

House Bill 630

By: Representatives Drenner of the 86<sup>th</sup>, Jacobs of the 80<sup>th</sup>, Abrams of the 84<sup>th</sup>, Kidd of the 141<sup>st</sup>, Bell of the 58<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and  
2 employees, so as to prohibit discrimination based on sexual orientation and gender identity  
3 in certain circumstances; to provide for related matters; 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 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
8 is amended by revising Code Section 45-19-21, relating to the purposes and construction of  
9 Article 2 of Chapter 19 of Title 45, relating to fair employment practices, as follows:

10 "45-19-21.

11 (a) The general purposes of this article are:

12 (1) To provide for execution within public employment in the state of the policies  
13 embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended  
14 by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time  
15 amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as  
16 from time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as  
17 from time to time amended;

18 (2) To safeguard all individuals in public employment from discrimination in  
19 employment; and

20 (3) To promote the elimination of discrimination against all individuals in public  
21 employment because of such individuals' race, color, religion, national origin, sex, sexual  
22 orientation, gender identity, disability, or age thereby to promote the protection of their  
23 interest in personal dignity and freedom from humiliation; to make available to the state  
24 their full productive capacities; to secure the state against domestic strife and unrest  
25 which would menace its democratic institutions; to preserve the public safety, health, and

26 general welfare; and to further the interests, rights, and privileges of individuals within  
27 the state.

28 (b) This article shall be broadly construed to further the general purposes stated in this  
29 Code section and the special purposes of the particular provision involved.

30 (c) Nothing in this article shall be construed as indicating an intent to exclude local or  
31 federal laws on the same subject matter, which laws are not inconsistent with this article.

32 (d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law  
33 of this state relating to discrimination because of race, color, religion, national origin, sex,  
34 sexual orientation, gender identity, disability, or age."

### 35 **SECTION 2.**

36 Said title is further amended by revising paragraphs (8) and (14) of Code Section 45-19-27,  
37 relating to additional powers and duties of the administrator of the Commission on Equal  
38 Opportunity, as follows:

39 "(8) To receive, initiate, investigate, seek to conciliate, and make determinations  
40 regarding complaints alleging violations of this article and to approve or disapprove plans  
41 required by the Governor to eliminate or reduce imbalance in employment with respect  
42 to race, color, disability, religion, sex, sexual orientation, gender identity, national origin,  
43 or age;"

44 "(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the  
45 Governor and after giving proper notice and hearing to all public employers pursuant to  
46 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and  
47 regulations as may be necessary to carry out the provisions of this article, including  
48 regulations requiring the posting or inclusion in advertising material of notices prepared  
49 or approved by the administrator and regulations regarding the filing, approval, or  
50 disapproval of plans to eliminate or reduce imbalance in employment with respect to race,  
51 color, disability, religion, sex, sexual orientation, gender identity, national origin, or age;"

### 52 **SECTION 3.**

53 Said title is further amended by revising Code Section 45-19-29, relating to unlawful  
54 practices generally relative to fair employment practices, as follows:

55 "45-19-29.

56 It is an unlawful practice for an employer:

57 (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any  
58 individual with respect to the individual's compensation, terms, conditions, or privileges  
59 of employment because of such individual's race, color, religion, national origin, sex,  
60 sexual orientation, gender identity, disability, or age;

61 (2) To limit, segregate, or classify his employees in any way which would deprive or  
 62 tend to deprive an individual of employment opportunities or otherwise adversely affect  
 63 an individual's status as an employee because of such individual's race, color, religion,  
 64 national origin, sex, sexual orientation, gender identity, disability, or age; or

65 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely  
 66 because of race, color, religion, national origin, sex, sexual orientation, gender identity,  
 67 disability, or age, but this paragraph shall not prohibit an employer from voluntarily  
 68 adopting and carrying out a plan to fill vacancies or hire new employees in a manner to  
 69 eliminate or reduce imbalance in employment with respect to race, color, disability,  
 70 religion, sex, sexual orientation, gender identity, national origin, or age if the plan has  
 71 first been filed with the administrator for review and comment for a period of not less  
 72 than 30 days."

73 **SECTION 4.**

74 Said title is further amended by revising Code Section 45-19-30, relating to unlawful  
 75 practices generally relative to fair employment practices, as follows:

76 "45-19-30.

77 It is an unlawful practice for an employer controlling apprenticeship or other training or  
 78 retraining including on-the-job training programs to discriminate against an individual  
 79 because of such individual's race, color, religion, national origin, sex, sexual orientation,  
 80 gender identity, disability, or age in admission to or employment in any program  
 81 established to provide apprenticeship or other training or to discriminate by allowing  
 82 admission or promotion to an apprenticeship or training program solely because of race,  
 83 color, religion, national origin, sex, sexual orientation, gender identity, disability, or age."

84 **SECTION 5.**

85 Said title is further amended by revising Code Section 45-19-31, relating to unlawful  
 86 practices in advertisement of employment, as follows:

87 "45-19-31.

