Senate Bill 408
By: Senators Strickland of the 17th, Dugan of the 30th, Miller of the 49th, Unterman of the 45th, Anderson of the 43rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to change certain provisions and to provide certain benefits and procedures affecting employment and separation from employment; to extend the sunset provision relating to use of sick leave for care of immediate family; to change the definition of the term "deductible earnings"; to provide for emergency adjustments to the "Employment Security Law" during a state-wide emergency declared by the Governor; to extend the maximum benefit weeks; to provide the Commissioner with the authority to establish a short-time compensation program; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by revising subsection (f) of Code Section 34-1-10, relating to use of sick leave for care of immediate family members, as follows:
"(f) This Code section shall be repealed in its entirety on July 1, 2023, unless extended by an Act of the General Assembly."

SECTION 2.
Said title is further amended by revising Code Section 34-8-30, relating to deductible earnings, as follows:
"34-8-30.
As used in this chapter, the term 'deductible earnings' means all money in excess of $30.00 earned each week by a claimant for services performed, whether or not received by such claimant, in excess of an amount established by the Commissioner as promulgated by rules and regulations. The amount established by the Commissioner shall not be less than $50.00 nor shall it exceed $300.00. For claims filed on or after July 1, 2002, the term..."
‘deductible earnings’ means all money in excess of $50.00 each week earned by a claimant for services performed, whether or not received by such claimant. Deductible earnings shall be subtracted from the weekly benefit amount of the claim.”

SECTION 3.

Said title is further amended in Code Section 34-8-70, relating to duties and powers of Commissioner, by adding a new subsection to read as follows:

"(i)(1) Notwithstanding any other provision of law, the Commissioner shall have the authority to adopt emergency rules when a state-wide emergency declared by the Governor is in effect and the General Assembly is not in session. Such rules may temporarily:

(A) Modify the maximum benefit amount for regular state benefits, not to exceed 26 times the weekly benefit amount;
(B) Suspend unemployment insurance tax filing and payment deadlines and penalties;
(C) Waive charges to employers for benefits paid;
(D) Expedite the processing of claims; and
(E) Waive work search reporting requirements.

(2) Any emergency rule adopted by the Commissioner pursuant to this subsection shall expire the earlier of:

(A) A date specified by the Commissioner not to exceed 120 days from the date of the adoption of such emergency rule; or
(B) The date on which the state-wide emergency ends as declared by the Governor.

(3) Any emergency rule adopted pursuant to this subsection shall be published on the website of the department and submitted as promptly as reasonably practicable to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of the House Committee on Industry and Labor and the Senate Insurance and Labor Committee.

(4) Any rule promulgated under this Code section shall not supersede an executive order of the Governor."

SECTION 4.

Said title is further amended in Code Section 34-8-193, relating to determination of weekly benefit amount, by revising subsections (d) and (e) as follows:

"(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable to an individual in a benefit year shall:

(A) For claims filed prior to June 14, 2020, be the lesser of:
(A)(i) Fourteen times the weekly benefit amount, if this state's average
unemployment rate is at or below 6.5 percent, with an additional weekly amount
added for each 0.5 percent increment in this state's average unemployment rate above
6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's
average unemployment rate equals or exceeds 9 percent; or

(B)(ii) One-fourth of the base period wages.

(B) For claims filed on or after June 14, 2020, be the lesser of:

(i) Fourteen times the weekly benefit amount, if this state's average unemployment
rate is at or below 4.5 percent, with an additional weekly amount added for each
0.5 percent increment in this state's average unemployment rate above 4.5 percent up
to a maximum of 26 times the weekly benefit amount if this state's average
unemployment rate exceeds 10 percent; or

(ii) One-fourth of the base period wages.

If the amount computed is not a multiple of the weekly benefit amount, the total will be
adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits
shall be extended in accordance with Code Section 34-8-197.

