

CHAPTER 1
COURT REPORTING SERVICES IN ALABAMA

The information contained in this Manual, including this Chapter, was compiled from the Code of Alabama 1975 (Ala. Code 1975); [Alabama Rules of Appellate Procedure](#) (Ala. R. App. P.); [Alabama Rules of Civil Procedure](#) (Ala. R. Civ. P.); [Alabama Rules of Criminal Procedure](#) (Ala. R. Crim. P.); [Alabama Rules of Judicial Administration](#) (Ala. R. Jud. Admin.); [Alabama Rules of Juvenile Procedure](#) (Ala. R. Juv. P.); the Unified Judicial System’s Personnel Procedures Manual ([Alabama Judicial System](#)); and the [Alabama Board of Court Reporting](#).

The Alabama Board of Court Reporting (ABCR) exists to establish and maintain a standard of competency for individuals engaged in the practice of court reporting, for the protection of the public in general, and for the litigants whose rights to personal freedom and property are affected by the competency of court reporters. This Board issues licenses and license renewals yearly to court reporters.

The [Alabama Court Reporters Association](#) (ACRA) exists to serve its members and the profession of court reporting by promoting ethical practices, advocating certification, and providing continuing education for verbatim stenographic reporters. ACRA holds conferences that provide court reporters with opportunities to earn Continuing Education Units to maintain their licensure.

There are three types of court reporters in the Alabama judicial system: official court reporters, special roving court reporters, and special court reporters. In addition, provisions are made for supernumerary court reporters. Unless otherwise specified, the term “court reporter” includes official court reporters, special roving court reporters, special court reporters, and supernumerary court reporters.

All court reporters in the State of Alabama are required by law to be licensed by the Alabama Board of Court Reporting (ABCR).

If court reporters wish to become notaries public, they should be aware of the laws related to them. [Act 2023-548](#), which was effective September 1, 2023, amended §§ 36-20-70, 36-20-71, 36-20-72, 36-20-73.1, 36-20-74, and 36-20-75, Ala. Code 1975, in which the following provisions are found: to provide further for the appointment and service of notaries public; to increase the fee from \$10 to \$25 collected by the judge of probate for the commission of a notary; and to expand the grounds under which a judge of probate may accept or deny an application for a notary commission. **This Act also requires an applicant for a notary commission to complete a training program prepared by the Alabama Probate Judges Association and the Alabama Law Institute that reinforces and updates the applicant’s knowledge of all matters relevant to the appointment, authority, duties, and legal and ethical responsibilities of a notary public. A notary public who is commissioned as of the effective date of this Act shall be required to complete the training requirement upon submitting an application for the renewal of his or her expired commission.**

In addition, this Act increases the bond required of a notary public from \$25,000 to \$50,000. The form and content of any notarial act on an instrument to be recorded in the public records, including the court system, shall include an oath, acknowledgment, and signature of each party to the document, or his or her mark, and the signature of the notary public and their seal of office by either ink stamp or embossed impression. Any questions a court reporter may have (1) concerning the process to apply to become a notary

public; (2) relating to renewing his or her commission if he or she is an existing notary public; or (3) concerning the training program should be directed to the court reporter's probate judge's office.

Relating to attestations by notaries public (if court reporters are also notaries public), Section 36-20-73.1, Ala. Code 1975, provides that, for purposes of this article, and subject to subsections (e) to (g), inclusive, an individual may personally appear before an acknowledging notary by either of the following: (1) physically appearing before the notary as provided in subsection (a) which provides that "[e]xcept as otherwise provided in this section, any signature acknowledged by a notary public shall be executed within this state and shall be executed in the physical presence of the notary public at the time of the acknowledgment, only after the notary public has positively identified the prospective signatory via personal knowledge of the affiant or the examination of photo identification issued by a governmental entity or agency"; or (2) appearing through the use of two-way audio-video communication technology that allows a notary public and a remotely located signatory to communicate with each other simultaneously by sight and sound, provided that the notary public is physically located in this State and the two-way audio-video communication is recorded and maintained for a period of seven years by the notary public. If appearing through the use of two-way audio-video communication, the identity of the signatory shall be verified by the notary public using either of the following methods: (1) the personal knowledge of the notary public of the identity of the signatory; or (2)a. the presentation of two valid forms of government issued identification, one of which shall include the face and signature of the signatory; and b. a process by which the notary public verifies the identity of the signatory through a review of public or private data sources. This Section also provides that the official date and time of the notarization is the date and time the notary public witnessed the signature, including the date and time the signature was witnessed via two-way audio-video communication technology. All documents used during the two-way audio-video communication shall be provided to the notary for his or her authentication and original signature. Any action taken before July 1, 2021, allowing for the remote notarization of signatures under the Emergency Management Act of 1955, Article 1 of Chapter 9 of Title 31, is ratified and confirmed.

Section 36-20-75, Ala. Code 1975, provides a list of acts for which an individual is guilty of a Class C misdemeanor, and a list of acts for which a notary public is guilty of a Class D felony. Additionally, this section provides that an individual who knowingly solicits, coerces, or in any material way influences a notary to commit official misconduct is subject to the same level of punishment as the notary.

I. Position of Court Reporter Within the Unified Judicial System

Court reporters are appointed by court order and, upon appointment, take an oath of office to support the Constitution of Alabama and the laws of the State of Alabama and to faithfully perform the duties of the office. ([§ 12-17-273, Ala. Code 1975](#), for official, special roving, and special court reporters and [§ 12-17-291, Ala. Code 1975](#), for supernumerary court reporters). A copy of the oath of office used by court reporters as prescribed in Article VI, § 279, [Constitution of Alabama of 1901](#), may be found at www.alacourt.gov ([Order of Appointment and Oath of Office for an Official Court Reporter](#)) and www.alacourt.gov ([Oath of Office for Supernumerary Court](#)

[Reporter](#)). Once the oath is taken, a court reporter is an officer of the court and shall have the power to administer oaths within the circuit.

Official court reporters, special roving court reporters, special court reporters, and supernumerary court reporters licensed by ABCR may administer an oath to a witness in a deposition or a judicial proceeding. Further, they may swear a witness remotely by the use of audiovisual or videoconferencing technology if the deposition or judicial proceeding is conducted with the use of audiovisual or videoconferencing equipment that allows the court reporter and the witness simultaneously to view and to orally communicate with each other, provided that the court reporter can positively identify the witness. [[Rule 29\(G\), Ala. R. Jud. Admin.](#)] See oath of office forms for [special roving court reporters](#) and [special court reporters](#).

Since the above legal authority relating to the administration of oaths does not provide expressly that this function includes the verification of documents under oath, it is advisable that court reporters be notaries public in order to verify documents under oath.

A. Official Court Reporters

See job description on www.alacourt.gov.

