

House Bill 808

By: Representatives Schofield of the 60th, Scott of the 76th, Burnough of the 77th, Davis of the 87th, and McLeod of the 105th

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 provide a date certain for the appointment of a State Advisory Council and
3 other councils by the Commissioner of Labor; to provide for the duties and terms of
4 members, the election of chairpersons, and expense allowances for such councils; to require
5 the publication of reports of such councils and the results of certain investigation and
6 research studies undertaken by the Commissioner with the advice and aid of such councils;
7 to require the provision of certain reports and written comments to members of the General
8 Assembly; to create the Georgia Task Force on Unemployment Modernization and Reform;
9 to provide for its membership, committees, and funding; to provide for a definition; to
10 provide for automatic repeal; to provide for related matters; to provide for an effective date;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
15 is amended by revising Code Section 34-8-72, relating to appointment of state and local or
16 industry advisory councils, as follows:

H. B. 808

17 "34-8-72.

18 (a) No later than September 1, 2021, the ~~The~~ Commissioner shall appoint a State Advisory
19 Council and ~~may appoint~~ and shall appoint one or more local or industry advisory councils,
20 composed in each case of an equal number of employer representatives and employee
21 representatives who may fairly be regarded as representative because of their vocation,
22 employment, or affiliations and of such members representing the general public as the
23 Commissioner ~~may~~ shall designate. ~~Such councils~~ The appointments for each council shall
24 be published on the website of the department. Each council shall aid the Commissioner
25 in formulating policies and discussing problems related to the administration of this chapter
26 and in assuring impartiality and freedom from political influence in the resolution of such
27 problems. A report of each council's activities and findings shall be made available on the
28 website of the department on a quarterly basis. Such advisory councils shall serve without
29 compensation but shall ~~be reimbursed for any necessary expenses~~ receive the same expense
30 allowance as that received by members of the General Assembly and the same mileage
31 allowance as that received by all other state officials and employees for the use of a
32 personal car or a travel allowance for actual transportation cost if traveling by public
33 carrier.

34 (b) The term of each member of the councils shall be for four years, provided that of the
35 members first appointed, at least half shall be appointed for a term of two years and the
36 others for terms of four years.

37 (c) At the first meeting of any council held in each calendar year, the council shall elect
38 a chairperson who shall serve for one year or until his or her successor is elected. A
39 vacancy in the position of chairperson shall be filled by a majority vote of such council at
40 the next meeting. Within 90 days after the chairperson is elected, the council shall
41 establish such rules and procedures the council deems appropriate and shall revise and
42 establish such additional rules and procedures as the council deems appropriate. Such rules
43 and procedures shall be established in bylaws or in such other form as the council shall

44 adopt. A majority of the members of the council shall constitute a quorum for conducting
45 business.

46 (d) Each council shall meet at such times and at such designated places as it shall
47 determine but shall hold at least three regular meetings each year. At least one meeting
48 shall be held each year for the purpose of providing information to state and local elected
49 officials and interested members of the public on issues related to unemployment
50 compensation.

51 (e) The Commissioner shall provide to all members of the councils monthly reports on
52 unemployment claims filed, claims processed, claims remaining unprocessed, claims
53 denied, and appeals filed and processed, including dates of all such stages. The councils
54 may review and prepare written comments on the efficiency and efficacy of the
55 administration of this chapter, as well as proposed changes or legislation to address any
56 problems identified related to the administration of this chapter. Such comments shall be
57 submitted to the Commissioner, the Governor, the Speaker of the House, the minority
58 leader of the House of Representatives, the President of the Senate, and the minority leader
59 of the Senate. Copies of such monthly reports of the Commissioner and any written
60 comments of any of the councils shall be provided at no cost within three days of request
61 to any member of the General Assembly."

62 **SECTION 2.**

63 Said title is further amended by revising Code Section 34-8-76, relating to duties of
64 Commissioner to reduce and prevent unemployment, as follows:

65 "34-8-76.

66 (a) The Commissioner, with the advice and aid of the State Advisory Council and the local
67 or industry advisory councils, shall take all appropriate steps to reduce and prevent
68 unemployment; to encourage and assist in the adoption of practical methods of vocational
69 training, retraining, and vocational guidance; to investigate, recommend, advise, and assist

70 in the establishment and operation, by municipalities, counties, school districts, and the
71 state, of reserves for public works to be used in times of business depressions and
72 unemployment; to promote the reemployment of unemployed workers throughout the state
73 in every other way that ~~may~~ shall be feasible; and to these ends to carry on and publish in
74 print or electronically the results of investigations and research studies.

75 (b) The results of the investigations and research studies provided for in subsection (a) of
76 this Code section shall be published on the department's website on a quarterly basis."

77 **SECTION 3.**

78 Said title is further amended by adding a new chapter to read as follows:

79 "CHAPTER 8A

80 34-8A-1.

81 (a) There is created the Georgia Task Force on Unemployment Modernization and Reform
82 for the purpose of conducting periodic comprehensive reviews of the unemployment
83 security system in this state, including, but not limited to, qualifications, procedures, claims
84 processing, payment disbursement, fraud investigations, and management of status
85 inquiries. The Georgia Task Force on Unemployment Modernization and Reform shall be
86 responsible for establishing performance measures that track the implementation of
87 unemployment security reforms through the analysis of data and user feedback and shall
88 propose additional reforms.

