

Senate Bill 331

By: Senators Albers of the 56th, Mullis of the 53rd, Dugan of the 30th, Kirkpatrick of the 32nd, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to
2 minimum wage law, so as to prohibit the regulation of employee work hours, scheduling, and
3 output by local government entities; to provide for exceptions; to provide for a short title; to
4 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Protecting Georgia Businesses and
9 Workers Act."

10 **SECTION 2.**

11 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage
12 law, is amended by revising Code Section 34-4-3.1, relating to wages and employment
13 benefits by local government entities, as follows:

14 "34-4-3.1.

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

- 16 (1) 'Employee' means any individual employed by an employer.
- 17 (2) 'Employer' means any person or entity that employs one or more employees.
- 18 (3) 'Employment benefits' means anything of value that an employee may receive from
19 an employer in addition to wages and salary. This term includes, but is not limited to,
20 any health benefits; disability benefits; death benefits; group accidental death and
21 dismemberment benefits; paid days off for holidays, sick leave, vacation, and personal
22 necessity; additional pay based on schedule changes; retirement benefits; and
23 profit-sharing benefits.
- 24 (4) 'Local government entity' means a county, municipal corporation, consolidated
25 government, authority, board of education, or other local public board, body, or
26 commission.
- 27 (5) 'Person' means an individual, partnership, association, corporation, business trust,
28 legal representative, or any other organized group of persons.
- 29 (6) 'Wage or employment benefit mandate' means any requirement adopted by a local
30 government entity which requires an employer to pay any or all of its employees a wage
31 rate or provide employment benefits not otherwise required under this Code or federal
32 law.
- 33 (b)(1) Any and all wage or employment benefit mandates adopted by any local
34 government entity are hereby preempted.
- 35 (2) No local government entity may adopt, maintain, or enforce by charter, ordinance,
36 purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly,
37 a wage or employment benefit mandate.
- 38 (3) Any local government entity may offer its own employees employment benefits.
- 39 (c) No local government entity may through its purchasing or contracting procedures seek
40 to control or affect the wages or employment benefits provided by its vendors, contractors,
41 service providers, or other parties doing business with the local government entity. A local
42 government entity shall not through the use of evaluation factors, qualification of bidders,

43 or otherwise award preferences on the basis of wages or employment benefits provided by
44 its vendors, contractors, service providers, or other parties doing business with the local
45 government entity.

46 (d)(1) No local government entity may adopt, maintain, or enforce by charter, ordinance,
47 regulation, rule, or resolution the hours or scheduling that an employer is required to
48 provide employees or otherwise regulate employee output during work hours.

49 (2) Any local government entity may set and regulate such hours, scheduling, and output
50 for its own employees and for the provision of services, including, but not limited to,
51 those related to the supplementary powers given to local governments in Article IX,
52 Section II, Paragraph III of the Constitution of this state.

53 (3) Nothing in this subsection shall prohibit a local government entity from regulating
54 or limiting the hours a business may operate."

55 **SECTION 3.**

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

58 **SECTION 4.**

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