1. Establishing New Positions

[Section 12-17-271, Ala. Code 1975](#), provides for the continuation of positions for court reporters existing on October 10, 1975, and that additional positions in the circuit and district courts may be authorized by the Administrative Director of Courts upon recommendation of the presiding circuit judges.

Positions for official court reporters are established when new circuit judgeships are created. Official court reporters are “confidential” status employees.

2. Advertising/Recruitment

Because official court reporters are at-will and confidential employees of the circuit judges with no rights of tenure or appeal, no formal published job announcement is necessary. However, the Administrative Office of Courts (AOC) Human Resources (HR) Division will assist the appointing circuit judge by issuing a local job announcement if the circuit judge requests it.

3. Appointment/Tenure

Each judge of the circuit court shall appoint a competent person to perform the duties of official court reporter within the judge’s circuit. ([§ 12-17-270, Ala. Code 1975](#)). [Section 34-8B-3, Ala. Code 1975](#), provides that “. . . [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter. . . .” It is a Class C misdemeanor for any person to undertake or attempt to undertake the practice of court reporting for remuneration without a

license, for any person to knowingly present or file false information with the Alabama Board of Court Reporting for the purpose of obtaining a license, or for a person to violate Chapter 8B of Title 34 of the Code of Alabama 1975 ([§ 34-8B-8, Ala. Code 1975](#)).

[Section 34-8B-13, Ala. Code 1975](#), provides that “. . . [e]ach person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change.” (Also see [Alabama Board of Court Reporting Regulation 257-X-3-.04](#).)

It is the duty of each official court reporter to provide his or her license certificate upon renewal each year to the AOC HR Division. This document will be placed in his or her personnel file.

Each official court reporter appointed will be provided a copy of the Court Reporters Manual and must sign an acknowledgement of receiving, reading, and understanding the Manual. This signed acknowledgement will be placed in the official court reporter’s personnel file.

[Section 36-25-4.2\(e\), Ala. Code 1975](#), requires all public employees required to file the Statement of Economic Interests to participate in an online educational review of the Alabama Ethics Law provided on the official website of the Alabama Ethics Commission (www.ethics.alabama.gov/training/intro.aspx). Employees hired after January 1, 2011, shall have 90 days to comply with this provision. Evidence of completion of the educational review (Certificate of Completion) shall be provided to the Alabama Ethics Commission via the electronic reporting system provided on the website. A copy of the Certificate of Completion shall be printed and kept by the public employee and a copy filed with the public employee’s direct supervisor.

The same official court reporter cannot be appointed concurrently by two or more judges, and an official court reporter cannot be related to the trial judge within the fourth degree of consanguinity or affinity. ([§ 12-17-270, Ala. Code 1975](#)). However, Attorney General Opinion 9200209, issued March 16, 1992, to Honorable P.M. Johnston, then-District Attorney for the 24th Judicial Circuit, provided that there was no conflict of interest in having a court reporter transcribe a trial even though the district attorney prosecuting the case in the same courtroom is related to the court reporter.

The official court reporter shall hold office at the pleasure of the judge, who may remove the reporter at any time for any reason other than discriminatory reasons. ([§ 12-17-270, Ala. Code 1975](#)). Once the AOC HR Division receives the appointment order and the oath of office, it prepares the appointment Personnel Action form to place the official court reporter on the payroll.

State employees are covered under the State's Blanket Bond program as underwritten by the Department of Finance, Division of Risk Management, policy number 010-0198. Official court reporters may request a letter from the State of Alabama Department of Finance's Division of Risk Management, stating that official court reporters are covered under the State's Blanket Bond program and that this bond satisfies Notary Public bond requirements. Once received, the letter may be filed by the official court reporters along with the notary public paperwork in the judge of probate's office to become a notary public.

4. Salary, Fringe Benefits, and Expenses

a. Salary

The salary to be paid to official court reporters by the State shall be as provided by law ([§ 12-17-274\(a\), Ala. Code 1975](#)). In addition to the State salary, each official court reporter shall be paid a salary supplement by the county as provided by law. If there is more than one county in one circuit, then a pro rata part shall be paid based on the assessed tax valuation of all property in the county for the preceding year. The payments shall be made in favor of the official court reporter for the respective amounts due by the several counties each month and shall be paid by the treasurer of each county out of the general fund ([§ 12-17-274\(b\), Ala. Code 1975](#)).

Beginning on October 1, 2018, the State salary of an official court reporter not covered by the State of Alabama Merit System conformed to the pay scale established by the State of Alabama Personnel Department Pay Plan for State employees. An official court reporter serving on October 1, 2018, received a salary equivalent to Step 8 of pay grade 77. An official court reporter employed after October 1, 2018, shall receive a salary equivalent to Step 1 of Pay Grade 77 ([§ 12-17-274\(d\), Ala. Code 1975](#)).

An official court reporter shall be entitled to any cost-of-living adjustments given to all State employees and also shall be entitled to any merit raises given to Unified Judicial System employees after March 1, 2018 ([§ 12-17-274\(e\), Ala. Code 1975](#)).

In the event of a break in service of an official court reporter paid under the pay scale established by the State of Alabama Personnel Department Pay Plan for State employees, if the official court reporter returns to service, he or she shall return under the same grade and step in effect at the separation date ([§ 12-17-274\(f\)](#), [Ala. Code 1975](#)).

(See Appendix A for Pay Scales)

b. Fringe Benefits

(1) Retirement

All official court reporters appointed on or after August 13, 1987, are automatically enrolled in the Employees' Retirement System with the Retirement Systems of Alabama (<https://www.rsa-al.gov/ers/>).

(2) Leave Policies

Official court reporters do not accumulate annual or sick leave. It is in the appointing judge's discretion when an official court reporter may be absent from work for whatever reason: vacation, personal illness, illness in the family, maternity leave, or death in the reporter's immediate family. It is expected that absences be taken only when the court schedule permits.

Medical Absences: Includes illness, bodily injury, medical and/or dental appointments and the illness, injury, medical/dental appointments, or death of a member of the immediate family. Immediate family is defined as spouse, children, parents, brothers, sisters, grandparents, and grandchildren of both the employee and the spouse. Paid absence for the purpose of maternity includes pregnancies and adoption/foster care proceedings as extended to merit employees. An official court reporter may only be approved for up to six calendar weeks (or a maximum of 30 calendar days to include usage of leave intermittently) of paid leave in a 12-month period including weekends (calendar year: January 1 – December 31). Any additional absence must be approved by the supervising judge and will be in an unpaid status. For approved medical absences, use of a special court reporter beyond 30 workdays in a 12-month period (calendar year) will be at the expense of the official court reporter and/or the local administrator. All medical absences must be reported to the Human Resources Department of the Administrative Office of Courts. Supporting documentation by a physician must be provided to the employee's

administrator to be absent from work and upon returning to work.

Absences Other than Medical Needs: Official (non-merit) court reporters do not earn personal leave. Such leave may be granted at the discretion of the appointing judge. Consideration should be given to the court docket and the availability of other official court reporters within the circuit.

