



Alabama

Human Resources LEGAL FACT SHEET

Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in January 2019, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

ARE THERE ALABAMA STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday / Pay Rate	NO	Alabama law does not require employers to provide employees, at time of hire or at any other time, notice of wage rates, dates of pay, employment policies, fringe benefits or other terms and conditions of employment.
Reporting ¹	YES	Employers are required to report each newly hired or recalled employee to the Alabama Department of Labor within seven days from the date of hire or reemployment.

WAGES

TOPIC	ANSWER	DETAILS
Payday	NO	Alabama law does not govern the frequency or timing of wage payments.
Final Pay	NO	Alabama does not have state laws regarding final paychecks or wage deductions.
Overtime	NO	Alabama law does not govern overtime pay; federal rules may apply. Refer to the federal fact sheet.
Minimum Wage	NO	Alabama law does not govern minimum wage; federal rules may apply. Refer to the federal fact sheet.
Hours Worked	NO	Alabama wage payment law does not explicitly define hours worked for the purpose of calculating compensable time. Employers should refer to the federal fact sheet.
Reporting Time Pay	NO	Alabama law does not require reporting time pay, i.e. an employee is only required to be paid for actual hours worked.
Pay Stub	NO	Alabama law does not mandate the information to be included on a pay stub.
Taxes and Withholding	NO	Agricultural employees are exempt from withholding income taxes in Alabama. More details. Federal requirements may apply; refer to the federal fact sheet.
Deductions and Allowances	NO	Alabama law does not govern deductions from pay or allowances.
Bonuses ²	YES	Alabama has a statute which provides that all commissions that are due at the time of termination of a contract between a sales representative and a principal must be paid within 30 days from the termination. Any commissions that become due after the termination date must be paid within 30 days from becoming due. Failure to pay as required makes the principal liable for three times the damages, plus reasonable attorney's fees and court costs.

RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll	NO	Alabama law does not have recordkeeping requirements; however, employers are required to keep records under unemployment insurance law (see below). Additionally, federal rules may apply. Refer to the federal fact sheet.
Personnel Files – Employee Access	NO	Alabama does not have a specific law that grants a private employee's access to his or her personnel file.
Unemployment Insurance ³	YES	Alabama's Unemployment Compensation Law requires covered employers to maintain records, which are open for inspection by representatives of the department and which must show—for each worker—name, social security number, gross cash wages and any non-cash remuneration, dates of payment, hiring, separation, rehiring, and dates and number of hours worked. An agricultural employer becomes subject for taxes when it has had in employment 10 or more agricultural workers on the same day in 20 or more different weeks during the current or preceding calendar year or has paid a total of \$20,000 in cash wages to agricultural workers during any calendar quarter of the current or preceding calendar year. More details.
Workers' Compensation ⁴	YES/NO	Alabama's workers' compensation law does not apply to employers of farm laborers, although such employers may opt into the act by filing a written notice with the Alabama Department of Labor. Covered employers must keep a record of all injuries, fatal and otherwise, for which payment is claimed or made. Within 15 days of knowledge of an injury, an employer must furnish a report to the Department of Industrial Relations.
OSHA	YES	See federal OSHA recordkeeping requirements on the federal fact sheet.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms ⁵	YES	Every dairy farm shall be provided with one or more toilets, conveniently located and properly constructed, operated and maintained in accordance with the rules of the State Board of Health. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.
Working Hours	NO	No max hour requirements for adults. See Child Labor (below) for maximum hours for minors.
Rest and Meal Breaks	NO	Alabama does not have any state laws regarding meals and rest breaks for private employers, except as provided in the child labor law. Covered employers are subject to the Fair Labor Standards Act.
Labor Relations ⁶	YES	Employers may not require employees to become or remain members of any labor union or labor organization as a condition of employment or continuation of employment, or require an employee to pay any dues, fees or other such charges. Conversely, an employer may not require an employee to abstain from or refrain from being a member in a labor union or organization.
Whistleblower Protection ⁷	YES/NO	Alabama law does not provide a general protection for private sector employees in whistleblower cases. However, Alabama employers may not retaliate against any employee who: (1) opposes any unlawful employment practice under the Alabama Age Discrimination in Employment Act (AADEA); or (2) files or maintains an action against the employer for workers' compensation benefits.
Paid Sick and Vacation Leave	NO	Alabama does not have any state laws regarding paid sick or vacation leave.
Breaks for Nursing Mothers	NO	Alabama does not have any state laws regarding breaks for nursing mothers.
Pregnancy Accommodations and Leave	NO	Alabama does not have any state laws mandating pregnancy accommodations and/or leave.
Family and Medical Leave	NO	Alabama does not have any state laws mandating family and/or medical leave.

