

House Bill 333

By: Representatives Martin of the 49th, Taylor of the 173rd, Drenner of the 85th, Clark of the 98th, and Harrell of the 106th

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 recognition and regulation of professional employer
3 organizations operating in the State of Georgia; to provide for definitions; to provide for
4 applicability of Chapter 8 of Title 34, the "Employment Security Law"; to provide for certain
5 powers, duties, and authority of the Commissioner of Labor and the Department of Labor;
6 to provide for the issuance, denial, suspension, or revocation of registrations; to provide for
7 reciprocity; to provide for certain regulation of the sale of professional employer organization
8 services; to provide for working capital requirements; to provide for the status of professional
9 organization services as employers and the applicability of certain laws and requirements;
10 to provide for construction contracts with respect to insurance, bonding, and liability; to
11 provide for insurance, bonding, and liability with respect to registrants and clients; to provide
12 that certain activities shall not constitute the sale of insurance; to express the authority of the
13 Commissioner of Insurance to enforce Chapter 23 of Title 33; to provide for penalties and
14 enforcement; to provide for inspections; to change certain Code sections for purposes of
15 conformity; to provide for a short title; to provide for related matters; to provide an effective
16 date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **PART I**
19 **SECTION 1-1.**

20 This Act shall be known and may be cited as the "Better Employee Benefits Act."

21 **SECTION 1-2.**

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

24

"CHAPTER 1125 34-11-1.26 As used in this chapter:27 (1) 'Client' means any person who enters into a professional employer agreement with
28 a professional employer organization.29 (2) 'Co-employer' means either a professional employer organization or a client.30 (3) 'Co-employment relationship' means an arrangement wherein the rights, duties, and
31 obligations of an employer which arise out of an employment arrangement are allocated
32 between the parties to such arrangements.33 (4) 'Commissioner' means the Commissioner of Labor of the State of Georgia.34 (5) 'Covered employee' means an individual working under a co-employment
35 relationship between a PEO and a client pursuant to a professional employer agreement
36 subject to this chapter.37 (6) 'Department' means the Georgia Department of Labor.38 (7) 'Limited registrant' means a PEO that:39 (A) Is domiciled and registered or licensed in another state;40 (B) Has 50 or fewer covered employees; and41 (C) Maintains no principal place of business in this state.42 (8) 'PEO group' means two or more PEO entities that are majority owned or commonly
43 controlled by the same entity or parent company.44 (9) 'Professional employer agreement' means a contract between a client and a PEO
45 which provides:46 (A) For the co-employment of covered employees;47 (B) An express allocation of the client's rights and obligations as an employer to the
48 co-employee and allocation of such rights and obligations to the co-employee assigned
49 to the PEO; and50 (C) That the PEO and the client assume the responsibilities required by this chapter.51 (10) 'Professional employer organization' or 'PEO' means any person engaged in the
52 business of providing professional employer services.53 (11) 'Professional employer services' means the service of entering into co-employment
54 relationships in which all or a majority of the employees providing services to a client or
55 to a division or work unit of a client are covered employees.56 (12) 'Registrant' means a PEO registered under this chapter.

57 34-11-2.

58 (a) Beginning March 1, 2018, except as otherwise provided in this chapter, no person shall
59 provide, advertise, or otherwise hold itself out as providing professional employer services
60 in this state, unless such person is registered with the department in accordance with this
61 chapter. The department shall begin accepting applications for registration no later than
62 January 2, 2018. Only a firm, corporation, professional corporation, partnership,
63 association, or other entity may apply with the department for registration to provide
64 professional employer services in this state.

65 (b) Each applicant for registration shall provide the department with the following:

66 (1) The name or names under which the PEO conducts business;

67 (2) The address of the principal place of business of the PEO;

68 (3) The address of each office it maintains in this state;

69 (4) The PEO's taxpayer or employer identification number;

70 (5) A list by jurisdiction of each name under which the PEO has operated in the
71 preceding two years;

72 (6) A statement of ownership, which shall include the name and address of any person
73 that, individually or in a business relationship with one or more other persons, owns or
74 controls at least 25 percent or more of the equity interests of the PEO;

75 (7) A statement of management, which shall include the name of any person who serves
76 as chief executive officer, president, or secretary or otherwise has been empowered with
77 the authority to act as an officer of the PEO; and

78 (8) A financial statement, prepared in accordance with generally accepted accounting
79 principles by an independent, certified public accountant licensed to practice in the
80 jurisdiction in which such accountant is located. A PEO group may submit combined or
81 consolidated financial statements to meet the requirements of this paragraph. A PEO that
82 has not had sufficient operating history to be able to provide such records shall meet the
83 financial requirements set forth in this Code section and present financial statements as
84 requested by the department.