Family and Medical Leave Act (FMLA): Provides up to 12 weeks of unpaid, job protected leave during any calendar year to any employee who meets eligibility requirements. Unpaid leave may be granted:

- (1) for the birth and care of the newborn child of the employee;
- (2) to care for the employee's newborn child or placement for adoption or foster care;
- (3) to care for an employee's spouse, son, daughter, or parent who has a serious health condition;
- (4) for a serious health condition of the employee that makes him/her unable to perform his/her job.

Employers may require 30 days notice of leave pursuant to the Family Medical Leave Act and may require medical certification of a serious health condition. FMLA leave runs concurrently with any other paid/unpaid "leave", and must be for a reason pursuant to FMLA.

(See Appendix B for Family Medical Leave Act Policy).

(3) Health Insurance

Official court reporters may elect to enroll in individual and/or dependent health insurance coverage offered by the State of Alabama at their own expense. Further information may be obtained from the State Employees Insurance Board's website at:

<https://www.alseib.org/HealthInsurance/SEHIP>.

(4) Longevity Bonus

Official court reporters who are in active pay status and have attained a minimum of five years' total State service as of the first pay date in December are eligible for a lump-sum payment based on years of service. Service with schools,

colleges, or universities is not creditable for the longevity bonus.

(5) Deferred Compensation

State employees may contribute annually in either of the two State-approved plans in order to reduce their taxable income and provide for additional retirement income. Annual contribution limits are subject to change. Payroll deductions are made on a regular basis and are not subject to taxes. The two State-approved plans are as follows:

a.) RSA-1 (Retirement Systems of Alabama Deferred Compensation Plan) – Information and enrollment forms are available at <https://www.rsa-al.gov/rsa-1/forms/>.

Retirement Systems of Alabama
201 S. Union Street
Montgomery, AL 36104
Phone: 1-877-517-0020

b.) Alabama Retire (Formerly Great West Deferred Compensation Plan) – Alabama Retirement Information and enrollment forms are available at <https://alabamaretire.empower-retirement.com/participant/#/login?accu=AlabamaWR>.

Alabama Retire
400 South Union Street, Suite 445
Montgomery, AL 36104
Phone: 1-877-313-2262

(6) Holidays

Thirteen State-paid holidays are observed during the calendar year. Other holidays may be declared by Proclamation of the Governor.

(7) Pay Dates

Official court reporters are paid on the 15th and last day of each month.

Note: Official court reporters also may access the Human Resources Desktop Portal to view the employee's demographics, the Unified Judicial System Calendar, pay stubs, etc. An employee may visit the HR Desktop website through the AOC website at <https://hrdesktop.alacourt.gov>.

Official Court Reporters may access their pay stubs, statement of benefits, and W-2 by registering through the State of Alabama portal at

<https://emap.alabama.gov>. The employee will need his or her 10-digit employee ID Number located on the employee's paystub.

B. Special Roving Court Reporters

1. Establishing Positions

After making his or her determination of need, a presiding circuit judge shall request (by letter to the Administrative Director of Courts) the assignment of a special roving court reporter. Special roving court reporters are assigned to the presiding circuit judges for administrative purposes. The presiding circuit judge in turn may assign the special roving court reporter to other judges based on the needs of the court.

2. Advertising/Recruitment

The AOC HR Division will, upon request, publish a job announcement or the judges of the circuit may advertise/recruit locally.

3. Selection/Appointment

Special roving court reporters are appointed by and serve at the pleasure of the Administrative Director of Courts. After an assessment of need and subject to the availability of funds, the Administrative Director of Courts shall approve positions for special roving court reporters. Special roving court reporters are administratively assigned to the circuit or district judges who are responsible for their day-to-day performance. ([§ 12-17-272, Ala. Code 1975](#), and [Rule 12\(B\), Ala. R. Jud. Admin.](#))

[Section 34-8B-3, Ala. Code 1975](#), provides that “. . . [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter. . . .” It is a Class C misdemeanor for any person to undertake or attempt to undertake the practice of court reporting for remuneration without a license, for any person to knowingly present or file false information with the Alabama Board of Court Reporting for the purpose of obtaining a license, or for a person to violate Chapter 8B of Title 34 of the Code of Alabama 1975 ([§ 34-8B-8, Ala. Code 1975](#)).

[Section 34-8B-13, Ala. Code 1975](#), provides that “. . . [e]ach person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change.” (Also see [Alabama Board of Court Reporting Regulation 257-X-3-.04.](#))

It is the duty of each special roving court reporter to provide his or her license certificate upon renewal each year to the AOC HR Division. This document will be placed in his or her personnel file.

[Section 36-25-4.2\(e\), Ala. Code 1975](#), requires all public employees required to file the Statement of Economic Interests to participate in an online educational review of the Alabama Ethics Law provided on the official website of the Alabama Ethics Commission (www.ethics.alabama.gov/training/intro.aspx). Employees hired after January 1, 2011, shall have 90 days to comply with this provision. Evidence of completion of the educational review (Certificate of Completion) shall be provided to the Alabama Ethics Commission via the electronic reporting system provided on the website. A copy of the Certificate of Completion shall be printed and kept by the public employee and a copy filed with the public employee’s direct supervisor.

Each special roving court reporter appointed will be provided a copy of the Court Reporters Manual and must sign an acknowledgement of receiving, reading, and understanding the Manual. This signed acknowledgement will be placed in the special roving court reporter’s personnel file.

4. Salary and Fringe Benefits

a. Salary

Salaries of special roving court reporters are set by the Administrative Director of Courts ([§ 12-17-272, Ala. Code 1975](#)), not by statute. (See Appendix A for Pay Scales).

b. Fringe Benefits

(1) Retirement

Special roving court reporters are enrolled in the Employees’ Retirement System with the Retirement Systems of Alabama (<https://www.rsa-al.gov/ers/>).

(2) Leave Policies

These classified employees accumulate annual and sick leave (part-time employees earn prorated leave). However, they are subject to the discretion of the presiding circuit judges as to when they take leave. In addition, these special roving court reporters may be eligible for the Family and Medical Leave Act of 1993.

Medical Absences: Includes illness, bodily injury, medical and/or dental appointments and the illness, injury, medical/dental appointments, or death of a member of the immediate family. Immediate family is defined as spouse, children, parents, brothers, sisters, grandparents, and grandchildren of both the employee and the spouse. Paid absence for the purpose of maternity includes pregnancies and adoption/foster care proceedings as extended to merit employees. A special roving court reporter may only be approved for up to six calendar weeks (or a maximum of 30 calendar days to include usage of leave intermittently) of paid leave in a 12-month period including weekends (calendar year: January 1 – December 31). Any additional absence must be approved by the supervising judge and will be in an unpaid status. For approved medical absences, use of a special court reporter beyond 30 workdays in a 12-month period (calendar year) will be at the expense of the special roving court reporter and/or the local administrator. All medical absences must be reported to the Human Resources Department of the Administrative Office of Courts. Supporting documentation by a physician must be provided to the employee's administrator to be absent from work and upon returning to work.