WORKING CONDITIONS

(Continued)

TOPIC	ANSWER	DETAILS
Military and Service Leave ⁸	YES	All Alabama employees are eligible for up to 168 hours of leave when an employee is both: <ul style="list-style-type: none"> • An active member of one of the following: <ul style="list-style-type: none"> - the Alabama National Guard; - the naval militia; - the Alabama State Guard organized in lieu of the National Guard; - the Civil Air Patrol; - the National Disaster Medical System; or - any other reserve component of the uniformed services of the U.S. • Engaged in field or coast defense or other training, or on other service ordered under: <ul style="list-style-type: none"> - the National Defense Act; - the Public Health Security and Bioterrorism Preparedness and Response Act; or - federal laws governing the U.S. reserves
Crime Victim and Witness Leave	NO	Alabama does not have any state laws regarding crime victim or witness leave.
Jury Duty Leave ⁹	YES	An employee has a private right of action if he is discharged from employment or suffers an adverse employment action solely because the employee served on a jury, provided the employee returns to work on the next regularly scheduled hour after being dismissed from the jury. The employee may recover compensatory and punitive damages.
Voting Leave ¹⁰	YES	Each employee in the state shall, upon reasonable notice to his or her employer, be permitted by his or her employer to take unpaid time off from his or her employment to vote in any municipal, county, state or federal political party primary or election for which the employee is qualified and registered to vote on the day on which the primary or election is held. The necessary time off shall not exceed one hour and if the hours of work of the employee commence at least two hours after the opening of the polls or end at least one hour prior to the closing of the polls, then the time off for voting as provided in this section shall not be available. The employer may specify the hours during which the employee may absent himself or herself as provided in this section.
School Activity Leave	NO	Alabama does not have any state laws mandating school activity leave.

HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination ¹¹	YES/NO	Alabama does not have a comprehensive fair employment law addressing civil rights issues in private employment. Employers with 15 or more employees may be subject to federal civil rights requirements. Also, the Alabama Age Discrimination in Employment Act (AADEA) prohibits discrimination against employees aged 40 and older. Refer to the federal fact sheet for more information.
Harassment/ Sexual Harassment	YES/NO	Alabama does not have a law governing workplace sexual harassment. However, a party can likely bring a claim for harassment under Alabama's Age Discrimination in Employment Act (AADEA). Employers with 15 or more employees may be subject to federal civil rights requirements.
Forced Labor ¹²	YES	Human trafficking is illegal in Alabama. A person commits the crime of human trafficking in the first degree if he or she knowingly subjects another person to labor servitude through use of coercion or deception. A corporation may be prosecuted for human trafficking in the first degree for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.

CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor ¹³	YES	<p>No person under 16 years of age shall be employed, permitted or suffered to work in any gainful occupation, except in agricultural service. Children 14 or 15 years of age may be employed outside school hours and during school vacation periods. More details.</p> <p>No person 14 or 15 years of age shall be employed, permitted or suffered to work in any gainful occupation for more than six days in any one week, or for more than 40 hours in any one week, or for more than eight hours in any one day, or before 7:00 a.m. or after 9:00 p.m. during school summer vacation. During the time school is in regular session, no person 14 or 15 years of age shall be employed, permitted or suffered to work in any gainful occupation for more than six days in any one week, or for more than eight hours on a non-school day, or more than three hours on a school day, or for more than 18 hours in any school week, and not before 7:00 a.m. or after 7:00 p.m.</p> <p>No person 16, 17 or 18 years of age who is enrolled in any public or private primary or secondary school system, shall work between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. The appropriate county or city superintendent of schools, or where there is no superintendent, the school headmaster, may grant exemptions to the above time restrictions. Exemptions shall be granted only when the individual circumstances are found to be in the best interests of the minor.</p> <p>Employment authorized by the Alabama Department of Labor shall not be for more than eight hours in any one day, or for more than 40 hours in any one week, or for more than six days in any one week, and not before 7:00 a.m. or after 9:00 p.m.</p>

HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers' Compensation ¹⁴	YES/NO	Generally, all private employers in Alabama must provide workers' compensation insurance if they employ more than four persons, either full-time or part-time. Alabama's workers' compensation law, however, does not apply to employers of farm laborers, although such employers may opt into the Act by filing a written notice with the Alabama Department of Labor. More details. Obtaining workers' compensation coverage is good practice because it helps limit an employer's legal exposure and assists employees if they get injured.
OSHA	YES	Alabama is under federal OSHA jurisdiction. See the federal fact sheet for more information.
Housing	NO	Alabama law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing, which includes, at minimum, a written housing agreement and properly maintaining the facilities. See the FARM Managing Employee Housing Guide for more information. Furthermore, employers should follow OSHA's sanitation regulations, 29 C.F.R. §§ 1910.141 et seq., and temporary labor camp regulations, 29 C.F.R. § 1910.142 et seq.

References

1. Ala. Act 97-228.
2. Ala. Code 8-24-1, 2 and 3
3. Ala. Code § 25-4-8
4. Ala. Code § 25-5-4; Ala. Code 1975, § 25-5-50(a).
5. Ala. Dept. Pub. Health, Admin. Code § 420-3-16
6. Ala. Code § 25-7-32 to 34.
7. Ala. Code § 25-1-28; Ala. Code § 25-5-11.1.
8. (Ala. Code 1975, § 31-2-13(a).
9. Ala. Code § 12-16-8.1.
10. Ala. Code § 17-1-5.
11. Ala. Code § 25-1-21
12. Ala. Code § 13A-6-152
13. Ala. Code § 25-8-32.1; 25-8-33; 25-8-36; 25-8-37.
14. Ala. Code § 25-5-50(a)