on an hourly basis. It was concluded that such full-time employee who serves on jury duty is entitled to his hourly wages based on his normal work day.

CONCLUSION

"Full-time employee" as used in Code of Alabama 1975, § 12-16-8 (compensating employees while on jury service) includes employees paid hourly wages as well as salaried employees.

QUESTION 2

Is a Georgia corporation which employs an Alabama resident at a Tennessee work site bound by the Alabama statute requiring

payment of an individual's usual compensation during the time the individual is serving as a juror?

FACTS AND ANALYSIS

The authority of the State of Alabama and its laws ends at the state line. Minder v. Georgia, 183 U.S. 559, 46 L.Ed. 328, 22 S.Ct. 224 (1901). Therefore, in this case, the law of Alabama regarding the payment of the compensation of individuals while on jury service, cannot be enforced at the Tennessee work site of a Georgia corporation with regard to an employee who resides in Alabama and serves on a jury in Alabama.

CONCLUSION

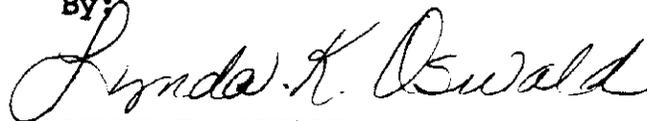
A Georgia corporation which employs a resident of Alabama at a Tennessee work site is not bound by the Alabama law requiring payment of the individual's usual compensation when the individual is serving as a juror in Alabama.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General

By:



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