Absences Other than Medical Needs: Leave may be granted at the discretion of the appointing judge. Consideration should be given to the court docket and the availability of other official court reporters within the circuit.

Family and Medical Leave Act (FMLA): Provides up to 12 weeks of unpaid, job protected leave during any calendar year to any employee who meets eligibility requirements. Unpaid leave may be granted:

- (5) for the birth and care of the newborn child of the employee;
- (6) to care for the employee's newborn child or placement for adoption or foster care;

- (7) to care for an employee's spouse, son, daughter, or parent who has a serious health condition;
- (8) for a serious health condition of the employee that makes him/her unable to perform his/her job.

Employers may require 30 days notice of leave pursuant to the Family Medical Leave Act and may require medical certification of a serious health condition. FMLA leave runs concurrently with any other paid/unpaid "leave", and must be for a reason pursuant to FMLA.

(See Appendix B for Family Medical Leave Act Policy).

(3) Health Insurance

Special roving court reporters may elect to enroll in individual and/or dependent health insurance coverage offered by the State of Alabama at their own expense. Further information may be found on the State Employees Insurance Board's website at <https://www.alseib.org/HealthInsurance/SEHIP/>.

(4) Longevity Bonus

Special roving court reporters who are in active pay status and have attained a minimum of five years' total State service as of the first pay date in December are eligible for a lump-sum payment based on years of service. Service with schools, colleges, or universities is not creditable for the longevity bonus.

(5) Deferred Compensation

State employees may contribute annually in either of the two State-approved plans to reduce their taxable income and provide for additional retirement income. Annual contribution limits are subject to change. Payroll deductions are made on a regular basis and are not subject to taxes. The two State-approved plans are as follows:

a.) RSA-1 (Retirement Systems of Alabama Deferred Compensation Plan) – Information and enrollment forms are available at <https://www.rsa-al.gov/rsa-1/forms/>.

Retirement Systems of Alabama
201 S. Union Street
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b.) Alabama Retire (Formerly Great West Deferred Compensation Plan) – Alabama Retirement Information and enrollment forms are available at <https://alabamaretire.empower-retirement.com/participant/#/login?accu=AlabamaWR>

Alabama Retire
400 South Union Street, Suite 445
Montgomery, AL 36104
Phone: 1-877-313-2262

(6) Holidays

Thirteen State-paid holidays are observed during the calendar year. Other holidays may be declared by Proclamation of the Governor.

(7) Pay Dates

Special roving court reporters are paid on the 1st and 16th of each month.

Note: Special roving court reporters also may access the Human Resources Desktop Portal to view the employee's demographics, the Unified Judicial System Calendar, pay stubs, request leave, view leave balances, leave history, etc. An employee may visit the HR Desktop website through the AOC website at <https://hrdesktop.alacourt.gov>.

Special roving court reporters may access their pay stubs, statement of benefits, and W-2 by registering through the State of Alabama portal at <https://emap.alabama.gov>. The employee will need his or her 10-digit employee ID Number located on the employee's paystub.

C. Special Court Reporters

1. Establishing New Positions.

Special court reporters may be requested by circuit or district judges in accordance with [§ 12-17-272, Ala. Code 1975](#), subject to the prior approval of the Administrative Director of Courts as to the need of this employment, length of employment, amount of compensation, and the use thereof. In addition, the services of a special court reporter may be authorized by the Administrative Director of Courts if an official court reporter assigned to a judge is unable to serve because of sickness or other cause, or if the workload of the court justifies the temporary assignment of an additional court reporter. Special court reporters shall not be considered State employees and shall not be paid on a regular payroll.

In Attorney General Opinion 2009-040 dated February 11, 2009, to Honorable Callie T. Dietz, then-Administrative Director of Courts, the Attorney General opined that, “. . . Section 12-17-272 of the Code of Alabama authorizes the Administrative Director of Courts (‘ADC’) to determine the need for and to approve the engagement of the temporary services of special court reporters, as needed from time to time in the circuit courts of the state, without hiring these court reporters as employees under the Unified Judicial System and without regard to the competitive bid law or the professional services law. . . .” Instead, the appropriate administrator shall submit an [Expense Claim for Services Form \(Form FIS-45, \(Rev. 12/07\)\)](#) to the AOC Finance Division so the special court reporter may be compensated for his or her services.

2. Advertising/Recruitment

It is expected that special court reporters be recruited locally since AOC does not maintain a list of freelance court reporters.

3. Selection/Appointment

[Section 34-8B-3, Ala. Code 1975](#), provides that “. . . [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter. . . .” It is a Class C misdemeanor for any person to undertake or attempt to undertake the practice of court reporting for remuneration without a license, for any person to knowingly present or file false information with the Alabama Board of Court Reporting for the purpose of obtaining a license, or for a person to violate Chapter 8B of Title 34 of the Code of Alabama 1975 ([§ 34-8B-8, Ala. Code 1975](#)).

[Section 34-8B-13, Ala. Code 1975](#), provides that “. . . [e]ach person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change.” (Also see [Alabama Board of Court Reporting Regulation 257-X-3-.04.](#))

It is the duty of each special court reporter to provide his or her license certificate upon renewal each year to the AOC HR Division. This document will be placed in his or her personnel file.

Each special court reporter appointed will be provided a copy of the Court Reporters Manual and must sign an acknowledgement of receiving, reading, and understanding the Manual.

Procedure for Requesting Special Court Reporters – [Rule 12\(C\), Ala. R. Jud. Admin.](#), requires that all requests for special court reporters be submitted to the presiding circuit judge who, upon making a determination of need, shall request approval from the Administrative Director of Courts to employ a special court reporter. The procedure to be followed is covered below:

- Step 1: The presiding circuit judge shall first make a determination as to the availability of official court reporters within the circuit and, if one is available, he or she should be used.
- Step 2: If no official court reporter can be assigned, the presiding circuit judge may request a special roving court reporter and, if one is available, the special roving court reporter shall be used.
- Step 3: If a special roving court reporter is not available, the presiding circuit judge shall complete, sign, and forward a [Request for Special Court Reporter Form \(Form PERS-40, Rev. 12/07\)](#) to the Administrative Director of Courts.
- Step 4: The person in AOC assigned to handle special court reporter requests shall review Form PERS-40 and, if valid reasons for approval exist and there are sufficient funds available, the person shall recommend approval to the Administrative Director of Courts, who shall make the final determination.
- Step 5: Notification of the decision of the Administrative Director of Courts shall be reported to the presiding circuit judge by forwarding a copy of approved [Form PERS-40, \(Rev. 12/07\)](#) with the Reference Number by email.
- Step 6: New special court reporters need to register on the [State of Alabama Accounting and Resource System \(STAARS\)](#), the [vendor self-service portal](#), before their claims can be processed. The vendor self-portal may be accessed at the following website: <https://vendors.alabama.gov>. If special court reporters need assistance with registration, they should contact the STARRS help desk at 334-353-9000.

