

House Bill 245

By: Representatives Evans of the 57<sup>th</sup>, McClain of the 109<sup>th</sup>, Park of the 107<sup>th</sup>, Marin of the 96<sup>th</sup>, Carter of the 93<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 minimum wage law, so as to repeal certain provisions relating to the preemption of wage and  
3 employment benefit mandates adopted by a local government entity; to provide for related  
4 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage  
8 law, is amended by repealing Code Section 34-4-3.1, relating to wage, employment benefits,  
9 and scheduling by local government entities, as follows:

10 ~~"34-4-3.1.~~

11 ~~(a) As used in this Code section, the term:~~

12 ~~(1) 'Employee' means any individual employed by an employer.~~

13 ~~(2) 'Employer' means any person or entity that employs one or more employees.~~

14 ~~(3) 'Employment benefits' means anything of value that an employee may receive from~~  
15 ~~an employer in addition to wages and salary. This term includes, but is not limited to,~~  
16 ~~any health benefits; disability benefits; death benefits; group accidental death and~~

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17 ~~dismemberment benefits; paid days off for holidays, sick leave, vacation, and personal~~  
18 ~~necessity; additional pay based on schedule changes; retirement benefits; and~~  
19 ~~profit-sharing benefits.~~

20 ~~(4) 'Local government entity' means a county, municipal corporation, consolidated~~  
21 ~~government, authority, board of education, or other local public board, body, or~~  
22 ~~commission.~~

23 ~~(5) 'Person' means an individual, partnership, association, corporation, business trust,~~  
24 ~~legal representative, or any other organized group of persons.~~

25 ~~(6) 'Wage or employment benefit mandate' means any requirement adopted by a local~~  
26 ~~government entity which requires an employer to pay any or all of its employees a wage~~  
27 ~~rate or provide employment benefits not otherwise required under this Code or federal~~  
28 ~~law.~~

29 ~~(b)(1) Any and all wage or employment benefit mandates adopted by any local~~  
30 ~~government entity are hereby preempted.~~

31 ~~(2) No local government entity may adopt, maintain, or enforce by charter, ordinance,~~  
32 ~~purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly,~~  
33 ~~a wage or employment benefit mandate.~~

34 ~~(3) Any local government entity may offer its own employees employment benefits.~~

35 ~~(c) No local government entity may through its purchasing or contracting procedures seek~~  
36 ~~to control or affect the wages or employment benefits provided by its vendors, contractors,~~  
37 ~~service providers, or other parties doing business with the local government entity. A local~~  
38 ~~government entity shall not through the use of evaluation factors, qualification of bidders,~~  
39 ~~or otherwise award preferences on the basis of wages or employment benefits provided by~~  
40 ~~its vendors, contractors, service providers, or other parties doing business with the local~~  
41 ~~government entity.~~

42 ~~(d)(1) No local government entity may adopt, maintain, or enforce by charter, ordinance,~~  
43 ~~regulation, rule, or resolution the hours or scheduling that an employer is required to~~  
44 ~~provide employees or otherwise regulate employee output during work hours.~~

45 ~~(2) Any local government entity may set and regulate such hours, scheduling, and output~~  
46 ~~for its own employees and for the provision of services, including, but not limited to,~~  
47 ~~those related to the supplementary powers given to local governments in Article IX,~~  
48 ~~Section II, Paragraph III of the Constitution of this state.~~

49 ~~(3) Nothing in this subsection shall prohibit a local government entity from regulating~~  
50 ~~or limiting the hours a business may operate."~~

51 **SECTION 2.**

52 This Act shall become effective upon its approval by the Governor or upon its becoming law  
53 without such approval.

54 **SECTION 3.**

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