

# OFFICE OF THE ATTORNEY GENERAL



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ATTORNEY GENERAL  
STATE OF ALABAMA

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Honorable Doug Ghee  
State Senator  
P.O. Box 848  
Anniston, AL 36202

Jury Duty - Jurors -  
Compensation - Firefighters

Pursuant to Code of Alabama 1975, § 12-16-8 and § 12-16-8.1, an employee who works a 24-hour shift, who has served as a juror during the day and is expected to serve as a juror the next day, would not be required to report to work for the remainder of the 24-hour shift.

Dear Senator Ghee:

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

## QUESTION

If a firefighter (who is currently working the normal shifts of 24 hours on duty and 48 hours off duty) is called to report for jury duty, is the firefighter required to return to his shift after his duties as a juror have ended for the day? For example, if the firefighter does get placed on a jury and basically is involved with the duties for most of the day (until 5:00 p.m.), is that firefighter then

required to report to work to finish the rest of his 24-hour shift?

FACTS AND ANALYSIS

Employees are excused from their employment for jury service pursuant to Code of Alabama 1975, § 12-16-8 and § 12-16-8.1. Section 12-16-8 provides 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."

Section 12-16-8.1 states:

"(a) 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."

This office has previously held that an employee working the second or third shift 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. Opinion to Honorable William C. Gullahorn, Jr., Circuit Judge, Twenty Seventh Judicial Circuit, dated October 11, 1994, A.G. No. 95-00007; and to Honorable Inge P. Johnson, Circuit Judge, dated January 16, 1992, A.G. No. 92-00112. In the opinion to Judge Inge we stated:

"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." (Emphasis in original.)

Applying the above opinions to the facts in this case, if the employee serves as a juror on a day in which he is scheduled to work a 24-hour shift and the employee is expected to serve as a juror the next day, the employee would not be required to report to work for the remainder of the 24-hour shift. If the employee is not required to serve as a juror the next day, the employee must return to work at the next scheduled hour. Thus, if the employee is dismissed from jury service, the employee is required to report for work to complete the remainder of the 24-hour shift.

#### CONCLUSION

Pursuant to Code of Alabama 1975, § 12-16-8 and § 12-16-8.1, an employee who works a 24-hour shift, who has served as a juror during the day and is expected to serve as a juror the next day, would not be required to report to work for the remainder of the 24-hour shift.

Honorable Doug Ghee  
Page 4

I hope this sufficiently answers your question. If our office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR  
Attorney General

By:



JAMES R. SOLOMON, JR.  
Chief, Opinions Division

BP/BFS