Please see Checklist for Submitting Requests and Expense Claims (Appendix C).

355-9-1-.07 Employment Of Experts, Court Reporters, And Investigators. All requests for experts, court reporters, and investigators (known collectively herein as "providers" or individually as "provider") must be approved in advance by an order from the trial judge before they perform any work or services. The

date at which the provider(s) can begin to perform work or services to be paid by the State of Alabama is the date on which the trial judge signs the order granting the request. In order to effect payment for work and services performed by provider(s), the following procedure must be followed: (a) The appointed attorney must have filed a motion requesting the services of a provider and the trial judge must have issued an order approving each request. (b) The appointed attorney must complete a certification that the work or service submitted for payment has been performed and completed. (c) Each provider must file a Professional Services Fee Declaration (Form PFD-1) with a copy of the court order, the attorney certification, and an itemized invoice attached thereto. If the court's order is not specific as to the nature of the services to be performed or as to payment terms for the provider, the provider must attach a copy of the attorney's motion requesting the services. (d) Fees to providers may be paid on an interim basis. Payment of expenses related to the employment of Experts, Investigators and Court Reporters will be in accordance with Alabama Law and the State of Alabama Fiscal Policy and Procedure Manual. (f) Note regarding court reporters -in-court appearance fee for a court reporter is not payable from the Fair Trial Tax fund and should not be submitted to OIDS for payment. Court reporters are paid in accordance with Alabama Rules of Judicial Administration (ARJA) Rule 29(B) and the court reporter must file a Court Reporter Fee Declaration (Form C-62C). ALABAMA DEPARTMENT OF FINANCE ADMINISTRATIVE CODE CHAPTER 355-9-1, OFFICE OF INDIGENT DEFENSE SERVICES.

4. Salary

Salaries of special court reporters are set by the Administrative Director of Courts ([§ 12-17-272, Ala. Code 1975](#)), not by statute.

(See Appendix C for Special Court Reporter Contract Policies.)

D. Supernumerary Court Reporters

[Section 34-8B-3, Ala. Code 1975](#), provides that “. . . [n]o person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter. . . .” It is a Class C misdemeanor for any person to undertake or attempt to undertake the practice of court reporting for remuneration without a license, for any person to knowingly present or file false information with the Alabama Board of Court Reporting for the purpose of obtaining a license, or for a person to violate Chapter 8B of Title 34 of the Code of Alabama 1975 ([§ 34-8B-8, Ala. Code 1975](#)).

[Section 34-8B-13, Ala. Code 1975](#), provides that “. . . [e]ach person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment

of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change.” (Also see [Alabama Board of Court Reporting Regulation 257-X-3-.04.](#))

It is the duty of each supernumerary court reporter to provide his or her license certificate upon renewal each year to the AOC HR Division. This document will be placed in his or her personnel file.

Each supernumerary court reporter appointed will be provided a copy of the Alabama Court Reporters Manual and must sign an acknowledgement of receiving, reading, and understanding the Manual. This signed acknowledgement will be placed in the supernumerary court reporter’s personnel file.

1. Definition

A supernumerary court reporter is a retired, non-active status official court reporter who chose to qualify for supernumerary status prior to August 13, 1987.

2. Oath, Powers, and Duties

A supernumerary court reporter must take the oath of office prescribed by the Constitution of Alabama of 1901 for judicial officers. In addition, a supernumerary court reporter exercises all the duties, power, and authority of an official court reporter and, upon request of a presiding circuit judge or other circuit judge of the circuit wherein the supernumerary court reporter resides, must attend any regular, adjourned, or special session of the circuit court. ([§ 12-17-291, Ala. Code 1975](#)). Every supernumerary court reporter shall serve for life. ([§ 12-17-292\(a\), Ala. Code 1975](#)).

3. Salary and Fringe Benefits

a. Salary

A supernumerary court reporter shall receive annually a salary equal to 50 percent of the State salary payable to the highest paid official court reporter, unless the salary paid to the highest paid official court reporter becomes less than the salary of the official court reporter upon which the salary for a supernumerary court reporter was previously based, and then the salary paid to the supernumerary court reporter may not be reduced on account thereof.

A supernumerary court reporter who is designated to perform court reporting services in court shall receive compensation equal to that of an official court reporter for the duration of his or her services in court in lieu of the salary provided for supernumerary reporters ([§ 12-17-292\(b\), Ala. Code 1975](#)).

b. Fringe Benefits

(1) Health Insurance

Supernumerary court reporters retain the health insurance they had when they were official court reporters, unless they elect otherwise.

(2) Longevity Bonus

Supernumerary court reporters who are in active pay status and have attained a minimum of five years' total State service as of the first pay date in December are eligible for a lump-sum payment based on years of service. Service with schools, colleges, or universities is not creditable for the longevity bonus.

II. Court Reporter's Duties and Responsibilities in Reporting Judicial Proceedings

A. Required Reporter Presence

One duty of an official court reporter is to attend the sessions of court held in the circuit for which he or she is appointed ([§ 12-17-275, Ala. Code 1975](#)). This general statement applies to all sessions of circuit court, whether criminal or civil, equitable or legal, jury or nonjury.

If an official court reporter is unavailable to take the record for a retired or special judge, a special court reporter can be requested. The procedure in Section I.C.3. above should be followed.

B. Alabama State Bar Disciplinary Proceedings

A court reporter who is hired to perform court reporting services in a Bar disciplinary proceeding and is then asked to produce a transcript of the proceedings, is bound by the transcript fee schedule provided in [Rule 29, Ala. R. Jud. Admin.](#) *Ex parte Garmon*, 641 So. 2d 257 (Ala. 1994).

C. Court of the Judiciary Proceedings

[Section 12-7-2, Ala. Code 1975](#), allows the Chief Judge of the Court of the Judiciary to employ a court reporter. The court reporter shall be compensated at a rate established by the Chief Judge and paid in the same manner as State employees. [Rule 21, Rules of Procedure for the Alabama Court of the Judiciary](#), mandates that a verbatim transcript of the proceedings be kept and the “. . . original thereof transcribed and filed in the Office of the Secretary in Montgomery as a part of the record of the proceedings. . . .” With the approval of the Court, the parties may agree on a different method of recording and transcribing the proceedings.