85 (c) In the event a PEO not registered in this state becomes knowledgeable that a client does
86 not have a principal place of business in this state but has covered employees in this state,
87 the PEO shall:

88 (1) Decline to provide PEO services for such employees;

89 (2) Notify the department within 30 days of such knowledge and file a limited
90 registration application under subsection (f) of this Code section; or

91 (3) If the number of covered employees exceeds 50, the department may allow for a
92 temporary registration while registration applications are being prepared and evaluated.

93 In its evaluation for such temporary registration, the department may consider whether

94 the PEO is currently registered or licensed in another state and if temporary registration
95 is in the best interests of the covered employees based in this state.

96 (d) A registrant shall renew its registration annually by making a filing in a form
97 determined by the department, which shall provide for the registrants to notify the
98 department of any changes in the information provided in its most recent registration filing.
99 A registrant's existing registration shall remain in effect while such renewal application is
100 under review.

101 (e) A PEO group applying for renewal may satisfy the registration and financial reporting
102 requirements of this chapter by filing combined or consolidated filings, provided that each
103 member of the PEO group attests to be responsible for meeting the requirements set forth
104 in this chapter on behalf of each member of the group.

105 (f) A PEO shall be eligible to be a limited registrant if such PEO submits a request for
106 limited registration on a form provided by the department and the department finds that
107 such PEO is domiciled outside this state and is licensed or registered as a professional
108 employer organization in another state. A limited registrant shall not maintain an office
109 in this state or have more than 50 covered employees employed or domiciled in this state
110 at any time. Limited registrants shall be registered for a maximum period of one year and
111 shall be considered for renewal as set forth by the department.

112 (g) The department shall maintain a directory of professional employer organizations
113 registered under this chapter and shall make such directory readily available to the public
114 on the department's website and by any other means deemed appropriate by the department.

115 (h) The department shall, to the extent practical, accept electronic filings, including, but
116 not limited to, applications, documents, reports, and other filings required under this
117 chapter. The department may provide for the acceptance of electronic filings and other
118 assurance by an independent and qualified assurance organization approved by the
119 department that provides satisfactory assurance of compliance and security. The
120 department may permit a PEO to be authorized to agree that such an approved assurance
121 organization may act on the PEO's behalf in complying with the registration requirements
122 of this chapter.

123 (i) All records, reports, and other information obtained from or on behalf of a PEO, except
124 to the minimum extent necessary for the proper administration the department or to comply
125 with the provisions of Article 4 of Chapter 18 of Title 50 shall be confidential and shall not
126 be published or open to public inspection other than to public employees in the
127 performance of their public duties.

128 34-11-3.

129 (a) The Commissioner shall establish by rules and regulations the amount of the fees for
130 initial registration, renewal of registration, registration of a PEO group, and limited
131 registration.

132 (b) The amount of the fees established by the Commissioner shall be limited as follows:

133 (1) The initial registration fee shall not exceed \$500.00;

134 (2) The renewal registration fee shall not exceed \$250.00;

135 (3) The registration fee of a PEO group shall not exceed \$500.00 per group member;

136 (4) The limited registration fee shall not exceed \$250.00; and

137 (5) Such fees shall not exceed the amount reasonably necessary for the administration
138 of this chapter.

139 34-11-4.

140 Any applicant, either for an initial registration or a renewal, shall submit financial
141 statements, in accordance with paragraph (8) of subsection (b) of Code Section 34-11-2,
142 that prove that the applicant has positive working capital.

143 34-11-5.

144 (a) It shall be unlawful for any person to use the term 'PEO,' 'professional employer
145 organization,' 'staff leasing,' 'staff leasing company,' 'registered staff leasing company,'
146 'employee leasing,' 'employee leasing company,' 'administrative employer,' or any other
147 title deemed by the department through rules and regulations to be representative of
148 professional employer services without being registered with the department as a PEO.

149 (b) It shall be unlawful for any person to knowingly provide false or otherwise fraudulent
150 information to the department in support of any application for registration, renewal, or in
151 any report required under this chapter.

152 34-11-6.

153 (a) In a co-employment relationship:

154 (1) The client is entitled to enforce those rights, and obligated to provide and perform
155 those employer obligations, allocated to such client by the professional employer
156 agreement and this chapter;

157 (2) The client is entitled to enforce any right and obligated to perform any obligation of
158 an employer not specifically allocated to the PEO in the professional employer agreement
159 or this chapter; and

160 (3) For purposes of any law of this state where employer coverage and employee
161 eligibility is determined based on the number of covered employees employed by the

162 employer, the client as an employer shall only be required to count covered employees
163 of the client, and not employees of other clients of the PEO or of the PEO itself.

