

The House Committee on Children and Youth offers the following substitute to
HB 1347:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,
2 relating to employees' records checks for day-care centers, so as to revise a definition; to
3 change certain provisions relating to fingerprint records check applications for directors of
4 existing facilities and preliminary records checks for employees; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
9 employees' records checks for day-care centers, is amended by striking paragraph (1) of
10 Code Section 49-5-60, relating to definitions, and inserting in its place the following:

11 "(1) 'Center' means a child-care learning center, child-placing agency, day-care center,
12 group day-care home, family day-care home, or child-caring institution which is required
13 to be licensed or registered under Article 1 of this chapter."

14 **SECTION 2.**

15 Said article is further amended by striking subsection (b) of Code Section 49-5-67, relating
16 to fingerprint records check applications for directors of existing facilities and preliminary
17 records checks for employees, and inserting in its place the following:

18 ~~"(b) As an exception to the requirements set out in this article for employees of centers, a~~
19 ~~center may hire emergency temporary employees in order to avoid noncompliance with~~
20 ~~staffing requirements for centers required by law, rule, or regulation. An emergency~~
21 ~~temporary employee may start working immediately after requesting a preliminary records~~
22 ~~check from a local law enforcement agency and may work up to five working days without~~
23 ~~the results of the preliminary records check if the director of the center maintains an~~
24 ~~affidavit with supporting documents in the employee's personnel file stating that the~~
25 ~~emergency temporary employee applied for a preliminary records check with a local law~~

1 ~~enforcement agency before the employee began work and the date that the preliminary~~
2 ~~records check was received from the local law enforcement agency. The employee's~~
3 ~~personnel file shall be available to the department for inspection. At the end of the five-day~~
4 ~~work period or upon receipt of the results of the preliminary records check, whichever~~
5 ~~occurs first, emergency temporary employees become subject to all other requirements of~~
6 ~~this article. As an alternative to the requirements set out in this article pertaining to~~
7 ~~obtaining preliminary criminal records check determinations through the department for~~
8 ~~employees, foster parents, and adults residing in a foster care home, but not including~~
9 ~~directors of centers, centers may obtain GCIC information through local law enforcement~~
10 ~~agencies. The center shall be responsible for reviewing the GCIC information obtained for~~
11 ~~the potential employee, or foster parent or other adult residing in the foster care home, and~~
12 ~~make a written determination that the individual does not have a criminal record as defined~~
13 ~~in this article. This written determination, together with all supporting documentation~~
14 ~~received from any law enforcement agency, must be maintained in the center's file and~~
15 ~~available for inspection by the department. This satisfactory determination must be made~~
16 ~~before the employee or foster parent begins any duties for the center. However, where there~~
17 ~~is an urgent need for an emergency temporary employee to work at a center's facility in~~
18 ~~order to avoid immediate noncompliance with staffing requirements, such center may~~
19 ~~utilize the applicant as an emergency temporary employee after applying for the~~
20 ~~preliminary records check through the local law enforcement agency and completing the~~
21 ~~affidavit. In such emergency situations, the director of the center must complete an~~
22 ~~affidavit, with all supporting documentation attached thereto, stating that the GCIC~~
23 ~~information has been requested through an identified local law enforcement agency and~~
24 ~~that the results were not immediately available to the center prior to assigning the employee~~
25 ~~to work with children at the center's facility in order to avoid immediate noncompliance~~
26 ~~with staffing ratios. The affidavit with supporting documentation must be maintained in the~~
27 ~~center's file on the individual and available to the department for inspection. The director~~
28 ~~shall review the GCIC information upon receipt, but in no case shall an emergency~~
29 ~~temporary employee be permitted to continue working for more than three days without~~
30 ~~having a satisfactory determination made by the director and entered into the center's file~~
31 ~~on the employee with all supporting documentation. Centers shall not abuse the right to~~
32 ~~utilize emergency temporary employees. Foster parents and adults residing in a foster care~~
33 ~~home utilized by child-placing agencies shall never be utilized as emergency temporary~~
34 ~~employees of the child-placing agency. Employees, emergency temporary employees,~~
35 ~~foster parents, and other adults required to have records checks who are utilized by centers~~
36 ~~are subject to all other requirements set forth in this article. Where the department has~~
37 ~~reason to question the validity of the GCIC information or the satisfactory determination~~

1 made by the center, the department may require the employee, emergency temporary
2 employee, foster parent, or other adult to submit a preliminary criminal records check
3 application through the department together with appropriate fees."

4 **SECTION 3.**

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