

# OFFICE OF THE ATTORNEY GENERAL



80-00269

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March 19, 1980

Honorable H. Randall Thomas  
Circuit Judge  
Fifteenth Judicial Circuit  
County Courthouse  
Montgomery, Alabama 36104

Courts - Jury Duty - Salaries

Any full-time employee is entitled to his usual compensation during his term of jury service, pursuant to Code of Alabama 1975, Section 12-16-8(b).

Opinion by Assistant Attorney  
General Breland

Dear Judge Thomas:

This is in response to your letter of February 20, 1980, in which you request an answer to the question of whether an employer is required to pay an employee's regular salary during that employee's term of jury service.

In answer to your question, Section 12-16-8(b), Code of Alabama 1975, specifically answers this question. It states as follows:

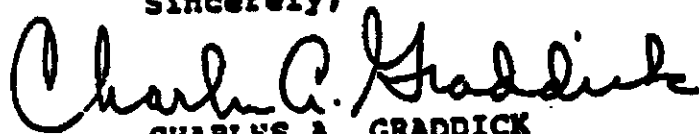
"(b) Notwithstanding the excused absence provided in subsection (a) of this section, any full-time employee shall be entitled to his usual compensation received from such employment less the fee or compensation he received for serving as such juror."

Honorable W. Randall Thomas  
Page Two

Please note that the above section has been modified, as explained in a prior opinion of February 23, 1979, to Honorable Robert Albright, to the extent that the \$10.00 per day received by a juror for his service is considered an expense allowance rather than a fee, and as such is not deductible from the employee's salary.

I believe that this section answers your question sufficiently.

Sincerely,



CHARLES A. GRADDICK  
Attorney General