

Senate Bill 227

By: Senators Millar of the 40th, Bethel of the 54th, Albers of the 56th and Crane of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated,
2 relating to benefits relative to employment security, so as to provide changes to the
3 determination of eligibility for unemployment benefits of certain persons performing certain
4 services; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to
8 benefits relative to employment security, is amended by revising Code Section 34-8-196,
9 relating to determination of eligibility for aliens and other person performing certain services,
10 as follows:

11 "34-8-196.

12 (a) ~~Benefits based on service in educational institutions.~~ Benefits based on service in
13 employment as defined in subsections (h) and (i) of Code Section 34-8-35 shall be payable
14 in the same amount, on the same terms, and subject to the same conditions as compensation
15 payable on the basis of other services subject to this chapter, except as otherwise provided
16 in this Code section.

17 (b)(1) With respect to services performed in an instructional, research, or principal
18 administrative capacity for any public or private educational institution, including those
19 institutions operated by the United States government or any of its instrumentalities,
20 divisions, or agencies and any public or private institutions that are part of the program
21 established in paragraph (1) of Code Section 20-1A-4, benefits shall not be paid during
22 periods of unemployment if services were performed in the prior year, term, or vacation
23 period and there is a contract or a reasonable assurance of returning to work for such an
24 ~~educational~~ institution immediately following the period of unemployment. Such periods
25 of unemployment include those occurring:

26 (A) Between two successive academic terms or years;

- 27 (B) During an established and customary vacation period or holiday recess;
 28 (C) During the time period covered by an agreement that provides instead for a similar
 29 period between two regular but not successive terms; or
 30 (D) During a period of paid sabbatical leave provided for in the individual's contract;
 31 and

32 (2) With respect to services performed in any other capacity with any public or private
 33 educational institution, including those institutions operated by the United States
 34 government or any of its instrumentalities, divisions, or agencies and any public or
 35 private institutions that are a part of the program established in paragraph (1) of Code
 36 Section 20-1A-4, benefits shall not be paid during periods of unemployment if services
 37 were performed in the prior year, term, or vacation period and there is a reasonable
 38 assurance of returning to work for such an educational institution immediately following
 39 the period of unemployment. If compensation is denied pursuant to this paragraph to an
 40 individual, however, and that individual is not offered an opportunity to perform services
 41 for the ~~educational~~ institution following the unemployed period, such individual shall be
 42 entitled to retroactive payment for each week during that period of unemployment a
 43 timely claim was filed and benefits were denied solely by reason of this paragraph. Such
 44 periods of unemployment include those occurring:

45 (A) Between two successive academic years or terms; or

46 (B) During an established and customary vacation period or holiday recess;
 47 and

48 (3) Benefits shall not be paid as specified in paragraphs (1) and (2) of this subsection to
 49 any individual for any week of unemployment if the individual performs such services
 50 in an educational institution while in the employ of an educational service agency. For
 51 the purposes of this paragraph, the term 'educational service agency' means a
 52 governmental agency or governmental entity that is established and operated exclusively
 53 for the purpose of providing such services to one or more educational institutions.

54 ~~(b)(c) Benefits based on services in professional sports.~~ Benefits shall not be paid to an
 55 individual on the basis of any services substantially all of which consist of participating in
 56 professional sports or athletic events or of training or preparing to so participate for any
 57 week which begins during the period between two successive sport seasons or similar
 58 periods if such individual performed such services in the first of such seasons or similar
 59 periods and there is a reasonable assurance that such individual will perform such services
 60 in the later of such seasons or similar periods.

61 ~~(c)(d) Benefits based on services performed by aliens.~~

62 (1) Benefits shall not be paid to an individual based on services performed by an alien
 63 unless such alien was lawfully admitted for permanent residence at the time such services
 were performed, was lawfully present for purposes of performing such services, or was

64 permanently residing in the United States under color of law at the time such services
65 were performed.

66 (2) Any data or information required of individuals applying for benefits to determine
67 whether benefits are payable because of their alien status shall be uniformly required
68 from all applicants for benefits.

69 (3) In the case of an individual whose application for benefits would otherwise be
70 approved, no determination that benefits to such individual are not payable because of the
71 individual's alien status shall be made except upon a preponderance of the evidence.

72 ~~(d)~~(e) As used in this Code section, the term 'reasonable assurance' means a written,
73 verbal, or implied agreement between an employer and its employee that such employee
74 will be returned to employment following the period of unemployment."

75 **SECTION 2.**

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