

House Bill 847

By: Representative Smith of the 41<sup>st</sup>

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 of labor and industrial relations, so as to provide for victims of domestic  
3 violence or sexual assault to take time off from work without being subjected to termination  
4 or other adverse employment action; to provide for certain prerequisites and procedures for  
5 taking such time off; to provide for related matters; to provide for an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "34-1-11.

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

14 (1) 'Employee' means an individual who works for salary, wages, or other remuneration  
15 for an employer.

16 (2) 'Employer' means any individual or entity that employs 50 or more employees and  
17 shall include the State of Georgia and its political subdivisions and instrumentalities.

18 (3) 'Retaliate' means to subject an employee to an adverse employment action, including,  
19 but not limited to, termination.

20 (4) 'Time off' means a period of time, including partial days, during which an employee  
21 is away from work.

22 (b) An employer shall not in any manner retaliate against an employee who is a victim of  
23 domestic violence or sexual assault for taking time off from work to obtain:

24 (1) Judicial relief or legal services or to prepare for or participate in a civil or criminal  
25 proceeding related to such domestic violence or sexual assault;

26 (2) Medical attention that is needed to recover from physical or psychological injury or  
27 disability resulting from such domestic violence or sexual assault;

28 (3) Psychological or other counseling related to such domestic violence or sexual assault;  
29 or

30 (4) Services from a domestic violence or sexual assault victim services organization,  
31 including, but not limited to, a domestic violence shelter or rape crisis center.

32 (c) In order to take time off pursuant to this Code section, an employee shall:

33 (1) Give the employer reasonable advance notice of his or her intention to take time off,  
34 unless such advance notice is not feasible. If it is not feasible to provide advance notice,  
35 the employee shall give the employer notice as soon as practicable, but no less than 24  
36 hours after the start of the time off;

37 (2) Notify the employer of the anticipated duration of the time off that is needed; and

38 (3) Comply with any reasonable written procedures established by the employer for  
39 requesting and taking time off; provided, however, that such procedures shall not require  
40 the employee to:

41 (A) Search for or to find an individual to work in the employee's stead;

42 (B) Disclose the specific details of the domestic violence or sexual assault that was  
43 committed against the employee; or

44 (C) Provide documentation or certification of any information that would be in  
45 violation of state or federal law.

46 (d) All requests for time off and any supporting documentation or certification that an  
47 employer may require as provided under this Code section shall be kept confidential to the  
48 extent allowed by law.

49 (e) Nothing in this Code section shall be construed to prohibit an employer from taking an  
50 adverse employment action against an employee who, for the purpose of taking time off  
51 under this Code section, makes a false claim of domestic violence or sexual assault."

52 **SECTION 2.**

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

55 **SECTION 3.**

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