D. Specific Duties While Court is in Session

The court reporter may administer oaths within the circuit. Unless otherwise directed, the court reporter must take full stenographic notes of the oral testimony and proceedings, except arguments of counsel, and note the order in which all documentary evidence is introduced, all objections of counsel, the rulings of the court thereon, and exceptions taken and reserved thereto. The original stenographic notes of such court reporter in each case or proceeding officially reported shall be preserved by him and treated as a part of the records of the respective courts, and upon his retirement from office, shall be turned over to the clerks of such courts. ([§ 12-17-275, Ala. Code 1975](#)).

These requirements are modified in criminal cases by [Rule 19.4, Ala. R. Crim. P.](#)

1. Arguments of Counsel

[Rule 19.4, Ala. R. Crim. P.](#), requires that, if the case is a capital case, the court reporter take full stenographic notes of arguments of counsel, regardless of whether or not these notes are ordered by the judge or requested by counsel. In a noncapital case, the judge may direct a court reporter to take full stenographic notes of arguments of counsel.

2. Voir Dire

In capital cases, [Rule 19.4, Ala. R. Crim. P.](#), mandates that full stenographic notes of voir dire of the jury be taken.

In noncapital cases, the court reporter shall take full stenographic notes of the voir dire of the jury if directed by the judge. Even when not required to take full stenographic notes of the voir dire, it is important to take full stenographic notes of any and all objections, discussions, and rulings of the Court that may be made.

E. Grand Jury Sessions

[Section 12-17-275, Ala. Code 1975](#), also provides that when directed by the judge, the official court reporter shall attend the investigations of the grand jury and take full stenographic notes of the testimony as directed by the district attorney or foreman.

F. Depositions

The testimony at an oral deposition may be taken by a “court reporter” or “officer” who is licensed by ABCR. ([See Rules 30\(b\)\(4\) and \(c\), Ala. R. Civ. P.](#)) See Chapter 6, Depositions, for more specific information.

The judge presiding over a court case in which the deposition was taken should be consulted regarding reporting this material for inclusion in the record.

G. District Court

Although district courts are courts of record and are trial courts of limited jurisdiction, neither reporters nor transcripts are required. It is sufficient for “record” purposes that the judge keeps an accurate case action summary or report of each case. However, [\(Sections 12-12-2\(a\) and \(b\), Ala. Code 1975\)](#), a party may employ a court reporter (licensed by ABCR) at his or her own expense [\(Section 12-12-2\(c\), Ala. Code 1975\)](#).

H. Juvenile Court

[Rule 20\(A\), Ala. R. Juv. P.](#), provides that, “. . . [a] recording of all juvenile court proceedings shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof, for the purpose of the creation of an official record of the proceedings, except that a recording in a child-support proceeding (designated as a ‘CS’ case) is not required but is permissible by order of the juvenile court. . . .”

Pursuant to [Rule 2\(A\), Ala. R. Juv. P.](#), a juvenile court judge may be a circuit court judge or a district court judge as designated in writing by the Presiding Circuit Court Judge in each circuit unless a judicial office is specifically designated by law as a juvenile or family court. For purposes of the Rules of Juvenile Procedure, a “juvenile court judge” means a judge who hears juvenile cases (designated as “JU”) and child-support cases (designated as “CS”)([Rule 2\(D\), Ala. R. Juv. P.](#)) Therefore, if a circuit court judge has been designated to be a juvenile court judge, that judge’s official court reporter has a duty to attend sessions of the juvenile court and take full stenographic notes of the proceedings. The official court reporter should check with his or her judge to see if the judge wishes for him or her to attend sessions in which CS cases are heard and take notes.

Pursuant to [Rule 20\(A\), Ala. R. Juv. P.](#), the audio or stenographic recording shall be preserved until the time for taking an appeal has expired and shall not be released except in the event of an appeal or upon written order of the juvenile court judge, which shall include a specific finding that good cause exists for the creation and release of a transcript of the proceedings.

If the record in a juvenile court proceeding is transcribed, it must be transcribed by a person designated by the juvenile court judge. The transcript shall be certified as directed by the juvenile court or as required by the Alabama Rules of Appellate Procedure

[\(Rule 20\(B\), Ala. R. Juv. P.\)](#). [Rule 28\(A\)\(1\)\(c\)\(ii\), Ala. R. Juv. P.](#), provides that “. . . [i]f a licensed court reporter or reporters are present at the proceeding to record the proceeding, the reporter or reporters, upon being designated by the juvenile court judge to do so, shall transcribe the record of the proceeding and prepare a reporter’s transcript in accordance with the provisions of [Rule 10\(b\)\(2\) of the Alabama Rules of Appellate Procedure](#). . . .” In these instances, a juvenile court judge does not have to certify the record of the proceeding as adequate.

If a licensed court reporter or reporters were not present at the proceeding to record the juvenile court proceeding and the proceeding was recorded by electronic means, [Rule 28\(A\)\(1\)\(c\)\(i\), Ala. R. Juv. P.](#), provides that “. . . the juvenile court judge designates a person to transcribe the record of the proceeding and to prepare a reporter’s transcript in accordance with the provisions of [Rule 10\(b\)\(2\) of the Alabama Rules of Appellate Procedure](#), and the juvenile court judge certifies that the record of the proceeding is adequate. . . .”

Pursuant to [Rule 20\(C\), Ala. R. Juv. P.](#), “. . . [i]n the event of an appeal pursuant to [Rule 28\(A\)\(1\)](#) in a case in which the juvenile court proceedings have been recorded by mechanical or electronic devices, the juvenile court judge may request the assistance of the presiding circuit court judge in determining the appropriate person to transcribe the record for purposes of providing a certified record on appeal. . . .” [Rule 20\(D\), Ala. R. Juv. P.](#), provides that the person designated to transcribe the juvenile court proceedings shall be entitled to be paid the transcript fees provided in [Rule 29, Ala. R. Jud. Admin.](#) The provisions of Rule 29, Ala. R. Jud. Admin., apply in juvenile courts.

If a person other than a licensed court reporter is designated to prepare a transcript, the juvenile court judge shall require the person to follow the transcript format in Rule 29(B), Ala. R. Jud. Admin. In addition, the juvenile court judge should recommend that in the transcript, the person not use the words “reporter” or “court reporter” and that, if the transcriber uses any of the standardized forms, including appellate court forms, that may reference the words above, that person strike through those terms on the forms before submission as well. In addition, it is recommended that the juvenile court judge use [Form JU-39](#) to determine the adequacy or inadequacy of the entire record of the proceeding and strike the word “Reporter’s” before the word “Transcript.” See the sample “certification” page that a transcriber may wish to use as the last page of a transcript.

I. Preparation of Transcripts on Appeal

Sometimes, an appellant or an appellee will designate parts of the record for a transcript for appellate review. These transcripts must be “official” according to the Supreme Court of Alabama in Ex parte French, 547 So. 2d 547 (Ala. 1989). In this case, the Court held that a person must be appointed a court reporter pursuant to [§§ 12-17-270 through 12-17-277, Ala. Code 1975](#), or be approved by the adverse party or parties, to produce an “official” transcript that is authentic and free from possible errors or fraud. The court reporter who is appointed must be licensed by ABCR.

