

House Bill 342

By: Representatives Orrock of the 56<sup>th</sup>, Smyre of the 136<sup>th</sup>, Martin of the 47<sup>th</sup>, Coleman of the 142<sup>nd</sup>, Turnquest of the 73<sup>rd</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 employment security, so as to provide for an adjustable base period for calculating eligibility  
3 to receive unemployment compensation; to provide that certain persons seeking part-time  
4 work are not disqualified from receiving benefits by that fact alone; to provide that certain  
5 persons may be unemployed through no fault of their own due to undue family hardship  
6 arising out of domestic violence or compelling family obligations and may therefore be  
7 eligible for unemployment compensation; to provide for related matters; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment  
12 security, is amended by striking Code Section 34-8-21, relating to the definition of base  
13 period, and inserting in lieu thereof the following:

14 "34-8-21.

15 (a) Except as provided in subsection (b) of this Code section, as ~~As~~ used in this chapter,  
16 the term 'base period' means the first four of the last five completed calendar quarters  
17 immediately preceding the first day of an individual's benefit year; provided, however,  
18 that, in the case of a combined wage claim under Code Section 34-8-80, the base period  
19 shall be that applicable under the unemployment compensation law of the paying state.

20 (b) If an individual does not have sufficient wages to qualify for benefits under the  
21 definition of base period in subsection (a) of this Code section, or if an individual has  
22 reason to believe that he or she would be eligible for an increase of 10 percent or more in  
23 total weekly benefits, then his or her base period shall be calculated using the last four  
24 completed calendar quarters immediately preceding the first day of the individual's benefit  
25 year. Such base period shall be known as the 'alternative base period.' Where the  
26 Commissioner does not possess payroll documentation from the employer, the

1 Commissioner shall rely on the affidavit of the applicant to determine the wages earned for  
 2 the most recent calendar quarter. Any benefits paid and charged to an employer's account  
 3 based upon an applicant's affidavit shall be amended when the quarterly report of wage  
 4 information is timely received from the employer if that report differs from the affidavit.  
 5 Applicants shall receive written notice of the option to use the alternative base period."

## 6 SECTION 2.

7 Said chapter is further amended by striking Code Section 34-8-24, relating to the definition  
 8 of bona fide in the labor market, and inserting in lieu thereof the following:

9 "34-8-24.

10 As used in this chapter, the term 'bona fide in the labor market' means that any person  
 11 claiming benefits under this chapter must be available for full-time employment, as that  
 12 term is generally understood in the trade or work classification involved, without regard  
 13 to prior work restrictions; or that the person is available for part-time employment provided  
 14 that good cause exists for the person to limit his or her work search to part-time  
 15 employment and provided that there exists a market for part-time work in a substantial field  
 16 of employment. Good cause shall include but not be limited to circumstances constituting  
 17 'undue family hardship' pursuant to Code Section 34-8-194.1."

## 18 SECTION 3.

19 Said chapter is further amended by adding following Code Section 34-8-194, relating to  
 20 grounds for disqualification of benefits, a new Code section to read as follows:

21 "34-8-194.1.

22 Whenever an individual is separated from work for reasons based on undue family  
 23 hardship, such individual shall be deemed for all purposes to be unemployed through no  
 24 fault of his or her own and good cause shall be found to exist to justify his or her voluntary  
 25 or involuntary separation from employment, provided that such individual took reasonable  
 26 steps to preserve the employment relationship. 'Undue family hardship' shall include, but  
 27 not be limited to:

28 (1) Circumstances resulting from an individual's status as a victim of family violence,  
 29 provided that such individual provides one or more of the following items:

30 (A) A temporary protective order, restraining order, or other order for equitable relief  
 31 issued by a court of competent jurisdiction involving family violence;

32 (B) A police report reflecting the family violence;

33 (C) Proof that the alleged perpetrator of the family violence has been convicted of a  
 34 prior crime of family violence;

35 (D) Medical evidence of the family violence;

1 (E) A letter from a domestic violence shelter certified by the State of Georgia stating  
2 that the person is a victim of family violence; or

3 (F) Other written evidence of family violence provided by a social worker, member of  
4 the clergy, domestic violence shelter worker, or other professional who has assisted the  
5 person in dealing with the family violence; and

6 (2) Circumstances relating to the health, care, or welfare of the individual or individual's  
7 family of such a compelling nature as to require the individual's presence, including but  
8 not limited to the following:

9 (A) The individual knows or reasonably believes that a member of the individual's  
10 family is seriously ill and there is no reasonable alternative to the individual's presence;

11 (B) The individual's family member is facing imminent death;

12 (C) The individual knows or reasonably believes that a member of the individual's  
13 family is seriously ill so as to require that the individual make a change of residence for  
14 that person's care or welfare, making it impossible or impractical for the individual to  
15 commute to work;

16 (D) The individual's family member is elderly and unable to care for himself or herself  
17 and there is no reasonable alternative to the individual's presence;

18 (E) The individual's minor child requires care and supervision and there is no  
19 reasonable alternative to the individual's presence; or

20 (F) The individual is seriously ill, which makes it impossible for the individual to  
21 continue the employment.

22 There shall be no charge against the employer's experience rating account for benefits  
23 paid under the provisions of this Code section."

#### 24 **SECTION 4.**

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