(2) In addition to and subsequent to payment of all benefits otherwise allowed under
paragraph (1) of this subsection whenever the average rate of total unemployment in this
state, seasonally adjusted, as determined by the United States secretary of labor, for the
period consisting of the most recent three months for which data for all states are
published before the close of such week equals or exceeds 11 percent, weekly
unemployment compensation shall be payable under this subsection to any individual
who is unemployed, has exhausted all rights to regular unemployment compensation
under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory
progress, as determined by the Commissioner, in a training program approved by the
department, or in a job training program authorized under the Workforce Investment Act
of 1998, Public Law 105-220, and not receiving similar stipends or other training
allowances for nontraining costs. Each such training program approved by the
department or job training program authorized under the Workforce Investment Act of
1998 shall prepare individuals who have been separated from a declining occupation, as
designated by the department from time to time, or who have been involuntarily and
indefinitely separated from employment as a result of a permanent reduction of
operations at the individual's place of employment, for entry into a high-demand
occupation, as designated by the department from time to time. The amount of
unemployment compensation payable under this subsection to an individual for a week
of unemployment shall be equal to the individual's weekly benefit amount for the
individual's most recent benefit year less deductible earnings, if any. For claims filed
prior to June 14, 2020, the total amount of unemployment compensation payable under
this subsection to any individual shall be equal to 14 times the individual's weekly benefit
amount for the individual's most recent benefit year, if this state's average unemployment
rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5
percent increment in this state's average unemployment rate above 6.5 percent up to a
maximum of 20 times the weekly benefit amount if this state's average unemployment
rate equals or exceeds 9 percent. For claims filed on or after June 14, 2020, the total
amount of unemployment compensation payable under this subsection to any individual
shall be equal to 14 times the individual's weekly benefit amount for the individual's most
recent benefit year, if this state's average unemployment rate is at or below 4.5 percent,
with an additional weekly amount added for each 0.5 percent increment in this state's
average unemployment rate above 4.5 percent up to a maximum of 26 times the weekly
benefit amount if this state's average unemployment rate exceeds 10 percent. The
provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for
benefits under this subsection. Except when the result would be inconsistent with other
provisions of this subsection, all other provisions of Article 7 of this chapter shall apply
to the administration of the provisions of this subsection.

(3) As used in this subsection, the term 'state's average unemployment rate' means the
average of the adjusted state-wide unemployment rates as published by the department
for the time periods of April 1 through April 30 and October 1 through October 31. The
average of the adjusted state-wide unemployment rates for the time period of April 1
through April 30 shall be effective on and after July 1 of each year and shall be effective
through December 31. The average of the adjusted state-wide unemployment rates for
the time period of October 1 through October 31 shall be effective on and after January 1
of each year and shall be effective through June 30.

(e)(1) An otherwise eligible individual shall be paid the weekly benefit amount, less gross
earnings in excess of $30.00, payable to the individual applicable to the week for which benefits
are claimed. Such remaining benefit, if not a multiple of $1.00, shall be computed to the
nearest multiple of $1.00. Earnings of $30.00 or less equal to or less than the amount
established by the Commissioner will not affect entitlement to benefits. The amount
established by the Commissioner shall not be less than $50.00 nor shall it exceed $300.00.
For the purpose of this subsection, jury duty pay shall not be considered as earnings.

(2) For claims filed on or after July 1, 2002, an otherwise eligible individual shall be paid
the weekly benefit amount, less gross earnings in excess of $50.00, payable to the
individual applicable to the week for which benefits are claimed. Such remaining benefit,
if not a multiple of $1.00, shall be computed to the nearest multiple of $1.00. Earnings
of $50.00 or less will not affect entitlement to benefits. For the purpose of this paragraph, jury duty pay shall not be considered as earnings.”

SECTION 5.

Said title is further amended in Chapter 8, relating to employment security, by adding a new article to read as follows:

"ARTICLE 11

34-8-290.

(a) The Commissioner shall have the authority to adopt, amend, or rescind rules and regulations and to take such other action as deemed necessary or suitable in order to establish a work-sharing program that provides employers with an alternative to layoffs.

(b) Any work-sharing program so established shall:

(1) Allow employers to voluntarily reduce employees' hours by 10 to 60 percent in lieu of layoffs and provide employees with a corresponding prorated share of unemployment benefits;

(2) Conform to the provisions of the definition of short-time compensation program provided in 26 U.S.C. Section 3306(v) of the Federal Unemployment Tax Act; and

(3) Include such provisions as are necessary to qualify for available federal reimbursement of benefits and federal short-time compensation administrative grants available, including but not limited to, any funds available under Title II, Subtitle A of the CARES Act (Public Law 116-136), as amended.”

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

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