J. Jury Charges

1. Criminal

In criminal cases, [Section 12-16-12, Ala. Code 1975](#), requires a court reporter to take down the charge of the judge to the jury, reduce it to writing, and file it as part of the court record, unless both parties or their counsel waive the reporting and making the charge part of the record.

2. Civil

In civil cases in circuit courts, [Rule 51, Ala. R. Civ. P.](#), provides that the court reporter must take down every oral charge as it is delivered to the jury after a party has filed and served on all opposing parties written requests that the judge instruct the jury as set forth in the requests and the judge has written “given” on the requests.

APPENDIX A

PAY SCALES

**ALABAMA JUDICIAL SYSTEM
OFFICIAL COURT REPORTERS' PAY SCALE (GRADE 77)
RATES EFFECTIVE OCTOBER 1, 2023
INCLUDES 2% COLA (ACT 2023-380)**

Step Half-Monthly Rate Annual Salary

77/1	\$ 2,155.30	\$51,727.20
77/2	\$ 2,208.00	\$52,992.00
77/3	\$ 2,262.10	\$54,290.40
77/4	\$ 2,317.30	\$55,615.20
77/5	\$ 2,373.80	\$56,971.20
77/6	\$ 2,433.50	\$58,404.00
77/7	\$ 2,494.40	\$59,865.60
77/8	\$ 2,557.40	\$61,377.60
77/9	\$ 2,620.60	\$62,894.40
77/10	\$ 2,684.90	\$64,437.60
77/11	\$ 2,751.20	\$66,028.80
77/12	\$ 2,819.10	\$67,658.40
77/13	\$ 2,888.80	\$69,331.20
77/14	\$ 2,961.80	\$71,083.20
77/15	\$ 3,035.00	\$72,840.00
77/16	\$ 3,111.40	\$74,673.60
77/17	\$ 3,191.20	\$76,588.80
77/18	\$ 3,272.90	\$78,549.60
77/19	\$ 3,357.60	\$80,582.40
77/20	\$ 3,442.80	\$82,627.20
77/21	\$ 3,527.70	\$84,664.80
77/22	\$ 3,616.20	\$86,788.80

Revised 8/1/2023

**ALABAMA UNIFIED JUDICIAL SYSTEM
SPECIAL ROVING COURT REPORTER (GRADE 75)
EFFECTIVE SEPTEMBER 1, 2023
INCLUDES 2% COLA (ACT 2023-380)**

Step Semi-Monthly Rate Annual Salary

1	\$ 1,954.20	\$ 46,900.80
2	\$ 2,002.00	\$ 48,048.00
3	\$ 2,052.80	\$ 49,267.20
4	\$ 2,103.80	\$ 50,491.20
5	\$ 2,155.30	\$ 51,727.20
6	\$ 2,208.00	\$ 52,992.00
7	\$ 2,262.10	\$ 54,290.40
8	\$ 2,317.30	\$ 55,615.20
9	\$ 2,373.80	\$ 56,971.20
10	\$ 2,433.50	\$ 58,404.00
11	\$ 2,494.40	\$ 59,865.60
12	\$ 2,557.40	\$ 61,377.60
13	\$ 2,620.60	\$ 62,894.40
14	\$ 2,684.90	\$ 64,437.60
15	\$ 2,751.20	\$ 66,028.80
16	\$ 2,819.10	\$ 67,658.40
17	\$ 2,888.80	\$ 69,331.20
18	\$ 2,961.80	\$ 71,083.20
19	\$ 3,035.00	\$ 72,840.00
20	\$ 3,111.40	\$ 74,673.60
21	\$ 3,191.20	\$ 76,588.80
22	\$ 3,272.90	\$ 78,549.60

Revised 8/1/2023

SPECIAL COURT REPORTER CONTRACT FEES

Daily 8-hour rate: \$300.00

Daily ½- day rate: \$150.00

Overtime rate: \$25.74 Per Hour

(A typical workday consists of eight (8) hours which includes travel time if the appointment is outside the reporter's home base; i.e., place of business. Overtime commences after 8 hours for a full-day contract and 4 hours for ½-day contract. For purposes of overtime, includes time court convenes and adjourns.)

APPENDIX B

FAMILY MEDICAL LEAVE ACT POLICY

FAMILY MEDICAL LEAVE ACT POLICY

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- I. General Statement – The Administrative Office of Courts (AOC) supports a work environment that offers solutions to the complex issues individuals face in balancing their work and family commitments. Therefore, the AOC is required to comply with the Federal Family Medical Leave Act (FMLA) of 1993.

The Organization reserves the right to designate FMLA leave as needed to any eligible employee and to require employees to use available paid time off concurrently with family medical leave toward the 12-week limit. The FMLA entitles eligible employees to take up to 12 weeks of paid or unpaid, job-protected leave in a 12-month period during the calendar year (January 1 – December 31 of each year). FMLA certifications are required to be updated each calendar year.

- II. Eligibility – To be eligible for FMLA, an employee must have worked for the Organization for at least one year and have completed 1,250 hours over the 12 months prior to the commencement of the leave. The 12-month period during which an eligible employee may take up to 12 weeks of unpaid leave will be calculated using the fiscal year time frame. Family and Medical Leave provides eligible employees up to 12 work weeks (480 hours) of leave during any 12-month period for one or more of the following qualifying status changes:

- * The birth of the employee’s child, including, but not limited to, prenatal doctor appointments, morning sickness, bed rest, childbirth, and care for the newborn child during the first year after the birth;
- * The placement of a child for adoption or foster care with the employee including, but not limited to, court appearances, social work home visits, attorney appointments, and to care for the newly placed child during the first year after the placement;
- * To care for an immediate family member such as an employee’s spouse, child, or parent/legal guardian who has a serious health condition; or
- * The employee is unable to perform as defined below his/her job because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the job.

Note: The law does not include as “immediate family members” in-laws, siblings, ex-spouses, aunts, uncles, cousins, grandparents, grandchildren, or children 18 years old and older (unless the child has a serious health condition and/or disability that prohibits the child from caring for himself/herself, and stepchildren, unless the children are living in the employee’s house and the employee is the primary financial provider). State law dictates the marriage relationship.

An employer can request the employee document the purported relationship between the employee and the family member requiring the employee's assistance. For example, an employer can ask an employee to produce a birth certificate to show the age of a child, a wedding license to prove marriage, and a court order to indicate guardianship.

- III. Procedure - An eligible employee who wishes to take FMLA must provide his/her supervisor with 30 days advance notice when the leave is foreseeable. At the time of the request, the employee may complete a "Family Medical Leave Information/Request Form". The employee has 15 days to return the completed FMLA form to the employer from their physician. Once FMLA is requested or designated by the Organization, the employee will receive an information packet containing full policy, forms, rights, and duties of the FMLA for both the employee and the Organization.

