

House Bill 92

By: Representatives Benton of the 31<sup>st</sup>, Hatchett of the 150<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Kaiser of the 59<sup>th</sup>, and Cooper of the 43<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to labor and industrial relations, so as to allow employees to use  
3 sick leave for the care of immediate family members; to provide for definitions; to provide  
4 for conditions to take leave; to provide that retaliatory actions are unlawful; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
9 provisions relative to labor and industrial relations, is amended by adding a new Code section  
10 to read as follows:

11 "34-1-8.

12 (a) As used in this Code section, the term:

13 (1) 'Employee' means any individual employed by an employer.

14 (2) 'Employer' means any person or entity that employs ten or more individuals and shall  
15 include the State of Georgia and its political subdivisions and instrumentalities.

16 (3) 'Immediate family member' means an employee's child, spouse, grandchild,  
17 grandparent, or parent or any dependents as shown in the employee's most recent tax  
18 return.

19 (4) 'Sick leave' means time away from work by an employee for which the employee  
20 receives compensation and is limited to sick time. 'Sick leave' shall not include paid  
21 short-term or long-term disability, catastrophic leave, or similar types of benefits.

22 (b) An employer that provides sick leave shall allow an employee to use such sick leave  
23 for the care of an immediate family member; provided, however, that nothing in this Code  
24 section shall be construed to require an employer to offer sick leave of any kind or to  
25 require an employer to allow an employee to use more than five days of earned sick leave  
26 for the care of an immediate family member.

27 (c) An employee shall not be entitled to use sick leave under this Code section until that  
28 leave has been earned. Any employee who uses such sick leave shall comply with the  
29 terms of the employer's employee sick leave policy.

30 (d) Nothing in this Code section shall prohibit an employer from taking employment  
31 action against an employee for taking leave that is not protected by this Code section or  
32 other applicable law; however, an employer may not discharge, demote, suspend,  
33 discipline, or otherwise discriminate against an employee or threaten to take any of these  
34 actions against an employee who properly exercises rights granted under this Code section.

35 (e) The Commissioner of Labor shall promulgate rules and regulations as are necessary  
36 to implement and effectuate the provisions of this Code section."

37 **SECTION 2.**

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