

## Senate Bill 15

By: Senators James of the 35<sup>th</sup>, Henson of the 41<sup>st</sup>, Tate of the 38<sup>th</sup>, Seay of the 34<sup>th</sup>, Fort of the 39<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 minimum wage, so as to provide for a substantive and comprehensive reform of provisions  
3 regarding the minimum wage law; to provide for an increase in the minimum wage; to  
4 provide for annual minimum wage increases to match the rising cost of living; to provide a  
5 credit toward the minimum wage for employers of tipped workers; to provide for related  
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage,  
10 is amended by revising Code Section 34-4-3, relating to amount of minimum wage to be paid  
11 by employers, as follows:

12 "34-4-3.

13 (a) Except as otherwise provided in this Code section, every employer, whether a person,  
14 firm, or corporation, shall pay to all covered employees a minimum wage which shall be  
15 not less than ~~\$5.15~~ \$10.10 per hour for each hour worked in the employment of such  
16 employer. On January 1, 2016, and on January 1 of each successive year thereafter, the  
17 minimum wage shall be increased by the increase in the cost of living, if any. On  
18 September 30, 2015, and on September 20 of each successive year thereafter, the Georgia  
19 Department of Labor shall measure the increase in the cost of living as being the  
20 percentage increase as of the preceding July over the July level of the immediately  
21 preceding year according to the Consumer Price Index for Urban Wage Earners and  
22 Clerical Workers or its successor index as published by the United States Department of  
23 Labor or its successor agency. Each adjusted minimum wage rate calculated shall be  
24 published and take effect on the following January 1.

25 (b) Employers of employees who meet the eligibility requirements for the tip credit under  
 26 the federal Fair Labor Standards Act, 29 U.S.C. Section 203(t), may credit tips towards the  
 27 satisfaction of up to 50 percent of the minimum wage provided by this Code section.

28 ~~(b)~~(c) This chapter shall not apply with respect to:

- 29 (1) Any employer that has sales of \$40,000.00 per year or less;
- 30 (2) Any employer having five employees or less;
- 31 (3) Any employer of domestic employees;
- 32 (4) Any employer who is a farm owner, sharecropper, or land renter;
- 33 (5) Any employee whose compensation consists wholly or partially of gratuities;
- 34 (6) Any employee who is a high school or college student;
- 35 (7) Any individual who is employed as a newspaper carrier; or
- 36 (8) Any individual who is employed by a nonprofit child-caring institution or long-term  
 37 care facility serving children or mentally disabled adults who are enrolled in such  
 38 institution and reside in residential facilities of the institution, if such employee resides  
 39 in such facilities, receives without cost board and lodging from such institution, and is  
 40 compensated on a cash basis at an annual rate of not less than \$10,000.00.

41 ~~(c)~~(d) This chapter shall not apply to any employer who is subject to the minimum wage  
 42 provisions of any act of Congress as to employees covered thereby if such act of Congress  
 43 provides for a minimum wage which is greater than the minimum wage which is provided  
 44 for in this Code section."

45 **SECTION 2.**

46 This Act shall become effective 60 days after its approval by the Governor or upon its  
 47 becoming law without such approval.

48 **SECTION 3.**

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