In most cases, the eligible employee must submit medical certification to support a request for leave. Health and dental benefits will continue during the FMLA for the employee. However, dependent coverage must be paid by the employee in order to keep dependent coverage in effect.

Failure to pay premiums may result in a lapse of coverage for the dependent(s). Contact the Human Resources Department for specific details on continuing benefits while on leave.

Employees returning from FMLA within the 12-week period will be restored to their original job, or to an equivalent job with equivalent pay and benefits.

Employees returning from a medical FMLA will be required to present medical certification of fitness for duty. Failure to provide a medical certificate of fitness for duty may result in a denial of job reinstatement until a medical certificate release is provided.

The medical Certification of Health Care Provider serves as a "doctor's note" to certify the reason and expected duration of the extended medical leave in writing. All requests for medical leaves must be accompanied by doctor's statements verifying your total disability and your estimated date of return to work. Further, the Organization requires written medical verification of your ability to resume work and a list of restrictions that would directly relate to your ability to perform your job.

- IV. Service Member FMLA Leave

In 2008, the FMLA was amended and now entitles eligible employees to take leave for a covered family member's service in the Armed Forces.

A. Eligibility:

To be eligible for Service Member FMLA, an employee must have worked for the Organization for at least one year and have completed 1,250 hours over the 12 months prior to the commencement of the leave. The 12-month period during which an eligible employee may take Service Member FMLA will be unpaid leave which runs concurrently with any accumulated paid leave using the fiscal year time frame (October 1 through September 30 of each year).

Eligible employee may take Service Member Leave for either (or both) of the following reasons:

1. A qualifying “exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces in support of a contingency operation. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post deployment reintegration briefings. Leave duration: Up to 12 work weeks of leave during any 12-month period.
2. To care for a covered family member (“next of kin”) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, including a member of the National Guard or Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank, or rating. This leave may also cover if the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list. Leave duration: Up to 26 work weeks of leave during a single 12-month period. (Leave may not exceed 26 weeks in a 12-month period when it is combined with other FMLA-qualifying leave.)

B. Procedure:

Proper documentation from the military entity must be presented to administrator when applicable as outlined in Section III above.

V. Distribution of Policy – This policy will be communicated and issued to all Unified Judicial officials, administrators, managers, and employees.

VI. Federal, State and Local Laws – Where this policy differs from federal, state, or local laws, this policy will conform to those laws as the AOC’s Legal Department may advise.

VII. Review and Revision - The AOC reserves the right to rescind and/or amend this policy and all Organization policies at any time.

APPENDIX C

SPECIAL COURT REPORTER CONTRACT POLICIES

SPECIAL COURT REPORTER CONTRACT POLICIES

Established June 1995

Updated: February 28, 2022

Official Court Reporters (non-merit) do not accumulate annual or sick leave. It is at the discretion of the appointing judge as to when an official court reporter may be absent from work. Recognizing that certain circumstances cannot be predicted, and in accordance with leave policies for merit employees, the following are guidelines for contracting with and payment of Special Court Reporters:

Medical Absences

Includes illness, bodily injury, medical and/or dental appointments and the illness, injury, medical/dental appointments, or death of a member of the immediate family. Immediate family is defined as spouse, children, parents, brothers, sisters, grandparents, and grandchildren of both the employee and the spouse. Paid absence for the purpose of maternity includes pregnancies and adoption/foster care proceedings as extended to merit employees. An official court reporter may only be approved for up to six calendar weeks (or a maximum of 30 calendar days to include usage of leave intermittently) of paid leave in a 12-month period including weekends (calendar year: January 1 – December 31). Any additional absence must be approved by the supervising judge and will be in an unpaid status. For approved medical absences, use of a special court reporter beyond 30 workdays in a 12-month period (calendar year) will be at the expense of the official court reporter and/or the local administrator. All medical absences must be reported to the Human Resources Department of the Administrative Office of Courts. Supporting documentation by a physician must be provided to the employee's administrator to be absent from work and upon returning to work.

Absences Other than Medical Needs

Official (non-merit) court reporters do not earn personal leave. Such leave may be granted at the discretion of the appointing judge. Consideration should be given to the court docket and the availability of other official court reporters within the circuit.

Family and Medical Leave Act (FMLA)

Provides up to 12 weeks of unpaid, job protected leave during any calendar year to any employee who meets eligibility requirements. Unpaid leave may be granted:

- (9) for the birth and care of the newborn child of the employee;
- (10) to care for the employee's newborn child or placement for adoption or foster care;
- (11) to care for an employee's spouse, son, daughter, or parent who has a serious health condition;

- (12) for a serious health condition of the employee that makes him/her unable to perform his/her job.

Employers may require 30 days notice of leave pursuant to the Family Medical Leave Act and may require medical certification of a serious health condition. FMLA leave runs concurrently with any other paid/unpaid “leave”, and must be for a reason pursuant to FMLA.

Special Court Reporter Contract Fees

Daily 8-hour rate:	\$300.00
Daily ½- day rate:	\$150.00
Overtime rate:	\$25.74 Per Hour

(A typical work day consists of eight (8) hours which includes travel time if appointment is outside the reporter’s home base; i.e., place of business. Overtime commences after 8 hours for a full-day contract and 4 hours for ½-day contract. For purposes of overtime, includes time court convenes and adjourns.)

Checklist for Submitting Requests and Expense Claims

For purposes of reimbursement of special court reporters, the Request for Special Court Reporter (PERS-40) is considered a contract and must be signed by the Presiding Circuit Judge. Approval must be obtained prior to services being performed. The dates requested must match the dates worked. Therefore; if a case is reset or additional trial days required, the original Request must be cancelled and a new one submitted.

- Complete form PERS-40 in triplicate and forward to the AOC for approval prior to services being performed.
- Verify that the special court reporter is a registered state vendor. If not, have the special reporter register on our vendor self-service website procurement.staars.alabama.gov. Please contact Elizabeth.Revis@alacourt.gov with any question concerning a special court reporter’s vendor status.
- Include name/email address of the presiding judge’s judicial assistant.
- Upon approval, an email attachment will be sent to the presiding judge’s judicial assistant.
- Provide a copy of the approved request to the special court reporter.
- Place a copy of the approval with the name of the special court reporter in the official court file.
- Upon completion of service and receipt of bill, complete the Expense Claim for Services (FIS-45). Be sure to include:
 - Certification
 - Original Signature of Presiding Circuit Court Judge
 - Date Signed
 - Approval Date/Reference Number(s) – (Located on the approved request form.)
 - Dates Worked

Overtime, if applicable

(In order to properly compensate for overtime, please indicate the time court convened and adjourned.)

If you have any questions or need copies of PERS-40, please email Elizabeth.Revis@alacourt.gov or call, 1-866-954-9411, EXT. 5170.