164 (b) Except as specifically provided in this chapter, the co-employment relationship
165 between the client and the PEO, and between each co-employer and each covered
166 employee, shall be governed by a professional employer agreement. Each professional
167 employer agreement shall provide for the following:

168 (1) The allocation of rights, duties, and obligations of each co-employer for each
169 co-employee;

170 (2) That the PEO shall pay wages to covered employees; to withhold, collect, and remit
171 payroll-related and unemployment taxes and may include directives for the PEO to make
172 payments for employee benefits. This shall not be interpreted as to include any
173 obligation between a client and a covered employee for payments beyond or in addition
174 to the covered employee's salary, draw, or regular rate of pay. This includes, but is not
175 limited to, severance pay, deferred compensation, profit sharing, vacation, sick, or other
176 paid time off pay, unless the PEO has expressly agreed to assume liability for such
177 payments in the professional employer agreement;

178 (3) The PEO shall have a right to hire, discipline, and terminate a covered employee, as
179 may be necessary to fulfill the PEO's responsibilities under this chapter and a valid
180 professional employer agreement. The client shall have a right to hire, discipline, and
181 terminate a covered employee; and

182 (4) The responsibility to purchase and obtain adequate workers' compensation coverage
183 for covered employees, from a licensed agent, contracted for with a carrier licensed to do
184 business in this state and otherwise in compliance with all applicable requirements, shall
185 be specifically allocated to either the client or the PEO in the professional employer
186 agreement.

187 (c) A PEO shall provide written notice to each covered employee whose co-employment
188 is made effective by a professional employer agreement of the general nature of the
189 co-employment relationship between and among the PEO, the client, and such covered
190 employee. Such notice shall be delivered as designated within the professional employer
191 agreement but shall not exceed 60 days.

192 (d) A PEO registered and in compliance with this chapter shall not be considered to be
193 engaged in the solicitation, sale, or negotiation of an insurance contract or acting as a
194 third-party administrator by selling or administering professional employer services
195 including employee benefits to co-employees. Such employee benefits may include, but
196 are not limited to, health and other insurance products procured by the PEO from a licensed
197 agent and carrier for the benefit of co-employees; provided, however, that nothing in this

198 paragraph shall be construed to preclude the enforcement of Chapter 23 of Title 33 by the
199 Commissioner of Insurance.

200 34-11-7.

201 (a) A professional employer agreement shall have no effect on existing collective
202 bargaining agreements. Nothing in this chapter shall alter the rights or obligations of any
203 client, professional employer organization, or worksite employee under the federal
204 National Labor Relations Act or any state law.

205 (b) Nothing in this chapter or in any professional employer agreement shall:

206 (1) Diminish, abolish, or remove rights of covered employees to a client or obligations
207 of such client to a covered employee existing prior to the effective date of a professional
208 employer agreement;

209 (2) Affect, modify, or amend any contractual relationship or restrictive covenant between
210 a covered employee and any client in effect at the time a professional employer
211 agreement becomes effective;

212 (3) Prohibit or amend any contractual relationship or restrictive covenant that is entered
213 into subsequently between a client and a covered employee, provided that a PEO shall
214 bear no liability arising from any such contractual relationship or restrictive covenant
215 unless the PEO and the client have each expressly agreed to such an exception, which
216 shall become an addendum to the professional employment agreement; or

217 (4) Create any new or additional enforceable right of a covered employee against a PEO
218 that is not expressly provided by the professional employer agreement or this chapter.

219 (c) Nothing contained in this chapter or any professional employer agreement shall affect,
220 modify, or amend any state, local, or federal licensing, registration, or certification
221 requirement applicable to any client or covered employee.

222 (d) A covered employee who is required by law or any rule or regulation promulgated
223 thereunder to be licensed, registered, or certified shall be deemed to be solely an employee
224 of the client for purposes of any such license, registration, or certification requirement.

225 (e) A PEO shall not be deemed to engage in any occupation, trade, profession, or other
226 activity that is subject to licensing, registration, or certification requirements, or is
227 otherwise regulated by a governmental entity solely by entering into and maintaining a
228 co-employment relationship with a covered employee who is subject to such requirements
229 or regulation.

230 (f) A client shall have the sole right of direction and control of the professional or licensed
231 activities of covered employees. Such covered employees and clients shall remain subject
232 to regulation by the regulatory or governmental entity responsible for licensing,
233 registration, or certification of such covered employees or clients.

