

House Bill 551

By: Representative Brockway of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated,
2 relating to salary deductions applicable to public officers and employees, so as to authorize
3 local political subdivisions to provide for voluntary contributions by employees through
4 payroll deductions to certain not for profit organizations; to provide for a definition; to
5 authorize voluntary deductions from wages or salaries of employees of the State of Georgia
6 and local units of administration for purchases of consumer offerings through an employee
7 purchase program facilitated by and through the Department of Administrative Services; to
8 change a definition; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to
13 salary deductions applicable to public officers and employees, is amended by revising Code
14 Section 45-7-54, relating to voluntary contributions by state government employees through
15 payroll deductions to certain not for profit organizations, as follows:

16 "45-7-54.

17 (a) As used in this Code section, the term 'local political subdivision' means any municipal
18 corporation or county or any state or local authority, board, or political subdivision created
19 by the General Assembly or pursuant to the Constitution or laws of this state and shall
20 include any independent board of education.

21 ~~(a)~~(b) Any department, agency, authority, or commission of the state or any local political
22 subdivision is authorized to deduct designated amounts from the salaries or wages of its
23 employees and remit such moneys to not for profit organizations, associations, or
24 corporations providing tangible services and benefits to state government or local political
25 subdivisions or its their employees. Except as provided in subsection ~~(b)~~(c) of this Code
26 section, no such deduction shall be made unless at least 2,500 of the full-time employees

27 of the state or the local political subdivision request such deduction. Where 2,500 or more
 28 full-time employees of the state or the local political subdivision request payroll deduction
 29 services to any not for profit organization, association, or corporation having among its
 30 objectives educational, legislative, or professional development activities related to
 31 promoting and enhancing the efficiency, productivity, and welfare of state government
 32 services, of services of local political subdivisions, or of state government or local political
 33 subdivision employees, then the state or the local political subdivision, as is applicable,
 34 shall provide such deductions as an additional employment benefit to its employees. This
 35 provision shall not be interpreted to require any department, agency, authority, or
 36 commission of the state, the state, or the local political subdivision to provide the funds for
 37 any employee's dues or contributions.

38 ~~(b)~~(c) Where 500 or more full-time state employees who are employed in the Division of
 39 Family and Children Services or in the law enforcement, corrections officer, or registered
 40 nursing disciplines, or where 500 or more full-time local political subdivision employees,
 41 request payroll deduction services to any not for profit association having among its
 42 specific objectives (1) professional development activities related to such employment, (2)
 43 the provision of assistance to or on behalf of persons who are killed, injured, in need of
 44 medical attention, or otherwise in need of assistance while engaged in such employment
 45 or as a result of such employment, or (3) promoting or enhancing law enforcement,
 46 corrections, or registered professional nursing in the State of Georgia, then the state or the
 47 local political subdivision, as is applicable, shall provide such deductions as an additional
 48 employment benefit to its employees. This provision shall not be interpreted to require ~~the~~
 49 any department, agency, authority, or commission of state, the state, or the local political
 50 subdivision to provide the funds for any employee's dues or contributions.

51 ~~(c)~~(d) The commissioner of administrative services shall have the authority to administer
 52 this Code section and to determine and compel compliance with its provisions.

53 ~~(d)~~(e) No deduction shall be made under this Code section without the express written and
 54 voluntary consent of the employee. Each such request shall designate the exact amount to
 55 be deducted. Any employee who consents to such deduction is authorized to terminate the
 56 deduction with two weeks' written notice to the department, agency, authority, or
 57 commission of the state or the local political subdivision.

58 ~~(e)~~(f) No deduction shall be made under this Code section to any organization, association,
 59 or corporation which engages in collective bargaining with the state or the local political
 60 subdivision or encourages its members to strike or stop work.

61 ~~(f)~~(g) Each department, agency, authority, or commission of the state or the local political
 62 subdivision, as is applicable, shall collect from the deductions withheld a cost of
 63 administration fee not to exceed 1 percent of the total deduction collected.

