

The House Committee on Rules offers the following substitute to SB 156:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to provide for the appointment, oath, bond, power, duties, authority, and
3 removal of a chief labor officer; to require the chief labor officer to promptly respond to
4 financial audits; to require the Commissioner of Labor to provide the chief labor officer with
5 staff, resources, information, and records; to provide for access and dissemination of certain
6 information and documents related to claims for unemployment benefits; to require the
7 Commissioner of Labor to provide periodic reports containing certain information related to
8 claims for unemployment compensation benefits; to provide members of the General
9 Assembly with access to information and documents concerning constituents' claims for
10 unemployment benefits with such individuals' consent; to require the Department of Labor
11 to develop and make available a consent form for such purpose; to provide for automatic
12 repeal; to provide for related matters; to provide for an effective date; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by adding a new Code section to read as follows:

"34-2-3.1.

(a) There is created the office of the chief labor officer, who shall exercise the authority of the Commissioner of Labor in matters specified in this Code section and whose actions in such matters shall have the same force and effect as the actions of the Commissioner of Labor.

(b) The chief labor officer shall have the power, authority, and duty to provide timely reports and responses to any financial audits of the Department of Labor and any inquiries from the Speaker of the House of Representatives, the Lieutenant Governor, the President Pro Tempore of the Senate, and the chairs of the House and Senate Committees on Appropriations.

(c) The chief labor officer shall be appointed by the Speaker of the House of Representatives, subject to confirmation by the Senate Committee on Government Oversight, and shall hold no other state office. He or she shall serve at the pleasure of the Speaker and may be removed by the Speaker upon confirmation by the Senate Committee on Government Oversight. The chief labor officer shall be required to take and subscribe before the Governor an oath to discharge faithfully and impartially the duties of such office, which oath shall be in addition to the oath required of all civil officers.

(d) The chief labor officer may be required by the Governor to give bond not to exceed the amount of any bond as may be required for the Commissioner of Labor. The premium on the bond shall be paid as an expense of the Department of Labor.

(e) The Commissioner of Labor shall provide the chief labor officer with sufficient staff and resources to enable him or her to fulfill the duties of such office set forth in this Code section.

41 (f) The chief labor officer shall be entitled to the same information and records regarding
42 the Department of Labor as the Commissioner of Labor, and the Commissioner of Labor
43 shall ensure that access to such information and records is timely provided.

44 (g) The chief labor officer shall have standing to file a mandamus action in Fulton County
45 Superior Court if he or she contends that the Commissioner of Labor has abused his or her
46 discretion with respect to the provision of staff, resources, information, or records the
47 Commissioner of Labor is required to provide under this Code section.

48 (h) This Code section shall stand repealed on December 31, 2022, unless continued in
49 effect by the General Assembly prior to that date."

50 **SECTION 2.**

51 Said title is further amended by revising Code Section 34-8-70, relating to duties and powers
52 of the Commissioner, as follows:

53 "34-8-70.

54 (a) It shall be the duty of the Commissioner to administer this chapter.

55 (b) The Commissioner shall have power and authority to adopt, amend, or rescind such
56 rules and regulations and to employ such persons, make such expenditures, require such
57 reports, make such investigations, and take such other action as deemed necessary or
58 suitable to that end, and such rules and regulations shall be effective upon publication in
59 the manner, not inconsistent with this chapter, which the Commissioner shall prescribe.

60 (c) The Commissioner shall determine methods of organization and procedure in
61 accordance with this chapter and shall have an official seal, which shall be judicially
62 noticed.

63 (d) Not later than February 1 of each year, the Commissioner shall submit to the Governor
64 a report covering the administration and operation of this chapter during the preceding
65 fiscal year and shall make such recommendations for amendments to this chapter as
66 deemed proper. Such report shall include a balance sheet of the moneys in the fund in

67 which there shall be provided, if possible, a reserve against the liability in the future years
68 to pay benefits in excess of the then current contributions, which reserve shall be
69 established by the Commissioner in accordance with accepted actuarial principles on the
70 basis of statistics regarding employment, business activity, and other relevant factors for
71 the longest possible period.

72 (e) Every Monday, the Commissioner shall submit to the Speaker of the House of
73 Representatives, the majority leader of the House of Representatives, the minority leader
74 of the House of Representatives, the President of the Senate, the majority leader of the
75 Senate, and the minority leader of the Senate a report specifying for the week prior and for
76 the calendar year to date as to claims for unemployment compensation benefits the number
77 of:

78 (1) Claims filed with the department;

79 (2) Unpaid claims;

80 (3) Claims at each stage of the process provided under this chapter for the filing,
81 payment, and adjudication of such claims;

82 (4) Inquiries submitted by members of the General Assembly on behalf of their
83 constituents who are experiencing issues with a claim for unemployment compensation
84 benefits; and

85 (5) Inquiries submitted by members of the General Assembly on behalf of their
86 constituents whose issues have not been resolved.

87 If the Monday report day is a state holiday, the report shall be submitted the first weekday
88 that is not holiday that immediately follows such Monday.

89 (e)(f) Whenever the Commissioner believes that a change in contribution or benefit rates
90 will become necessary to protect the solvency of the fund, the Commissioner shall
91 promptly so inform the Governor and the General Assembly and make recommendations
92 with respect thereto.

