

Senate Bill 408

By: Senators Strickland of the 17th, Dugan of the 30th, Miller of the 49th, Unterman of the 45th, Anderson of the 43rd and others

**AS PASSED**

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 change certain provisions and to provide certain benefits and procedures  
3 affecting employment and separation from employment; to extend the sunset provision  
4 relating to use of sick leave for care of immediate family; to change the definition of the term  
5 "deductible earnings"; to provide for emergency adjustments to the "Employment Security  
6 Law" during a state-wide emergency declared by the Governor; to extend the maximum  
7 benefit weeks; to provide the Commissioner with the authority to establish a short-time  
8 compensation program; to provide for related matters; to provide for an effective date; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,  
13 is amended by revising subsection (f) of Code Section 34-1-10, relating to use of sick leave  
14 for care of immediate family members, as follows:

15 "(f) This Code section shall be repealed in its entirety on ~~July 1, 2020~~ July 1, 2023, unless  
16 extended by an Act of the General Assembly."

17 **SECTION 2.**

18 Said title is further amended by revising Code Section 34-8-30, relating to deductible  
19 earnings, as follows:

20 "34-8-30.

21 As used in this chapter, the term 'deductible earnings' means all money ~~in excess of \$30.00~~  
22 earned each week ~~earned~~ by a claimant for services performed, whether or not received by  
23 such claimant, in excess of an amount established by the Commissioner as promulgated by  
24 rules and regulations. The amount established by the Commissioner shall not be less than  
25 \$50.00 nor shall it exceed \$300.00. For claims filed on or after July 1, 2002, the term

26 ~~'deductible earnings' means all money in excess of \$50.00 each week earned by a claimant~~  
 27 ~~for services performed, whether or not received by such claimant. Deductible earnings~~  
 28 ~~shall be subtracted from the weekly benefit amount of the claim."~~

29 **SECTION 3.**

30 Said title is further amended in Code Section 34-8-70, relating to duties and powers of  
 31 Commissioner, by adding a new subsection to read as follows:

32 "(i)(1) Notwithstanding any other provision of law, the Commissioner shall have the  
 33 authority to adopt emergency rules when a state-wide emergency declared by the  
 34 Governor is in effect and the General Assembly is not in session. Such rules may  
 35 temporarily:

36 (A) Modify the maximum benefit amount for regular state benefits, not to exceed 26  
 37 times the weekly benefit amount;

38 (B) Suspend unemployment insurance tax filing and payment deadlines and penalties;

39 (C) Waive charges to employers for benefits paid;

40 (D) Expedite the processing of claims; and

41 (E) Waive work search reporting requirements.

42 (2) Any emergency rule adopted by the Commissioner pursuant to this subsection shall  
 43 expire the earlier of:

44 (A) A date specified by the Commissioner not to exceed 120 days from the date of the  
 45 adoption of such emergency rule; or

46 (B) The date on which the state-wide emergency ends as declared by the Governor.

47 (3) Any emergency rule adopted pursuant to this subsection shall be published on the  
 48 website of the department and submitted as promptly as reasonably practicable to the  
 49 Governor, the Speaker of the House of Representatives, the President Pro Tempore of the  
 50 Senate, and the chairs of the House Committee on Industry and Labor and the Senate  
 51 Insurance and Labor Committee.

52 (4) Any rule promulgated under this Code section shall not supersede an executive order  
 53 of the Governor."

54 **SECTION 4.**

55 Said title is further amended in Code Section 34-8-193, relating to determination of weekly  
 56 benefit amount, by revising subsections (d) and (e) as follows:

57 "(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable  
 58 to an individual in a benefit year shall:

59 (A) For claims filed prior to June 14, 2020, be the lesser of:

60 ~~(A)~~(i) Fourteen times the weekly benefit amount, if this state's average  
 61 unemployment rate is at or below 6.5 percent, with an additional weekly amount  
 62 added for each 0.5 percent increment in this state's average unemployment rate above  
 63 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's  
 64 average unemployment rate equals or exceeds 9 percent; or

65 ~~(B)~~(ii) One-fourth of the base period wages.

66 (B) For claims filed on or after June 14, 2020, be the lesser of:

67 (i) Fourteen times the weekly benefit amount, if this state's average unemployment  
 68 rate is at or below 4.5 percent, with an additional weekly amount added for each  
 69 0.5 percent increment in this state's average unemployment rate above 4.5 percent up  
 70 to a maximum of 26 times the weekly benefit amount if this state's average  
 71 unemployment rate exceeds 10 percent; or

72 (ii) One-fourth of the base period wages.

73 If the amount computed is not a multiple of the weekly benefit amount, the total will be  
 74 adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits  
 75 shall be extended in accordance with Code Section 34-8-197.

