

House Bill 243

By: Representatives Werkheiser of the 157th, Williamson of the 115th, Strickland of the 111th, Shaw of the 176th, and Kelley of the 16th

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 law, so as to preempt local government mandates requiring additional pay
3 to employees based on schedule changes; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage
8 law, is amended by revising Code Section 34-4-3.1, relating to wages and employment
9 benefits by local governmental entities, as follows:

10 "34-4-3.1.

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

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

13 (2) 'Employer' means any person or entity that employs one or more employees.

14 (3) 'Employment benefits' means anything of value that an employee may receive from
15 an employer in addition to wages and salary. This term includes, but is not limited to, any
16 health benefits; disability benefits; death benefits; group accidental death and
17 dismemberment benefits; paid days off for holidays, sick leave, vacation, and personal
18 necessity; additional pay based on schedule changes; retirement benefits; and
19 profit-sharing benefits.

20 (4) 'Local government entity' means a county, municipal corporation, consolidated
21 government, authority, board of education, or other local public board, body, or
22 commission.

23 (5) 'Person' means an individual, partnership, association, corporation, business trust,
24 legal representative, or any other organized group of persons.

25 (6) 'Wage or employment benefit mandate' means any requirement adopted by a local
26 government entity which requires an employer to pay any or all of its employees a wage

27 rate or provide employment benefits not otherwise required under this Code or federal
28 law.

29 (b)(1) Any and all wage or employment benefit mandates adopted by any local
30 government entity are hereby preempted.

31 (2) No local government entity may adopt, maintain, or enforce by charter, ordinance,
32 purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly,
33 a wage or employment benefit mandate.

34 (3) Any local government entity may offer its own employees employment benefits.

35 (c) No local government entity may through its purchasing or contracting procedures seek
36 to control or affect the wages or employment benefits provided by its vendors, contractors,
37 service providers, or other parties doing business with the local government entity. A local
38 government entity shall not through the use of evaluation factors, qualification of bidders,
39 or otherwise award preferences on the basis of wages or employment benefits provided by
40 its vendors, contractors, service providers, or other parties doing business with the local
41 government entity."

42 **SECTION 2.**

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