

HOUSE SUBSTITUTE TO SENATE BILL 167

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 extension of the reduction in contribution rates  
3 through December 31, 2004; to extend the suspension of the surcharge based upon the  
4 State-wide Reserve Ratio; to provide that leaving an employer voluntarily because of the  
5 transfer of a spouse from one military assignment to another shall not disqualify a person  
6 from such benefits; to provide for effective dates; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment  
11 security, is amended by striking subparagraph (d)(4)(B) of Code Section 34-8-156, relating  
12 to the State-wide Reserve Ratio, and inserting in lieu thereof a new subparagraph (d)(4)(B)  
13 to read as follows:

14 "(B) Except for any year or portion of a year during which the provisions of  
15 paragraph (1) of subsection (f) of Code Section 34-8-155 apply, when the State-wide  
16 Reserve Ratio, as calculated above, is less than 1.7 percent, there shall be an overall  
17 increase in the rate, as of the computation date, for each employer whose rate is  
18 computed under a rate table in Code Section 34-8-155 in accordance with the following  
19 table:

20 If the State-wide Reserve Ratio:

21	Equals or	But Is	Overall
22	<u>Exceeds</u>	<u>Less Than</u>	<u>Increase</u>
23	1.5 percent	1.7 percent	25 percent
24	1.25 percent	1.5 percent	50 percent
25	0.75 percent	1.25 percent	75 percent

1 Under 0.75 percent 100 percent

2 provided, however, that for the period of January 1 through December 31, ~~2003~~ 2004,  
 3 the overall increase in the rate required under this subparagraph shall be suspended and  
 4 the provisions of this subparagraph shall be null and void, except in the event the  
 5 State-wide Reserve Ratio, as calculated above, is less than 1.00 percent, then the  
 6 Commissioner of Labor, in consultation with the Governor, is directed to impose an  
 7 increase in the overall rate of up to 40 percent, as of the computation date, for each  
 8 employer whose rate is computed under a rate table in Code Section 34-8-155."

9 **SECTION 2.**

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

12 "34-8-24.

13 As used in this chapter, the term 'bona fide in the labor market' means that any person  
 14 claiming benefits under this chapter must be available for full-time or part-time  
 15 employment, as that term is generally understood in the trade or work classification  
 16 involved, without regard to prior work restrictions; provided in the case of availability for  
 17 part-time employment that there is a labor market in which a reasonable demand exists for  
 18 the part-time services which the claimant offers."

19 **SECTION 2A.**

20 Said chapter is further amended in Code Section 34-8-194, relating to grounds for  
 21 disqualification of unemployment benefits, by striking in its entirety paragraph (1) and  
 22 inserting in lieu thereof the following:

23 "(1) For the week or fraction thereof in which the individual has filed an otherwise valid  
 24 claim for benefits after such individual has left the most recent employer voluntarily  
 25 without good cause in connection with the individual's most recent work. Good cause  
 26 shall be determined by the Commissioner according to the circumstances in the case;  
 27 provided, however, that leaving an employer to accompany a spouse who has been  
 28 reassigned from one military assignment to another shall be deemed to be for good  
 29 cause; provided, however, that the employer's account shall not be charged for any  
 30 benefits paid out to the person who leaves to accompany a spouse reassigned from one  
 31 military assignment to another. To requalify following a disqualification, an individual  
 32 must secure subsequent employment for which the individual earns insured wages equal  
 33 to at least ten times the weekly benefit amount of the claim and then becomes  
 34 unemployed through no fault on the part of the individual. Notwithstanding the foregoing,

1 in the Commissioner's determination the burden of proof of good work connected cause  
2 for voluntarily leaving such work shall be on the individual. Benefits shall not be denied  
3 under this paragraph, however, to an individual for separation from employment pursuant  
4 to a labor management contract or agreement or pursuant to an established employer plan,  
5 program, policy, layoff, or recall which permits the individual, because of lack of work,  
6 to accept a separation from employment;"

7 **SECTION 3.**

- 8 (a) Section 1, this section, and Section 4 of this Act shall become effective upon its approval  
9 by the Governor or upon its becoming law without such approval.  
10 (b) Section 2A of this Act shall become effective on July 1, 2003.  
11 (c) Section 2 of this Act shall become effective on July 1, 2004.

12 **SECTION 4.**

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