

House Bill 261

By: Representatives Lewis-Ward of the 115th, McClain of the 109th, and Bennett of the 94th

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 require employers to contemporaneously provide a pay stub or other
3 documentation communicating certain information when compensating employees; to
4 provide for related matters; 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 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
8 is amended by revising Code Section 34-7-2, relating to payment of wages by lawful money,
9 checks, or credit transfer and selection of payment dates by employer, as follows:

10 "34-7-2.

11 (a) As used in this Code section, the term 'payroll card account' means an account that is
12 directly or indirectly established through a person, firm, or corporation employing
13 wageworkers or other employees and to which electronic fund transfers of the wages, or
14 salary, or other compensation of such employees are made on a recurring basis, whether
15 the account is operated or managed by such person, firm, or corporation or a third-party
16 payroll processor, a depository institution, or any other person.

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17 (b) Every person, firm, or corporation, including steam and electric railroads, but not
18 including farming, sawmill, and turpentine industries, employing skilled or unskilled
19 wageworkers in manual, mechanical, or clerical labor, including all employees except
20 officials, superintendents, or other heads or subheads of departments who may be
21 employed by the month or year at stipulated salaries, shall, upon the discretion of such
22 person, firm, or corporation, make wage, ~~and salary,~~ and other compensation payments to
23 such employees or to their authorized representatives:

24 (1) By lawful money of the United States;

25 (2) By check;

26 (3) By credit to a payroll card account; or

27 (4) With the consent of the employee, by authorization of electronic credit transfer to his
28 or her account with a bank, trust company, or other financial institution authorized by the
29 United States or one of the several states to receive deposits in the United States.

30 Such payments shall be made on such dates during the month as may be decided upon by
31 such person, firm, or corporation; provided, however, that the dates so selected shall be
32 such that the month will be divided into at least two equal periods; and provided, further,
33 that the payments made on each such date shall in every case correspond to the full net
34 amount of wages, ~~salary,~~ or ~~earnings~~ other compensation due the employees for the period
35 for which the payment is made.

36 (c) A person, firm, or corporation that elects pursuant to subsection (b) of this Code
37 section to make wage, ~~and salary,~~ and other compensation payments by using credit to a
38 payroll card account shall provide the employee with a written explanation of any fees
39 associated with the payroll card account offered to the employee. For all employees
40 employed on the date a person, firm, or corporation elects to make such wage, ~~and salary,~~
41 and other compensation payments by using credit to a payroll card account, such written
42 explanation shall be provided at least 30 days prior to the date such payroll card account

43 is to become available. For any employee hired after the date of such election, the written
44 explanation shall be provided at the time of hiring.

45 (d) A person, firm, or corporation that makes wage, salary, or other compensation
46 payments to an employee pursuant to subsection (b) of this Code section shall,
47 contemporaneously with the payment of any such wage, salary, or other compensation,
48 provide to such employee a stub, register, or other document that communicates the rate
49 of pay, the number of hours worked, if applicable, and any deductions from such wages,
50 salary, or other compensation, including, but not limited to, tax withholdings. Such
51 documentation shall be provided in either electronic or paper format no later than 72 hours
52 after the payment of the wage, salary, or other compensation. For purposes of this
53 subsection, the required documentation shall be deemed to have been provided if it is
54 uploaded on a web portal accessible to the employee."

55 **SECTION 2.**

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