

House Bill 1347 (COMMITTEE SUBSTITUTE)

By: Representatives Manning of the 32<sup>nd</sup>, Sinkfield of the 50<sup>th</sup>, Gardner of the 42<sup>nd</sup>, Post 3, Buckner of the 82<sup>nd</sup>, Henson of the 55<sup>th</sup>, and others

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 order~~  
18 ~~to avoid immediate noncompliance with staffing requirements, such center may utilize the~~  
19 ~~applicant as an emergency temporary employee after applying for the preliminary records~~  
20 ~~check through the local law enforcement agency and completing the affidavit. In such~~  
21 ~~emergency situations, the director of the center must complete an affidavit, with all~~  
22 ~~supporting documentation attached thereto, stating that the GCIC information has been~~  
23 ~~requested through an identified local law enforcement agency and that the results were not~~  
24 ~~immediately available to the center prior to assigning the employee to work with children at~~  
25 ~~the center's facility in order to avoid immediate noncompliance with staffing ratios. The~~  
26 ~~affidavit with supporting documentation must be maintained in the center's file on the~~  
27 ~~individual and available to the department for inspection. The director shall review the GCIC~~  
28 ~~information upon receipt, but in no case shall an emergency temporary employee be~~  
29 ~~permitted to continue working for more than three days without having a satisfactory~~  
30 ~~determination made by the director and entered into the center's file on the employee with~~  
31 ~~all supporting documentation. Centers shall not abuse the right to utilize emergency~~  
32 ~~temporary employees. Foster parents and adults residing in a foster care home utilized by~~  
33 ~~child-placing agencies shall never be utilized as emergency temporary employees of the~~  
34 ~~child-placing agency. Employees, emergency temporary employees, foster parents, and other~~  
35 ~~adults required to have records checks who are utilized by centers are subject to all other~~  
36 ~~requirements set forth in this article. Where the department has reason to question the~~  
37 ~~validity of the GCIC information or the satisfactory determination made by the center, the~~

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

4 **SECTION 3.**

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