

## ALABAMA — State Laws by Topic

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### ➤ AGE ◀

Under the Alabama Age Discrimination Law, employers are prohibited from discriminating against an individual 40 years of age or over in hiring, job retention, compensation, or other terms and conditions of employment. The law defines an employer as any individual who employs 20 or more employees for each working day in each of 20 or more calendar weeks including the current or preceding year.

### ➤ AIDS ◀

*Testing:* Informed voluntary consent must be obtained before an individual is tested for HIV.

### ➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer's collection and use of arrest or conviction records.

### ➤ BREAKS ◀

No provision.

### ➤ BREAST-FEEDING ◀

A woman may breast-feed her child in any location, public or private, where she is authorized to be present.

### ➤ CHILD LABOR ◀

Click on the following link <https://labor.alabama.gov/> to access Alabama's Department of Labor home page, which contains a link to information about the state's child labor law.

### ➤ CHILD SUPPORT ◀

Employers served with a child support order must begin withholding immediately. Amounts are remitted within seven business days of payday. Notify the collection agency promptly if employee-obligor terminates employment.

Employers will be personally liable for amounts that should have been withheld if they pay employees in a manner intending to protect their wages from income withholding orders.

➤ COURT ATTENDANCE ◀

See jury duty.

➤ DISABILITIES ◀

While Alabama has no general provision that requires private employers to hire individuals with disabilities, state law prohibits discrimination in public employment.

➤ DRUG TESTING ◀

Alabama does not have a general drug testing law, but it does have a drug-free workplace law. Under this law, all employees and applicants must be informed — one time only, prior to testing — of an employer's policy of testing for substance abuse. In addition, all employees must be given a written policy statement that contains the following.

1. A statement of the company's substance abuse policy.
2. A reference to Alabama's drug-free workplace law.
3. A confidentiality statement.
4. The consequences of refusing to submit to a drug test.
5. A statement advising of the company's employee assistance program or other assistance resources.
6. An explanation of the right to contest or explain a positive test result within five working days after written notification of the positive test result is received.
7. A statement explaining the provisions of the federal Drug-Free Workplace Act, if applicable.

**Note:** This law does not prohibit private employers from conducting random substance abuse testing or other lawful testing of employees.

*Notification:* Notice of an employer's substance abuse testing policy must be posted in a conspicuous location on its premises. Also, employers are required to include notice of their testing policy on vacancy announcements for positions subject to testing.

➤ FAMILIAL/MARITAL STATUS ◀

No provisions specified in the general employment context.

➤ FAMILY/MEDICAL LEAVE ◀

*Coverage:* State employers.

*Length of leave:* The maximum amount of leave available is dependent upon the employee's amount of accumulated sick leave.

*Reasons for leave:* 1) birth, pregnancy, and related conditions, or 2) their own illness or the illness of a spouse, child, grandchild, grandparent, sister, brother, or spouse's parent.

At a supervisor's discretion, an employee may be able to use accumulated sick leave to care for a non-family member with whom the employee has unusually strong ties.

➤ **GENETIC TESTING** ◀

No provisions specified in the general employment context.

➤ **HEALTH CARE CONTINUATION COVERAGE** ◀

No general health care continuation coverage provision.

➤ **JURY DUTY** ◀

Employees are excused from employment for jury service if they present a summons for jury duty to an immediate supervisor the day after receiving it. Employees cannot be discharged for serving on a jury provided that they report for work the next regularly scheduled hour after being dismissed from any jury. Employees cannot be forced to use vacation time or sick leave for time spent responding to a summons for jury duty, participating in the jury selection process, or serving on a jury. Private employers must pay full-time employees their usual compensation less the fee received for jury service.

An employee's jury service may be postponed and rescheduled if: he/she is regularly employed by an employer with five or fewer full-time employees; and during the same period, another employee has been summoned for jury service. In addition, the same individual cannot be called for jury service more than once in a two-year period.

State employees called for jury duty must be granted a "special leave" with pay.

➤ **LIFESTYLE DISCRIMINATION** ◀

No provision.

➤ **MASS LAYOFF NOTIFICATION** ◀

No state-specific notification provision.

➤ **MEDICAL DONATION LEAVE** ◀

No general provision.

