

House Bill 583

By: Representatives Wilkerson of the 38th, Schofield of the 60th, Burnough of the 77th, Scott of the 76th, Davis of the 87th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to
2 employment security, so as to provide for access and dissemination of certain information
3 and documents related to claims for unemployment benefits; to require the Commissioner
4 of Labor to provide periodic reports containing certain information related to claims for
5 unemployment compensation benefits; to provide members of the General Assembly with
6 access to information and documents concerning constituents' claims for unemployment
7 benefits with such individuals' consent; to require the Department of Labor to develop and
8 make available a consent form for such purpose; to provide for related matters; to provide
9 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 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment
13 security, is amended by revising Code Section 34-8-70, relating to duties and powers of the
14 Commissioner, as follows:

15 "34-8-70.

16 (a) It shall be the duty of the Commissioner to administer this chapter.

(b) The Commissioner shall have power and authority to adopt, amend, or rescind such rules and regulations and to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as deemed necessary or suitable to that end, and such rules and regulations shall be effective upon publication in the manner, not inconsistent with this chapter, which the Commissioner shall prescribe.

(c) The Commissioner shall determine methods of organization and procedure in accordance with this chapter and shall have an official seal, which shall be judicially noticed.

(d) Not later than February 1 of each year, the Commissioner shall submit to the Governor a report covering the administration and operation of this chapter during the preceding fiscal year and shall make such recommendations for amendments to this chapter as deemed proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in the future years to pay benefits in excess of the then current contributions, which reserve shall be established by the Commissioner in accordance with accepted actuarial principles on the basis of statistics regarding employment, business activity, and other relevant factors for the longest possible period.

(e) Every Monday, the Commissioner shall submit to the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, the President of the Senate, the majority leader of the Senate, and the minority leader of the Senate a report specifying for the week prior and for the calendar year to date as to claims for unemployment compensation benefits the number of:

(1) Claims filed with the department;

(2) Unpaid claims;

(3) Claims at each stage of the process provided under this chapter for the filing, payment, and adjudication of such claims;

(4) Inquiries submitted by members of the General Assembly on behalf of their constituents who are experiencing issues with a claim for unemployment compensation benefits; and

(5) Inquiries submitted by members of the General Assembly on behalf of their constituents whose issues have not been resolved.

If the Monday report day is a state holiday, the report shall be submitted the first weekday that is not holiday that immediately follows such Monday.

~~(e)~~(f) Whenever the Commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, the Commissioner shall promptly so inform the Governor and the General Assembly and make recommendations with respect thereto.

~~(f)~~(g) The Commissioner shall fully cooperate with the agencies of other states and shall make every proper effort to oppose and prevent any further action which would in the Commissioner's judgment tend to effect complete or substantial federalization of state unemployment compensation funds or state employment security programs. In addition, the Commissioner may make and may cooperate with other appropriate agencies in making studies as to the practicality and probable cost of possible new state administered social security programs and the relative desirability of state, rather than federal, action in any such field.

~~(g)~~(h) The Commissioner is authorized to enter into such cooperative agreements or contracts with appropriate officials in other states or with the United States secretary of labor for the purpose of the reciprocal collection of overpayments or delinquent contributions, penalties, interest, and costs or for such other purposes as reasonably relate to the discharge of the Commissioner's responsibilities under this chapter.

~~(h)~~(i) Notwithstanding any other provision of this chapter, the Commissioner may recover an overpayment of benefits paid to any individual under this state or another state's

unemployment benefit law or under an unemployment benefit program of the United States.

(j)(1) Notwithstanding any other provision of law, the Commissioner shall have the authority to adopt emergency rules when a state-wide emergency declared by the Governor is in effect and the General Assembly is not in session. Such rules may temporarily:

(A) Modify the maximum benefit amount for regular state benefits, not to exceed 26 times the weekly benefit amount;

(B) Suspend unemployment insurance tax filing and payment deadlines and penalties;

(C) Waive charges to employers for benefits paid;

(D) Expedite the processing of claims; and

(E) Waive work search reporting requirements.

(2) Any emergency rule adopted by the Commissioner pursuant to this subsection shall expire the earlier of:

(A) A date specified by the Commissioner not to exceed 120 days from the date of the adoption of such emergency rule; or

(B) The date on which the state-wide emergency ends as declared by the Governor.

(3) Any emergency rule adopted pursuant to this subsection shall be published on the website of the department and submitted as promptly as reasonably practicable to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairpersons of the House Committee on Industry and Labor and the Senate Insurance and Labor Committee.

(4) Any rule promulgated under this Code section shall not supersede an executive order of the Governor."

SECTION 2.

Said chapter is further amended by revising Code Section 34-8-125, relating to information or records by governmental agencies and penalty for violation, as follows:

"34-8-125.

(a) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal, shall have access to information or records deemed private and confidential under this article if the information or records are needed by the agency for official purposes and:

(1) The agency submits an application in writing to the department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department;

(2) The commissioner, chief executive, or other responsible official of the requesting agency has verified the need for the specific information in writing either on the application or on a separate document; and

(3) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in the same manner as service of process in a civil action. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the department to state any objections to the release of the records or information. The department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(b) In cases of emergency, the governmental agency requesting access shall not be required to comply formally with the provisions of subsection (a) of this Code section at the time of the request if the procedures required by subsection (a) of this Code section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this article. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information ~~are~~ is not released immediately.

(c) The requirements of paragraph (3) of subsection (a) of this Code section shall not apply to governmental agencies ~~where~~ wherein the procedures would frustrate the investigation of possible violations of criminal laws.

(d) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, to determine eligibility or entitlement to public programs, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases, the governmental agency shall not be required to comply with paragraph (3) of subsection (a) of this Code section, but the requirements of the remainder of subsection (a) of this Code section must be satisfied.

(e) Members of the General Assembly may be granted access to information and records deemed private and confidential under this article, unless exempt from disclosure, for the purpose of assisting individual constituents with issues they may be experiencing with claims for unemployment compensation. In order to grant access to such information and records, the individual shall sign a consent form for the member of the General Assembly and his or her staff, granting them access to all records and information concerning that individual that are held by the department. The department shall develop a consent form

146 to be used under this subsection and shall provide members of the General Assembly with
147 access to such form on or before September 1, 2021.

148 ~~(e)(f)~~ Disclosure to ~~governmental agencies~~ under this Code section of information or
149 records obtained by the department from the federal government shall be governed by any
150 applicable federal law or any agreement between the federal government and the
151 department where so required by federal law. State law shall control when federal law
152 does not apply to the records or information.

153 ~~(f)(g)~~ The disclosure of any records or information ~~by a governmental agency which has~~
154 ~~obtained the records or information~~ under this Code section is prohibited unless the
155 disclosure is directly connected to the official purpose for which the records or information
156 was obtained. The willful violation of this subsection shall upon conviction constitute a
157 misdemeanor."

158 **SECTION 3.**

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

161 **SECTION 4.**

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