

Senate Bill 536

By: Senators Seay of the 34th and Carter of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Georgia Back to Work Program Act"; to amend Chapter 8 of Title 34
2 of the Official Code of Georgia Annotated, relating to employment security, so as to
3 provide for a program to allow eligible participants who are receiving unemployment
4 insurance benefits to receive workplace training; to provide for the implementation
5 and administration of the Georgia Back to Work Program by the Georgia Department
6 of Labor; to designate certain persons and employers as eligible to participate in such
7 program; to provide for related matters; to provide an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 This Act shall be known and may be cited as the "Georgia Back to Work Program
12 Act."

13 style="text-align:center">**SECTION 2.**

14 Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to
15 employment security, is amended by adding a new article to read as follows:

16 style="text-align:center">"ARTICLE 11

17 34-8-300.

18 As used in this article:

19 (1) 'Department' means the Georgia Department of Labor.

20 (2) 'Eligible employer' means an employer who:

21 (A) Intends to immediately hire for a position in its company;

22 (B) Is deemed compatible with the program as evidenced by its ability to
23 provide training that meets standards set by the department; and

- 24 (C) Is located in the State of Georgia.
- 25 (3) 'Eligible participant' means an individual who:
- 26 (A) Is currently unemployed and receiving unemployment insurance benefits
 27 pursuant to this chapter, including any state or federal extension of those
 28 benefits;
- 29 (B) Has at least six weeks of state unemployment insurance benefits remaining
 30 under current qualification or has at least six weeks of state or federal extensions
 31 of unemployment insurance benefits remaining under current qualification; and
- 32 (C) Currently resides in the State of Georgia.
- 33 (4) 'Program' means the Georgia Back to Work Program created pursuant to this
 34 article.
- 35 34-8-301.
- 36 (a) There is created within the Department of Labor the Georgia Back to Work
 37 Program to provide workplace training to eligible participants. The program shall
 38 be implemented and administered by the department. The department shall be
 39 authorized to adopt rules and regulations for the implementation and administration
 40 of the program. The department shall establish the program to allow eligible
 41 participants to receive workplace training from an eligible employer.
- 42 (b) The program shall require that:
- 43 (1) An eligible participant may receive workplace training from an eligible
 44 employer for a maximum of 24 hours per week for up to six weeks;
- 45 (2) An eligible participant, based upon his or her needs, may receive up to
 46 \$100.00 per week to help defray training related costs, including, but not limited
 47 to, transportation, clothing, and child care; and
- 48 (3) Participation in the program shall be voluntary for all eligible participants and
 49 eligible employers, and nonparticipation in the program shall not disqualify
 50 eligible participants for unemployment insurance benefits for failure, without good
 51 cause, either to apply for available, suitable work or to accept suitable work when
 52 it is offered.
- 53 (c) In implementing the program, the department shall treat every eligible
 54 participant as a bona fide trainee, as required by the Fair Labor Standards Act of
 55 1938, 29 U.S.C. Section 201, et seq., as amended, and certify that the following
 56 conditions are met to ensure that an eligible participant is engaged in training:
- 57 (1) The training, even though it includes actual operation of the facilities of the
 58 employer, is similar to what would be given in a vocational school or academic
 59 educational instruction;

- 60 (2) The training is for the benefit of the trainee;
61 (3) The trainee does not displace regular employees and works under their close
62 observation;
63 (4) The eligible employer providing the training derives no immediate advantage
64 from the activities of the trainee, and on occasion the employer's operations may
65 actually be impeded;
66 (5) The trainee is not entitled to a job at the conclusion of the training period; and
67 (6) The employer and the trainee understand that the trainee is not entitled to
68 wages for the time spent in training.
69 (d) The program shall be consistent with, and eligible participants shall be afforded
70 the protections provided by, all applicable state and federal antidiscrimination laws,
71 rules, and regulations.

72 34-8-302.

73 The department shall monitor eligible participants and eligible employers who
74 participate in the program to ascertain whether the training provided by the program
75 complies with the requirements of this article and the rules and regulations of the
76 department. The monitoring shall include site visits at participating workplaces and
77 the compilation of data regarding the numbers and percentages of trainees hired into
78 employment with participating employers or other employers and the industries in
79 which the training and hiring occur. The department's findings shall be made
80 available to the public in biennial reports beginning December 31, 2014. If the
81 department determines that an employer has a repeated pattern of using eligible
82 participants as unpaid labor without hiring them as employees, or otherwise fails to
83 comply with the requirements of this article or the rules and regulations of the
84 department, the department may impose any penalties applicable to the employer
85 for false representation as provided for in this article and shall disqualify the
86 employer from further participation in the program.

87 34-8-303.

88 An eligible participant who receives workplace training pursuant to the program
89 shall not be considered an employee of the eligible employer providing the training
90 for any purpose, except that he or she shall be treated as if the eligible participant
91 is a part-time employee of the state. When determining the amount of any
92 compensation provided, the amount of compensation shall be calculated as if the
93 eligible participant's weekly wage was 60 percent of the state-wide average weekly

94 wages earned by all employees eligible for unemployment compensation pursuant
95 to this chapter.

96 34-8-304.

97 (a) A program participant may be excluded from reporting requirements, including
98 requirements to report at an employment service office or unemployment insurance
99 claims office, in the same manner as other benefit recipients. The department is
100 authorized by regulation to waive or alter such reporting as to individuals attached
101 to regular jobs and as to such other types of cases or situations with respect to which
102 the department finds that compliance with such requirements would be oppressive
103 or would be inconsistent with the purpose of this article.

104 (b) A program participant may be excluded from other requirements, permanently
105 or temporarily, including requirements involving the need to demonstrate the
106 individual is actively seeking work, except as otherwise provided in this subsection.
107 A participant in the program shall not be deemed unavailable or ineligible for work
108 because the individual is attending a training program approved for the individual
109 by the department to enhance the individual's employment opportunities or because
110 the individual failed or refused to accept work while attending such program.

111 34-8-305.

112 The provisions of this article shall be subject to appropriation by the General
113 Assembly. Such amount appropriated shall include funds for costs associated with
114 the administration of the program, subject to the approval of the commissioner."

115 **SECTION 2.**

116 This Act shall become effective on January 1, 2013.

117 **SECTION 3.**

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