76 (2) In addition to and subsequent to payment of all benefits otherwise allowed under  
 77 paragraph (1) of this subsection whenever the average rate of total unemployment in this  
 78 state, seasonally adjusted, as determined by the United States secretary of labor, for the  
 79 period consisting of the most recent three months for which data for all states are  
 80 published before the close of such week equals or exceeds 11 percent, weekly  
 81 unemployment compensation shall be payable under this subsection to any individual  
 82 who is unemployed, has exhausted all rights to regular unemployment compensation  
 83 under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory  
 84 progress, as determined by the Commissioner, in a training program approved by the  
 85 department, or in a job training program authorized under the Workforce Investment Act  
 86 of 1998, Public Law 105-220, and not receiving similar stipends or other training  
 87 allowances for nontraining costs. Each such training program approved by the  
 88 department or job training program authorized under the Workforce Investment Act of  
 89 1998 shall prepare individuals who have been separated from a declining occupation, as  
 90 designated by the department from time to time, or who have been involuntarily and  
 91 indefinitely separated from employment as a result of a permanent reduction of  
 92 operations at the individual's place of employment, for entry into a high-demand  
 93 occupation, as designated by the department from time to time. The amount of  
 94 unemployment compensation payable under this subsection to an individual for a week  
 95 of unemployment shall be equal to the individual's weekly benefit amount for the  
 96 individual's most recent benefit year less deductible earnings, if any. For claims filed

97 prior to June 14, 2020, the total amount of unemployment compensation payable under  
 98 this subsection to any individual shall be equal to 14 times the individual's weekly benefit  
 99 amount for the individual's most recent benefit year, if this state's average unemployment  
 100 rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5  
 101 percent increment in this state's average unemployment rate above 6.5 percent up to a  
 102 maximum of 20 times the weekly benefit amount if this state's average unemployment  
 103 rate equals or exceeds 9 percent. For claims filed on or after June 14, 2020, the total  
 104 amount of unemployment compensation payable under this subsection to any individual  
 105 shall be equal to 14 times the individual's weekly benefit amount for the individual's most  
 106 recent benefit year, if this state's average unemployment rate is at or below 4.5 percent,  
 107 with an additional weekly amount added for each 0.5 percent increment in this state's  
 108 average unemployment rate above 4.5 percent up to a maximum of 26 times the weekly  
 109 benefit amount if this state's average unemployment rate exceeds 10 percent. The  
 110 provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for  
 111 benefits under this subsection. Except when the result would be inconsistent with other  
 112 provisions of this subsection, all other provisions of Article 7 of this chapter shall apply  
 113 to the administration of the provisions of this subsection.

114 (3) As used in this subsection, the term 'state's average unemployment rate' means the  
 115 average of the adjusted state-wide unemployment rates as published by the department  
 116 for the time periods of April 1 through April 30 and October 1 through October 31. The  
 117 average of the adjusted state-wide unemployment rates for the time period of April 1  
 118 through April 30 shall be effective on and after July 1 of each year and shall be effective  
 119 through December 31. The average of the adjusted state-wide unemployment rates for  
 120 the time period of October 1 through October 31 shall be effective on and after January 1  
 121 of each year and shall be effective through June 30.

122 (e)(1) An otherwise eligible individual shall be paid the weekly benefit amount, less gross  
 123 earnings in excess of \$30.00 an amount established by the Commissioner as promulgated  
 124 by rules and regulations, payable to the individual applicable to the week for which benefits  
 125 are claimed. Such remaining benefit, if not a multiple of \$1.00, shall be computed to the  
 126 nearest multiple of \$1.00. Earnings of \$30.00 or less equal to or less than the amount  
 127 established by the Commissioner will not affect entitlement to benefits. The amount  
 128 established by the Commissioner shall not be less than \$50.00 nor shall it exceed \$300.00.  
 129 For the purpose of this subsection, jury duty pay shall not be considered as earnings.

130 ~~(2) For claims filed on or after July 1, 2002, an otherwise eligible individual shall be paid~~  
 131 ~~the weekly benefit amount, less gross earnings in excess of \$50.00, payable to the~~  
 132 ~~individual applicable to the week for which benefits are claimed. Such remaining benefit,~~  
 133 ~~if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00. Earnings~~

134 ~~of \$50.00 or less will not affect entitlement to benefits. For the purpose of this paragraph,~~  
 135 ~~jury duty pay shall not be considered as earnings."~~

136 **SECTION 5.**

137 Said title is further amended in Chapter 8, relating to employment security, by adding a new  
 138 article to read as follows:

139 "ARTICLE 11

140 34-8-290.

141 (a) The Commissioner shall have the authority to adopt, amend, or rescind rules and  
 142 regulations and to take such other action as deemed necessary or suitable in order to  
 143 establish a work-sharing program that provides employers with an alternative to layoffs.

144 (b) Any work-sharing program so established shall:

145 (1) Allow employers to voluntarily reduce employees' hours by 10 to 60 percent in lieu  
 146 of layoffs and provide employees with a corresponding prorated share of unemployment  
 147 benefits;

148 (2) Conform to the provisions of the definition of short-time compensation program  
 149 provided in 26 U.S.C. Section 3306(v) of the Federal Unemployment Tax Act; and

150 (3) Include such provisions as are necessary to qualify for available federal  
 151 reimbursement of benefits and federal short-time compensation administrative grants  
 152 available, including but not limited to, any funds available under Title II, Subtitle A of  
 153 the CARES Act (Public Law 116-136), as amended."

154 **SECTION 6.**

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

157 **SECTION 7.**

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