

House Bill 584

By: Representatives Boddie of the 62nd, McClain of the 100th, Buckner of the 137th, Beverly of the 143rd, Schofield of the 60th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to provide for daily
3 overtime pay for eligible employees; to provide for definitions; to provide for the amount of
4 and method of calculating daily overtime pay; to provide for related matters; to provide for
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to labor and industrial relations, is amended by adding a new Code section
10 to read as follows:

11 "34-1-11.

12 (a) For the purposes of this Code section, the term:

13 (1) 'Daily overtime' means compensation above the eligible employee's regular rate of
14 compensation that is payable to an eligible employee due to the number of hours worked
15 by the eligible employee during a 24 hour period.

16 (2) 'Double overtime' means a form of daily overtime that is paid at two times the
17 eligible employee's regular rate of compensation.

18 (3) 'Eligible employee' means an employee paid on an hourly basis. Such term shall not
19 include public safety employees who are customarily scheduled for shifts consisting of
20 24 hours and seasonal employees.

21 (4) 'Employer' means any individual or entity that employs one or more employees and
22 shall include the State of Georgia and its political subdivisions and instrumentalities.

23 (5) 'Overtime' means a form of daily overtime that is paid at one and one-half times the
24 eligible employee's regular rate of compensation.

25 (6) 'Seasonal employee' mean an employee who works no more than 120 days a year for
26 the employer.

27 (b) Eligible employees shall not be entitled to daily overtime for any time worked up to
28 eight hours in any 24 hour period irrespective of whether that 24 hour period occurs within
29 the same calendar day.

30 (c) Eligible employees shall be entitled to overtime for time worked between eight and 12
31 hours in any 24 hour period irrespective of whether that 24 hour period occurs within the
32 same calendar day.

33 (d) Eligible employees shall be entitled to double overtime for time worked in excess of
34 12 hours during any consecutive 24 hour period irrespective of whether that 24 hour period
35 occurs within the same calendar day.

36 (e) The 24 hour period shall commence upon the eligible employee starting his or her shift;
37 provided, however, that if the eligible employee works shifts on consecutive days and
38 commences the second shift at an earlier time in the day, all hours worked on the second
39 shift that occur within 24 hours of the start of the preceding shift shall be added to the
40 hours worked by the eligible employee during the preceding shift to determine eligibility
41 for daily overtime.

42 (f) For purposes of calculating overtime and double overtime, employers shall round time
43 worked by an eligible employee to the nearest time rounding increment that such employer
44 regularly and customarily uses for time tracking purposes; provided, however, that no
45 employer shall use anything greater than a 15 minute rounding increment.

46 (g) An eligible employee shall be entitled to daily overtime under this Code section
47 regardless of the number of hours worked during any other time increment, such as a week,
48 month, or pay period.

49 (h) Employers shall pay daily overtime under this Code section on the regular payday for
50 the pay period during which the eligible employee earned such daily overtime.

51 (i) If an employee originally categorized as a seasonal employee works more than
52 120 days during the calendar year, the employee shall be retroactively awarded daily
53 overtime for each 24 hour period during the calendar year that the employee worked more
54 than eight hours. The employee shall receive such retroactive daily overtime on the regular
55 payday for the pay period during which the eligible employee worked his or her 121st day
56 for the employer."

57 **SECTION 2.**

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

60 **SECTION 3.**

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