

The House Committee on Industry and Labor offers the following substitute to HB 501:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 and Chapter 2 of Title 39 of the Official Code of Georgia
2 Annotated, relating to labor and industrial relations general provisions and regulation of
3 employment of minors, so as to provide and change certain provisions specific to the ages
4 of individuals in the workforce; to change the age of individuals protected by prohibitions
5 against age discrimination in employment; to repeal certain provisions relating to
6 employment certificate requirements for minors; to prohibit requiring certificates of
7 employment, certificates of age, or youth work permits; to provide for definitions; to
8 authorize the employment of minors for certain work; to provide for related matters; to
9 provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to labor and
13 industrial relations general provisions, is amended by revising subsection (a) of Code Section
14 34-1-2, relating to prohibition of age discrimination in employment, as follows:

15 "(a) No person, firm, association, or corporation carrying on or conducting within this state
16 any business requiring the employment of labor shall refuse to hire, employ, or license nor

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shall such person, firm, association, or corporation bar or discharge from employment any individual ~~between the ages of 40 and 70 years~~ 40 years of age or older, solely upon the ~~ground~~ basis of age, when the reasonable demands of the position do not require such an age distinction, provided that such individual is qualified physically, mentally, and by training and experience to perform satisfactorily the labor assigned to him or her or for which he or she applies. Nothing in this Code section shall affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this Code section. When the retirement or insurance benefit program of any employer shall lawfully prohibit the employment of any person because of excessive age, such person shall have the authority, as a condition of employment, to waive the right to participate in any such program and receive any benefits therefrom. Nothing in this Code section shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age and who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least \$27,000.00."

SECTION 2.

Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of employment of minors, is amended by repealing Code Section 39-2-11, relating to employment certificates required and requirements for issuance, Code Section 39-2-11.1, relating to employment of minors 14 years of age or older during school vacation months for care of lawns, gardens, and shrubbery, Code Section 39-2-12, relating to employment certificates' contents, availability of blank forms, and filing of duplicate copies, Code Section 39-2-13, relating to disposition of employment certificates upon termination of employment

or failure to appear for work for 30 days and requirements as to issuance of subsequent certificates, and Code Section 39-2-14, relating to revocation of employment certificates by Commissioner of Labor, and by adding new Code sections to read as follows:

"39-2-11.

(a) Notwithstanding any other provision of this chapter or any rule or regulation of the Commissioner of Labor adopted pursuant to the provisions of Code Section 39-2-2 to the contrary, a minor 14 years of age or over may be employed outside of school hours in the care and maintenance of lawns, gardens, and shrubbery owned or leased by the employer of such minor, including the operation of equipment in connection therewith, provided that the minor is:

(1) Covered by an accident and sickness insurance plan or a workers' compensation insurance policy or plan provided by the employer; and

(2) Only permitted to care for and maintain those lawns, gardens, and shrubbery that are owned or leased by the employer.

(b) The work authorized by subsection (a) of this Code section includes the care and maintenance of lawns, gardens, and shrubbery on the grounds of mills or factories described in Code Section 39-2-1 and on the grounds of any other factory, mill, or business where employment of the minor within the factory, mill, or business is otherwise prohibited by the provisions of this chapter or by rules and regulations of the Commissioner of Labor.

39-2-12.

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

(1) 'Political subdivision' means a county, municipal corporation, consolidated government, or local authority.

(2) 'State government entity' means a state office, agency, authority, department, commission, board, division, instrumentality, or institution.

68 (b) No state government entity or political subdivision shall by rule, regulation, practice,
69 or other means require:

70 (1) A minor under 18 years of age to be issued an employment certificate, a certificate
71 of age, or a youth work permit as a condition of employment; or

72 (2) An employer to obtain an employment certificate, a certificate of age, or a youth
73 work permit from a minor under 18 years of age as a condition of employment.

74 39-2-13.

75 The Commissioner of Labor shall be authorized to investigate the true age of any minor
76 employed, hear evidence, and require the production of relevant books, documents, or other
77 records.

78 39-2-14.

79 Reserved."

80 **SECTION 3.**

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

83 **SECTION 4.**

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