

Senate Bill 337

By: Senators Brown of the 26th, Starr of the 44th, Cheeks of the 23rd, Hecht of the 34th, Williams of the 6th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 34 of the Official Code of Georgia Annotated, relating to the
2 Department of Labor, so as to authorize the Commissioner of Labor to investigate unsafe
3 working conditions and work environments in certain state authorities and instrumentalities;
4 to provide for enforcement; to authorize the Commissioner to promulgate rules and
5 regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 34 of the Official Code of Georgia Annotated, relating to the Department
9 of Labor, is amended by adding a new Code Section 34-2-15 to read as follows:

10 "34-2-15.

11 (a) Every authority and instrumentality of the State of Georgia that has more than ten
12 employees shall furnish employment which shall be reasonably safe for such employees,
13 shall furnish and use safety devices and safeguards, shall adopt and use methods and
14 processes reasonably adequate to render such an employment and place of employment
15 safe, and shall do every other thing reasonably necessary to protect the life, health, safety,
16 and welfare of such employees.

17 (b) The Commissioner of Labor shall have the authority to investigate and shall
18 investigate, upon complaint or upon his or her own motion, the safety of the working
19 conditions and work environment of each authority and instrumentality of the state subject
20 to the provisions of subsection (a) of this Code section. The Commissioner shall have the
21 authority to promulgate rules and regulations to implement the provisions of this Code
22 section.

23 (c) In the event that the Commissioner discovers an unsafe working condition or work
24 environment through an investigation under this Code section, the Commissioner shall
25 notify the authority or instrumentality of such unsafe working condition or work
26 environment and require the authority or instrumentality to correct such unsafe working

1 condition or work environment within a reasonable time as determined in the discretion of
2 the Commissioner. If the authority or instrumentality fails or refuses to correct such unsafe
3 working condition or work environment within a reasonable time after receiving such
4 notice, the Commissioner may issue a show cause order to the authority or instrumentality
5 and conduct a hearing concerning such unsafe working condition or work environment.
6 Such hearings shall be conducted in accordance with the provisions of Chapter 13 of Title
7 50, the 'Georgia Administrative Procedures Act.' At the conclusion of the hearing, if the
8 Commissioner finds that the authority or instrumentality is maintaining an unsafe working
9 condition or work environment, the Commissioner shall issue a cease and desist order
10 which shall be served on the authority or instrumentality in writing directing the authority
11 or instrumentality to correct such unsafe working condition or work environment. If the
12 authority or instrumentality fails or refuses to comply with such cease and desist order, the
13 Commissioner is authorized to seek enforcement of the cease and desist order in the
14 Superior Court of Fulton County to include, but not be limited to, injunctive relief against
15 the authority or instrumentality.

16 (d) This Code section shall not operate in any manner as a waiver of any of the privileges
17 and immunities granted to authorities and instrumentalities of the State of Georgia by the
18 Constitution of this state or the United States."

19 **SECTION 2.**

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