

House Bill 731

By: Representatives Franklin of the 17th, Thompson of the 69th, Post 1, Marin of the 66th,
Coan of the 67th, Post 1, Bannister of the 70th, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-8-194 of the Official Code of Georgia Annotated, relating to
2 grounds for disqualification of unemployment benefits, so as to add an additional ground for
3 disqualification of benefits; to provide an effective date; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 34-8-194 of the Official Code of Georgia Annotated, relating to grounds for
8 disqualification of unemployment benefits, is amended by striking subparagraph (B) of
9 paragraph (2) and inserting in its place the following:

10 "(B) An individual shall not be disqualified for benefits under subparagraph (A) of this
11 paragraph if, based on the rules and regulations promulgated by the Commissioner, the
12 Commissioner determines:

13 (i) The individual made a good faith effort to perform the duties for which hired but
14 was simply unable to do so;

15 (ii) The individual did not intentionally fail or consciously neglect to perform his or
16 her job duties;

17 (iii) The discharge occurred because of absenteeism and the absences were caused
18 by illness of the claimant or a family member, unless the claimant has without
19 justification failed to notify the employer;

20 (iv) The discharge occurred as a violation of the employer's rule of which the
21 claimant was not informed by having been made aware thereof by the employer or
22 through common knowledge; provided, however, that if such discharge was a result
23 of intentional conduct constituting a felony on the part of an individual, which
24 conduct resulted in the individual being convicted of a felony or making a plea of first
25 offender, nolo contendere, or any other plea or pretrial deferred prosecution that
26 would indicate guilt, or if the individual admitted that he or she engaged in such

1 conduct and such conduct occurred while the individual was on the job, the individual
2 shall be disqualified for benefits under subparagraph (A) of this paragraph without
3 regard to whether he or she had been made aware of the employer's applicable rule
4 by the employer or by common knowledge and without regard to whether there exists
5 an applicable rule of the employer. If the individual was acquitted or the charges
6 against the individual were dismissed for reasons other than a plea of first offender
7 or pretrial deferred prosecution, he or she shall be eligible for benefits under
8 subparagraph (A) of this paragraph. Consistency of prior enforcement shall be taken
9 into account as to the reasonableness or existence of the rule and such rule must be
10 lawful and reasonably related to the job environment and job performance; or
11 (v) Except for activity requiring disqualification under paragraph (4) of this Code
12 section, the employee was exercising a protected right to protest against wages, hours,
13 working conditions, or job safety under the federal National Labor Relations Act or
14 other laws."

15 SECTION 2.

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

18 SECTION 3.

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