93 ~~(f)~~(g) The Commissioner shall fully cooperate with the agencies of other states and shall
94 make every proper effort to oppose and prevent any further action which would in the
95 Commissioner's judgment tend to effect complete or substantial federalization of state
96 unemployment compensation funds or state employment security programs. In addition,
97 the Commissioner may make and may cooperate with other appropriate agencies in making
98 studies as to the practicality and probable cost of possible new state administered social
99 security programs and the relative desirability of state, rather than federal, action in any
100 such field.

101 ~~(g)~~(h) The Commissioner is authorized to enter into such cooperative agreements or
102 contracts with appropriate officials in other states or with the United States secretary of
103 labor for the purpose of the reciprocal collection of overpayments or delinquent
104 contributions, penalties, interest, and costs or for such other purposes as reasonably relate
105 to the discharge of the Commissioner's responsibilities under this chapter.

106 ~~(h)~~(i) Notwithstanding any other provision of this chapter, the Commissioner may recover
107 an overpayment of benefits paid to any individual under this state or another state's
108 unemployment benefit law or under an unemployment benefit program of the United
109 States.

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

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

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

122 (A) A date specified by the Commissioner not to exceed 120 days from the date of the
123 adoption of such emergency rule; or

124 (B) The date on which the state-wide emergency ends as declared by the Governor.

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

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

132 **SECTION 3.**

133 Said title is further amended by revising Code Section 34-8-125, relating to information or
134 records by governmental agencies and penalty for violation, as follows:

135 "34-8-125.

136 (a) Governmental agencies, including law enforcement agencies, prosecuting agencies, and
137 the executive branch, whether state, local, or federal, shall have access to information or
138 records deemed private and confidential under this article if the information or records are
139 needed by the agency for official purposes and:

140 (1) The agency submits an application in writing to the department for the records or
141 information containing a statement of the official purposes for which the information or
142 records are needed and specific identification of the records or information sought from
143 the department;

144 (2) The commissioner, chief executive, or other responsible official of the requesting
145 agency has verified the need for the specific information in writing either on the
146 application or on a separate document; and

147 (3) The agency requesting access has served a copy of the application for records or
148 information on the individual or employing unit whose records or information are sought
149 and has provided the department with proof of service. Service shall be made in the same
150 manner as service of process in a civil action. The requesting agency shall include with
151 the copy of the application a statement to the effect that the individual or employing unit
152 may contact the public records officer of the department to state any objections to the
153 release of the records or information. The department shall not act upon the application
154 of the requesting agency until at least five days after service on the concerned individual
155 or employing unit. The department shall consider any objections raised by the concerned
156 individual or employing unit in deciding whether the requesting agency needs the
157 information or records for official purposes.

158 (b) In cases of emergency, the governmental agency requesting access shall not be
159 required to comply formally with the provisions of subsection (a) of this Code section at
160 the time of the request if the procedures required by subsection (a) of this Code section are
161 complied with by the requesting agency following the receipt of any records or information
162 deemed private and confidential under this article. An emergency is defined as a situation
163 in which irreparable harm or damage could occur if records or information ~~are~~ is not
164 released immediately.

165 (c) The requirements of paragraph (3) of subsection (a) of this Code section shall not apply
166 to governmental agencies ~~where~~ wherein the procedures would frustrate the investigation
167 of possible violations of criminal laws.

168 (d) Governmental agencies shall have access to certain records or information, limited to
169 such items as names, addresses, social security numbers, and general information about
170 benefit entitlement or employer information possessed by the department, for comparison

171 purposes with records or information possessed by the requesting agency to detect
172 improper or fraudulent claims, to determine eligibility or entitlement to public programs,
173 or to determine potential tax liability or employer compliance with registration and
174 licensing requirements. In those cases, the governmental agency shall not be required to
175 comply with paragraph (3) of subsection (a) of this Code section, but the requirements of
176 the remainder of subsection (a) of this Code section must be satisfied.

177 (e) Members of the General Assembly may be granted access to information and records
178 deemed private and confidential under this article, unless exempt from disclosure, for the
179 purpose of assisting individual constituents with issues they may be experiencing with
180 claims for unemployment compensation. In order to grant access to such information and
181 records, the individual shall sign a consent form for the member of the General Assembly
182 and his or her staff, granting them access to all records and information concerning that
183 individual that are held by the department. The department shall develop a consent form
184 to be used under this subsection and shall provide members of the General Assembly with
185 access to such form on or before September 1, 2021.

186 ~~(e)(f)~~ Disclosure to governmental agencies under this Code section of information or
187 records obtained by the department from the federal government shall be governed by any
188 applicable federal law or any agreement between the federal government and the
189 department where so required by federal law. State law shall control when federal law
190 does not apply to the records or information.

191 ~~(f)(g)~~ The disclosure of any records or information by a governmental agency which has
192 obtained ~~the records or information~~ under this Code section is prohibited unless the
193 disclosure is directly connected to the official purpose for which the records or information
194 was obtained. The willful violation of this subsection shall upon conviction constitute a
195 misdemeanor."

196 **SECTION 4.**

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

199 **SECTION 5.**

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