➤ **MILITARY LEAVE** ◀

Employees of any public or private business or industry who are active members of the Alabama National Guard, naval militia, the Alabama State Guard organized in lieu of the National Guard, the civil air patrol, or any other reserves component of the U.S. Armed Forces are entitled to a leave of absence on all days that they are engaged in field or coast defense or other training or service as ordered.

Employees must be granted leave without a loss of pay, time, efficiency rating, annual vacation, or sick leave. No employee granted a paid leave of absence shall be paid for more than 168 working hours per calendar year.

➤ **MINIMUM WAGE** ◀

*Minimum hourly wage/overtime rate:* \$7.75/\$11.63.

*Basis for overtime:* Over 40 hours/week.

*Opportunity wage for under 20-year-olds:* \$4.25.

**Note:** The state bases its minimum wage on the federal minimum wage. The state minimum may exceed federal minimum wage by a stated amount or percentage, or be adjusted to reflect cost of living increases.

➤ **NATIONAL ORIGIN** ◀

No general provision.

➤ **NEW-HIRE REPORTING** ◀

*Data to be reported:* Employee's name, address, SSN, date work begins; employer's name, address, federal and state EINs.

*Reporting deadline/form:* Within 7 days of hire or rehire, including employees recalled after a temporary separation; on W-4s; employers must report electronically if they have at least five employees.

➤ **OVERTIME** ◀

*Basis for overtime:* Over 40 hours in a workweek.

➤ **PAY STATEMENTS** ◀

*Information required:* No provision.

➤ **PERSONNEL FILES** ◀

Public employers only. Notwithstanding regulations to the contrary, when a disciplinary document is placed in an employee's personnel file, his/her employer must supply a copy of the documentation to the employee no later than 10 days after its inclusion in the personnel file.

➤ **POLYGRAPH TESTING** ◀

No provisions specified in the general employment context.

➤ **POSTING REQUIREMENTS** ◀

Unemployment Insurance — All employers

Workers' Compensation — All employers

Child Labor Law (English & Spanish) — All employers who hire children under 18 years of age

Workers' Compensation Fraud — Recommended

Unemployment Compensation Fraud — Recommended

➤ **PREGNANCY** ◀

*Coverage:* State employers.

*Length of leave:* The maximum leave available depends on the amount of accumulated sick leave.

*Reinstatement:* Pregnant employees must work until disabled by the pregnancy and must return to work once they are no longer disabled by the pregnancy.

See also family/medical leave.

➤ **RACE** ◀

No general provision.

➤ **REFERENCES** ◀

*Blacklisting:* Keeping or using blacklists or other similar means to prevent employment is unlawful.

➤ **RELIGION** ◀

No general provision.

➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

There is no OSHA-monitored state plan. For general information about occupational injuries and illnesses in Alabama, click on <https://labor.alabama.gov/wc/workers-compensation.aspx>.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

No general provision.

➤ **SEXUAL HARASSMENT** ◀

No general provision.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

No provision.

➤ **SMOKING** ◀

Every employer shall have the right to designate any place of employment, or any portion thereof, as a non-smoking area.

*Policy:* Employers with enclosed workplaces must have a written smoking policy that contains at a minimum: 1) the right of an employee to declare his/her work area as non-smoking, and 2) that smoking shall be prohibited in all common work areas unless a majority of the workers who work in that area agree that a smoking area will be designated.

The smoking policy shall be communicated to all employees within three weeks of its adoption, and all employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Employers must take reasonable steps to prevent a data breach of employees' sensitive personal identifying information (PII). Reasonable steps could include appointing an employee to coordinate and oversee data security or adopting appropriate safeguards to address identified risks of a security breach.

PII is defined as employees' first name or initial and last name, in combination with one or more of the following elements:

- a non-truncated Social Security number or tax identification number;
- a non-truncated driver's license number, state-issued identification number or other unique identification number issued on a government document and used to verify identity;
- bank account numbers, credit or debit card numbers in combination with security codes, access codes, passwords, expiration dates or PINs;
- information regarding employees' medical history, mental or physical condition or medical treatment or diagnosis;
- employees' health insurance policy number or subscriber identification number and any unique identifier used by health insurers to validate identity; or
- PII that is truncated, encrypted, secured or modified if the encryption key or security credential has been breached together with the PII; employees' user names and email addresses, in combination with passwords or security questions and answers that permit access to an online account.