64 ~~(g)~~(h) No person shall disclose to any other person the name of any employee deducting
 65 amounts, or the organizations, associations, or corporations designated, except as is
 66 necessary to accomplish the purpose of this article or as otherwise authorized in writing by
 67 the individual employee.

68 ~~(h)~~(i)(1) Departments, agencies, authorities, and commissions of the state and their fiscal
 69 authorities and other employees shall not incur any liability for errors or omissions made
 70 in performance of the payroll deduction agreement between the state and the employee;
 71 (2) The local political subdivision and its fiscal authorities and other employees shall not
 72 incur any liability for errors or omissions made in performance of the payroll deduction
 73 agreement between the local political subdivision and the employee.

74 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, provided
 75 that this Code section does not confer immunity from criminal or civil liability for
 76 conversion, theft by conversion, theft by taking, theft by extortion, theft by deception, or
 77 any other intentional misappropriation of the money or property of another."

78 SECTION 2.

79 Said article is further amended by revising Code Section 45-7-56, relating to deductions for
 80 purchase of personal computing and computer related equipment, as follows:

81 "45-7-56.

82 (a) As used in this Code section, the term 'local unit of administration' means any
 83 municipal corporation or county or any state or local authority, board, or political
 84 subdivision created by the General Assembly or pursuant to the Constitution or laws of this
 85 state and shall include any independent board of education.

86 (b) It is the purpose of this Code section to permit voluntary deductions from wages or
 87 salaries of employees of the State of Georgia and local units of administration for the
 88 purchase of personal computing and computer related equipment through an employee
 89 purchase program facilitated by and through the Georgia Technology Authority and for the
 90 purchase of consumer offerings through an employee purchase program facilitated by and
 91 through the Department of Administrative Services.

92 (c) Any department, agency, authority, or commission of the state or any local unit of
 93 administration is authorized to deduct designated amounts from the wages or salaries from
 94 its employees for the purpose of facilitating employee purchases of personal computing and
 95 computer related equipment through an employee purchase program facilitated by and
 96 through the Georgia Technology Authority and for the purpose of facilitating employee
 97 purchases of consumer offerings through an employee purchase program facilitated by and
 98 through the Department of Administrative Services. No such deduction shall be made
 99 under this Code section without the express written and voluntary consent of the employee.

100 Each such request shall designate the exact amount to be deducted. Any employee who has
 101 consented to a deduction is authorized to withdraw from such salary reduction with two
 102 weeks' written notice; provided, however, that such withdrawal shall not relieve any
 103 employee of any outstanding indebtedness incurred under such purchase program.

104 (d)(1) The fiscal authorities or other employees of the various departments, ~~or agencies,~~
 105 authorities, or commissions of this state will not incur any liability for errors or omissions
 106 made in the performance of the agreement between the state and the employee.

107 (2) The fiscal authorities or other employees of local units of administration will not
 108 incur any liability for errors or omissions made in the performance of the agreement
 109 between the local unit of administration and the employee.

110 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, this Code
 111 section does not confer immunity from criminal or civil liability for conversion, theft by
 112 conversion, theft by taking, theft by extortion, theft by deception, or any other intentional
 113 misappropriation of the money or property of another.

114 (e) If a state employee or ~~public school~~ employee of a local unit of administration leaves
 115 employment for any reason and a balance is owing for the computer, ~~or equipment, or~~
 116 consumer offering, then, in that event, the state, ~~or board of education or the local unit of~~
 117 administration, the state retirement system, or the retirement system for the local unit of
 118 administration, as is applicable, shall have the right to deduct the balance owing from any
 119 funds under the control of the state, ~~or board of education or local unit of administration,~~
 120 state retirement system, or retirement system for the local unit of administration to which
 121 said employee would otherwise be entitled."

122 **SECTION 3.**

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