88 It is an unlawful practice for an employer to print or publish or cause to be printed or  
 89 published a notice or advertisement relating to employment by such an employer indicating  
 90 any preference, limitation, specification, or discrimination based on race, color, religion,  
 91 national origin, sex, sexual orientation, gender identity, disability, or age, except that such  
 92 a notice or advertisement may indicate a preference, limitation, or specification based on  
 93 race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or  
 94 age when religion, national origin, sex, sexual orientation, gender identity, disability, or age  
 95 is a bona fide occupational qualification for employment."

96 **SECTION 6.**

97 Said title is further amended by revising Code Section 45-19-33, relating to different  
98 standards of compensation or different terms and conditions of employment where not based  
99 on race, color, religion, sex, national origin, disability, or age, as follows:

100 "45-19-33.

101 It is not an unlawful practice for an employer to apply different standards of compensation  
102 or different terms, conditions, or privileges of employment pursuant to a bona fide seniority  
103 or merit system, or a system which measures earnings by quantity or quality of production,  
104 or to employees who work in different locations, provided that such differences are not the  
105 result of an intention to discriminate because of race, color, religion, national origin, sex,  
106 sexual orientation, gender identity, disability, or age; nor is it an unlawful practice for an  
107 employer to give and to act upon the results of any professionally developed ability test,  
108 provided that such test, its administration, or action upon the results thereof is not designed,  
109 intended, or used to discriminate because of race, color, religion, national origin, sex,  
110 sexual orientation, gender identity, disability, or age."

111 **SECTION 7.**

112 Said title is further amended by revising subsections (b) and (c) of Code Section 45-19-35,  
113 relating to use of quotas because of imbalances in employee ratios prohibited, grants of  
114 preferential treatment to certain individuals or groups not required by Article 2 of Chapter  
115 19 of Title 19, adoption of plans required by Governor to reduce imbalance, and effect of  
116 article upon certain employment practices, as follows:

117 "(b) Nothing contained in this article requires an employer to grant preferential treatment  
118 to an individual or to a group because of the race, color, religion, national origin, sex,  
119 sexual orientation, gender identity, disability, or age of the individual or group on account  
120 of an imbalance which may exist with respect to the total number or percentage of persons  
121 of any race, color, religion, national origin, sex, sexual orientation, gender identity,  
122 disability, or age in the state or a community, section, or other area or in the available work  
123 force in the state or a community, section, or other area."

124 "(c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor  
125 any other provision of this article shall prohibit an employer from adopting or carrying out  
126 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance  
127 in employment with respect to race, color, disability, religion, sex, sexual orientation,  
128 gender identity, national origin, or age if such plan is required by the Governor and filed  
129 with and approved by the administrator prior to its final adoption and implementation."

130 **SECTION 8.**

131 Said title is further amended by revising paragraph (7) of subsection (c) of Code Section  
 132 45-19-38, relating to findings, conclusions, and order of special master generally and order  
 133 to cease and desist from unlawful practice and to take remedial action, as follows

134 "(7) Recommending to the Governor that the respondent be required to adopt and file  
 135 with the administrator, within a specified time limitation, for the administrator's approval  
 136 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce  
 137 imbalance in employment with respect to race, color, disability, religion, sex, sexual  
 138 orientation, gender identity, national origin, or age."

139 **SECTION 9.**

140 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section  
 141 45-20-1, relating to purpose and principles relative to personnel administration, as follows:

142 "(1) Assuring fair treatment of applicants and employees in all aspects of personnel  
 143 administration without regard to race, color, national origin, sex, sexual orientation,  
 144 gender identity, age, disability, religious creed, or political affiliations. This 'fair  
 145 treatment' principle includes compliance with all state and federal equal employment  
 146 opportunity and nondiscrimination laws;"

147 **SECTION 10.**

148 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section  
 149 45-20-4, relating to the creation of commissioner of personnel administration, appointment,  
 150 compensation, powers and duties, and appointment and prescription of duties of deputy  
 151 commissioner and other assistants, as follows:

152 "(3) To submit to the Governor the rules and regulations adopted by the State Personnel  
 153 Board effectuating the State Personnel Administration. Such rules and regulations when  
 154 approved by the Governor shall have the force and effect of law and shall be binding  
 155 upon the state departments covered by this article and shall include provisions for the  
 156 establishment and maintenance of classification and compensation plans, the conduct of  
 157 examinations, appointments, promotions, transfers, demotions, appeals of classified  
 158 employees, reports of performance, payroll certification, and other phases of personnel  
 159 administration. Such rules and regulations shall define and prohibit improper political  
 160 activity by any departmental employee of the State Personnel Board or any employee  
 161 covered under the terms of this article and shall provide that there shall be no  
 162 discrimination for or against any person or employee in any manner, to include, but not  
 163 be limited to, hiring, discharge, compensation, benefits, terms or conditions of  
 164 employment, promotion, job classification, transfer, privileges, or demotion because of

165 political affiliation, religious affiliation, race, creed, national origin, sex, sexual  
166 orientation, gender identity, age between 40 and 70 years, or physical disability. Such  
167 rules and regulations shall conform to the minimum standards for merit systems of  
168 personnel administration as specified by those federal departments from which federal  
169 funds are obtained for use by the several state departments covered by this article.  
170 Compensation plans and modifications thereto promulgated under the rules and  
171 regulations of the commissioner shall become effective as adopted upon approval of the  
172 director of the Office of Planning and Budget;"

173 **SECTION 11.**

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