Employers that experience a data breach must assess the nature and scope of the breach, identify the employees and the PII that may have been involved in the breach, determine whether the PII has been acquired or is reasonably likely to cause substantial harm to employees and identify and implement measures to restore the security and confidentiality of the systems compromised in the breach.

Unless employers determine that a breach won't cause substantial harm to employees, employers must notify employees in writing as expeditiously as possible of the breach, but not later than 45 days after the breach occurs. Alternatively, employees may receive notice by email. Notice may be delayed upon the written request of law enforcement. Employers must include the following information in their notice:

- the date, estimated date or estimated date range of the breach;
- a description of the PII that was compromised;
- a general description of the actions taken to mitigate the impact of the breach; and
- a general description of the steps employees can take to mitigate the impact of the breach.

### ➤ UNEMPLOYMENT INSURANCE ◀

Click on the following link <https://labor.alabama.gov/unemployment.aspx> to access the Alabama Department of Industrial Relations unemployment compensation home page. For unemployment compensation information for employers, click on <https://labor.alabama.gov/eGov/login.aspx>.

### ➤ VACATION PAY UPON TERMINATION ◀

Vacation pay is considered a fringe benefit of the company and is not a required payment by law. It is left up to the employer whether to offer the employee fringe benefits; the only exception

would be something written in the company handbook stating that the employee will be given these benefits.

### ➤ VIOLENCE ◀

No general workplace violence provision.

Employers must allow employees to store unloaded firearms, excluding pistols, in their locked cars, provided employees have concealed weapon licenses or the weapons are used for hunting and employees have the requisite hunting licenses. Weapons must be stored out-of-sight. Employees who have been involved in incidents in which they have threatened physical violence, or inflicted actual physical violence, are excluded from these provisions.

### ➤ VOTING ◀

Employers must allow employees to take up to one hour of time off to vote. An employee is not entitled to time off if his/her shift begins at least two hours after the opening of the polls or ends at least one hour prior to the closing. Employers may specify the hours during which employees may be absent.

*Notification:* Employees must provide reasonable notice of their need for voting leave.

### ➤ WAGE DEDUCTIONS ◀

Any officer or employee of the state of Alabama, any political subdivision or school district thereof, of any institution supported in whole or in part by the state, a county, or a municipality who desires to make a contribution to a community chest or other combination of non-profit health or welfare agencies shall be permitted to have such contribution deducted from the salary or wage due such officer or employee by filing a written request with the fiscal officer of the state, political subdivision, school district, or institution by which such officer or employee is employed.

### ➤ WAGE GARNISHMENT ◀

Up to 25% of a resident's disposable weekly pay may be withheld under a garnishment order. Employers may not terminate an employee because his/her disposable pay is subject to a restitution or garnishment. Within 15 days of an employee's termination, an employer must notify the issuing court.

### ➤ WAGE PAYMENT ON TERMINATION ◀

*Employee who quits:* No regulations. Final wages should be paid according to regular payday rules.

*Employee who's fired:* No regulations. Final wages should be paid according to regular payday rules.



➤ **WAGE PAYMENTS** ◀

*Payday requirements:* No provision.

*Direct deposit:* No provision.

➤ **WHISTLEBLOWING** ◀

Provisions apply to state employees only.

➤ **WORK AUTHORIZATION** ◀

General contractors and subcontractors contracting with the state or a political subdivision must prove that they're enrolled in the federal government's E-Verify program. All employers must enroll in E-Verify.

Employers that continue to employ unauthorized workers may be ordered to terminate their employment, and may be subject to a three-year probationary period during which they must file quarterly reports with the local district attorney detailing new hires. Employers that commit second offenses may have their business licenses permanently revoked.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link <https://labor.alabama.gov/wc/workers-compensation.aspx> to access the Alabama Department of Labor Workers' Compensation home page. For Workers' Compensation insurance coverage information for employers, click on <https://labor.alabama.gov/eGov/login.aspx>