

House Bill 804

By: Representatives Gilliard of the 162nd, Gardner of the 57th, Prince of the 127th, Bruce of the 61st, and Hill of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6A of Title 34 of the Official Code of Georgia Annotated, relating to the
2 "Georgia Equal Employment for Persons With Disabilities Code," so as to prohibit
3 employers from discriminating against individuals with disabilities by paying less than the
4 required minimum wage; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6A of Title 34 of the Official Code of Georgia Annotated, relating to the "Georgia
9 Equal Employment for Persons With Disabilities Code," is amended by revising
10 subsection (a) of Code Section 34-6A-4, relating to prohibited discriminatory activities, as
11 follows:

12 "(a) No employer shall fail or refuse to hire nor shall any employer discharge or
13 discriminate against any individual with disabilities with respect to wages, rates of pay,
14 hours, or other terms and conditions of employment because of such person's disability
15 unless such disability restricts that individual's ability to engage in the particular job or
16 occupation for which he or she is eligible; nor shall any employer limit, segregate, or
17 classify individuals with disabilities in any way which would deprive or tend to deprive any
18 individual with disabilities of employment opportunities or otherwise affect employee
19 status because of such person's disability, unless such disability constitutes a bona fide and
20 necessary reason for such limitation, segregation, or classification. This subsection shall
21 not be construed to require any employer to modify his or her physical facilities or grounds
22 in any way or exercise a higher degree of caution for an individual with disabilities than
23 for any person who is not an individual with disabilities, nor shall this subsection be
24 construed to prohibit otherwise lawful employment practices or requirements merely
25 because such practices or requirements affect a greater proportion of individuals with
26 disabilities than individuals without disabilities within the area from which the employer

27 customarily hires his or her employees. This subsection shall not be construed to allow an
28 employer to pay any individual with disabilities who is a covered employee less than the
29 amount provided under subsection (a) of Code Section 34-4-3."

30

SECTION 2.

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