

House Bill 1125

By: Representatives Cooper of the 45th, Carpenter of the 4th, Daniel of the 117th, Hilton of the 48th, and Smith of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to phase out the payment of subminimum wage to persons with disabilities;
3 to repeal provisions concerning exemptions to the state minimum wage law for persons with
4 disabilities; to provide that no employer shall utilize a certificate issued by the United States
5 Department of Labor pursuant to 29 U.S.C. Section 214(c) to pay individuals with disabilities
6 less than the federal minimum wage; to provide exceptions; to provide for related matters;
7 to provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
11 is amended by revising Code Section 34-4-4, relating to authority of commissioner to grant
12 exemptions from operation of chapter, as follows:

13 "34-4-4.

14 ~~(a) The Commissioner of Labor is authorized to grant exemptions to certain categories of~~
15 ~~organizations and businesses for the purpose of exempting them from the operation of this~~
16 ~~chapter. The exemptions so granted shall be based upon considerations of the value of~~

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17 ~~allowing certain classes of persons to be employed at rates below the minimum rate~~
18 ~~because of overriding considerations of public policy to allow employment of certain~~
19 ~~persons with disabilities and others who cannot otherwise compete effectively in the labor~~
20 ~~market.~~

21 ~~(b) The Commissioner of Labor is authorized to conduct investigations and compile~~
22 ~~information as to the reasons for granting exemptions to certain organizations and~~
23 ~~businesses pursuant to subsection (a) of this Code section. The Commissioner is required~~
24 ~~to maintain a list of such exemptions, along with the records of the investigations~~
25 ~~conducted and the basis for the granting of such exemptions, which list and records shall~~
26 ~~be a public record. Reserved.~~

27 SECTION 2.

28 Said title is further amended in Code Section 34-6A-4, relating to prohibited discriminatory
29 activities, by adding a new subsection to read as follows:

30 "(a.1)(1) No employer shall utilize a certificate issued by the United States Department
31 of Labor pursuant to 29 U.S.C. Section 214(c) to pay individuals with disabilities who
32 are employed by such employer less than the minimum wage required to be paid by
33 employers to employees under federal law.

34 (2) Notwithstanding the provisions of subsection (a) of Code Section 34-4-3 and
35 paragraph (1) of this subsection, any employer that was issued a certificate by the United
36 States Department of Labor pursuant to 29 U.S.C. Section 214(c) on or before
37 July 1, 2024, may utilize such certificate to pay individuals with disabilities employed by
38 such employer less than the minimum wage required to be paid by employers to
39 employees under federal law; provided, however, that:

40 (A) During the period of July 1, 2025 through June 30, 2026, such employer shall pay
41 individuals with disabilities at least half of the minimum wage required to be paid by
42 employers to employees under federal law; and

43 (B) On and after July 1, 2026, such employer shall no longer utilize such certificate to
44 pay individuals with disabilities less than the minimum wage required to be paid by
45 employers to employees under federal law."

46 **SECTION 3.**

47 This Act shall become effective on July 1, 2024.

48 **SECTION 4.**

49 All laws and parts of laws in conflict with this Act are repealed.