89 (b) As used in this chapter, the term 'task force' means the Georgia Task Force on
90 Unemployment Modernization and Reform.

91 34-8A-2.

92 (a) The task force shall consist of 21 members as follows:

93 (1) Four members appointed by the Governor, one of whom shall be an employer in this
94 state of more than 250 employees, one of whom shall be employed as a human resources
95 professional, one of whom shall by an attorney who represents unemployed individuals
96 in cases before the Department of Labor, and one of whom shall be an employee in this
97 state;

98 (2) Five members appointed by the Speaker of the House of Representatives, one of
99 whom shall be an employer in this state of 250 employees or less, one of whom shall be
100 a citizen of this state who has previously applied for unemployment benefits, and three
101 of whom shall be members of the House of Representatives;

102 (3) Five members appointed by the Lieutenant Governor, one of whom shall be an
103 employer in this state of ten employees or less, one of whom shall be a citizen of this
104 state who has previously applied for unemployment benefits, and three of whom shall be
105 members of the Senate;

106 (4) Six members appointed by the State Advisory Council, all of whom shall be members
107 of a labor union or represent the interests of working people at the state and local level;
108 and

109 (5) The Commissioner of Labor or his or her designee.

110 (b) Each member of the task force shall be appointed to serve for a term of four years or
111 until his or her successor is duly appointed, except the members of the General Assembly,
112 who shall serve until completion of their current terms of office. A member may be
113 appointed to succeed himself or herself on the task force. If a member of the task force is
114 an elected or appointed official, the member, or his or her designee, shall be removed from
115 the task force if the member no longer serves as such elected or appointed official.

116 (c) The Governor shall designate the chairperson of the task force. The task force shall
117 elect other officers as it deems necessary. The chairperson of the task force may designate
118 and appoint committees from among the membership of the task force as well as appoint

119 other persons to perform such functions as he or she may determine to be necessary and
120 relevant to and consistent with this chapter. The chairperson shall only vote to break a tie.
121 (d) The task force shall be attached for administrative purposes only to the Department of
122 Labor. The Department of Labor shall provide staff support for the task force. The
123 Department of Labor shall use any funds specifically appropriated to it to support the work
124 of the task force.

125 34-8A-3.

126 (a) The task force may conduct meetings at such places and times as it deems necessary
127 or convenient to enable it to exercise fully and effectively its powers, perform its duties,
128 and accomplish the objectives and purposes of this chapter. The task force shall hold
129 meetings at the call of the chairperson. The task force shall meet not less than twice every
130 year.

131 (b) A quorum for transacting business shall be a majority of the members of the task force.

132 (c) Any legislative members of the task force shall receive the allowances provided for in
133 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
134 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
135 transportation allowance authorized for state employees. Members of the task force who
136 are state officials, other than legislative members, or state employees shall receive no
137 compensation for their services on the task force, but they shall be reimbursed for expenses
138 incurred by them in the performance of their duties as members of the task force in the
139 same manner as they are reimbursed for expenses in their capacities as state officials or
140 state employees. The funds necessary for the reimbursement of the expenses of state
141 officials, other than legislative members, and state employees shall come from funds
142 appropriated or otherwise available to their respective departments. All other funds
143 necessary to carry out the provisions of this chapter shall come from funds appropriated to
144 the Senate and the House of Representatives.

145 34-8A-4.

146 (a) The task force shall have the following duties:

147 (1) Periodically, and at least every two years, review the conditions, needs, issues, and
148 problems related to the system of unemployment security in this state; issue a report on
149 the same to the Governor and the chairpersons of the House Committee on Industry and
150 Labor and the Senate Insurance and Labor Committee; and recommend any action or
151 proposed legislation which the task force deems necessary or appropriate. Nothing
152 contained in the task force's report shall be considered to authorize or require a change
153 in any law without action by the General Assembly; and

154 (2) Evaluate and consider the best practices, experiences, and results of legislation in
155 other states with regard to the policies, procedures, and qualifications for applying for and
156 providing unemployment benefits.

157 (b) The task force shall have the following powers:

158 (1) Evaluate how the laws and programs affecting the unemployment security system in
159 this state are working;

160 (2) Request and receive data from and review the records of the Department of Labor to
161 the greatest extent allowed by state and federal law;

162 (3) Accept public or private grants, devises, and bequests;

163 (4) Authorize entering into contracts or agreements through the task force's chairperson
164 necessary or incidental to the performance of its duties;

165 (5) Establish rules and procedures for conducting the business of the task force; and

166 (6) Conduct studies, hold public meetings, collect data, or take any other action the task
167 force deems necessary to fulfill its responsibilities.

168 (c) The task force shall be authorized to retain the services of attorneys, consultants,
169 subject matter experts, economists, budget analysts, data analysts, statisticians, and other
170 individuals or organizations as determined appropriate by the task force.

171 34-8A-5.

172 This chapter shall be automatically repealed on June 30, 2029, unless continued in effect
173 by the General Assembly prior to that date."

174 **SECTION 4.**

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

177 **SECTION 5.**

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