

# OFFICE OF THE ATTORNEY GENERAL

92-00112



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Honorable Inge P. Johnson  
Presiding Circuit Judge  
Colbert County Courthouse  
Tuscumbia, AL 35674

Jurors - Compensation - Courts  
- Expenses

In considering Code of Alabama 1975, § 12-16-8, a second-or third-shift employee, who has served on a jury for six to eight hours of a day and is expected to serve as a juror the next day, would not be required to report to work on his next shift.

Dear Judge Johnson:

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

## QUESTION

Regarding Code of Alabama 1975, § 12-16-8, is a second-or third-shift employee who serves as a juror required to work the second or third shift after having been required to serve as a juror for six to eight hours during the day and must return for jury service the next day?

## FACTS AND ANALYSIS

Code of Alabama 1975, § 12-16-8 states in pertinent part regarding the excusing of employees for jury service:

"(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."

Section 12-16-8.1(a) provides:

"No employer in this state may discharge any employee solely because he serves on any jury empanelled under any state or federal statute; provided, however, that the employee reports for work on his next regularly scheduled hour after being dismissed from any jury."

As stated in the opinion of the Attorney General to Honorable John B. Green, Circuit Clerk of Blount County, dated April 14, 1982, a reasonable interpretation should be given to § 12-16-8. Furthermore, the Alabama Supreme Court has stated that in interpreting a statute, such as § 12-16-8, great weight should be given to a workable, fair and practical construction. Ex parte Hayes, 405 So.2d 366 (Ala. 1981); State v. AAA Motor Lines, 275 Ala. 405, 155 So.2d 509 (1963).

Section 12-16-8 appears to clearly require that a person called for jury service be excused from work for the day or days during which jury service is required. In other words, as long as jury service continues, his primary responsibility is to that service and he must be excused from work to perform that service. It would be impossible for an employee to serve on a jury for eight hours and appear at his job during those same eight hours. It is just as difficult for a juror to give adequate attention to jury service if he comes off of an eight-hour work shift to serve. Therefore, it appears that the statute contemplates that a citizen who is called to serve as a juror is required to be excused from work for the entire 24-hour day. However, under Section 12-16-8.1, when the term of jury service is over and the juror is dismissed from service, he must return to work at the next shift.

CONCLUSION

In considering Code of Alabama 1975, § 12-16-8, a second-or third-shift employee, who has served on a jury for six to eight hours of a day and is expected to serve as a juror the next day, would not be required to report to work on his next shift.

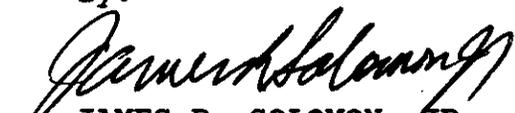
It is our understanding that there is presently a State Jury Standards Committee studying this issue. Hopefully that committee will make recommendations to clarify this matter by statute.

Any employee in this situation should contact his employer and inform his employer as to the correct interpretation of the law. He should also inform the judge who is presiding over the trial in which he is a juror.

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

Sincerely,

JIMMY EVANS  
Attorney General  
By:



JAMES R. SOLOMON, JR.  
Assistant Attorney General

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