234 (g) For purposes of determination of tax credits and other economic incentives provided
 235 by this state or other governmental entity and based on employment, covered employees
 236 shall be deemed employees solely of the client. A client shall be entitled to the benefit of
 237 any tax credit, economic incentive, or other benefit arising as the result of the employment
 238 of covered employees of such client. Notwithstanding that the PEO shall be the W-2
 239 reporting employer, the client shall continue to qualify for any such benefit, incentive, or
 240 credit. If the grant or amount of any such incentive is based on number of employees, then
 241 each client shall be treated as employing only those covered co-employees.

242 (h) With respect to a bid, contract, purchase order, or agreement entered into with this state
 243 or a political subdivision of this state, a client company's status or certification as a small,
 244 minority-owned, disadvantaged, or woman-owned business enterprise or as a historically
 245 underutilized business shall not be affected because such client has a professional
 246 employment agreement with a PEO or otherwise transacts business with a PEO.

247 34-11-8.

248 (a) A client and a registered PEO operating under a professional employer agreement shall
 249 each be deemed an employer for the purposes of sponsoring retirement and welfare benefit
 250 plans for its covered employees.

251 (b) A fully insured welfare benefit plan offered to the covered employees of a single PEO
 252 shall be treated as a single employer welfare benefit plan. For the purposes of the
 253 regulation of multiple employer self-insured health plans, such plans shall be exempt from
 254 the licensing requirements under Chapter 50 of Title 33.

255 (c) For purposes of Chapter 60 of Title 33, the 'Small Business Employee Choice of
 256 Benefits Health Insurance Plan Act,' a PEO shall be considered the employer of all of its
 257 covered employees and all covered co-employees of one or more clients who are
 258 participating in any health benefit plan sponsored by such single PEO shall be considered
 259 employees of that PEO.

260 (d) If a PEO offers any health benefit plan to its covered employees which is not fully
 261 insured by an authorized insurer, the plan shall:

262 (1) Utilize a third-party administrator licensed to do business in this state;

263 (2) Hold all plan assets, including participant contributions, in a trust account consistent
 264 with the requirements of Section 403 of the federal Employee Retirement Income
 265 Security Act of 1974, 29 U.S.C. Section 1001, et seq.;

266 (3) Provide sound reserves for such plan as determined using generally accepted
 267 actuarial standards of practice and consistent with the prudence and loyalty standards of
 268 care for fiduciaries provided for under the federal Employee Retirement Income Security
 269 Act of 1974, 29 U.S.C. Section 1001, et seq.; and

270 (4) Provide written notice to each covered employee participating in the benefit plan that
271 the plan is self-funded or is not fully insured.

272 34-11-9.

273 (a) The party to which the duty belongs to obtain workers' compensation coverage from
274 an agent licensed to do business in this state issued by a carrier authorized to do business
275 in this state for covered employees in compliance with Chapter 9 of this title shall be
276 expressed in the professional employer agreement.

277 (b) Both the client and the PEO shall be considered the employer for purposes of workers'
278 compensation coverage. The protection of the exclusive remedy provision of Chapter 9 of
279 this title shall apply to the PEO, the client, and to all covered employees and other
280 employees of the client irrespective of which co-employer obtains such workers'
281 compensation coverage.

282 34-11-10.

283 (a) Subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
284 disciplinary action may be taken by the department for any violation of this chapter or for
285 any rule or regulation promulgated pursuant to Code Section 34-11-13.

286 (b) Upon finding that a PEO, an owner or manager of a PEO, or a person offering PEO
287 services has violated one or more provisions of Code Section 34-11-5 and subject to any
288 appeal required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' the
289 department may:

290 (1) Deny an application for registration;

291 (2) Revoke, restrict, or refuse to renew registration;

292 (3) Impose an administrative penalty in an amount not to exceed \$1,000.00 for each
293 violation;

294 (4) Place the registrant on probation for a time period and subject to conditions set forth
295 in the resolution to the matter; or

296 (5) Issue a cease and desist to the registrant to stop performing such services.

297 34-11-11.

298 Nothing contained in this chapter shall affect the rights and obligations established under
299 Chapter 8 of this title, the 'Employment Security Law,' or any rules or regulations
300 promulgated pursuant to such chapter.

301 34-11-12.

302 This chapter shall not be applicable to:

303 (1) Arrangements wherein a person, whose principal business activity is not entering into
 304 professional employer agreements, does not hold itself out as a PEO, shares employees
 305 with a commonly owned company within the meaning of Section 414(b) and (c) of the
 306 Internal Revenue Code of 1986; or

307 (2) Temporary help contracting firms as defined in Code Section 34-8-46.

308 34-11-13.

309 The Commissioner may adopt such and regulations as are reasonable and necessary to
 310 effectuate the provisions of this chapter."

311 **PART II**
 312 **SECTION 2-1.**

313 Said title is further amended by revising Code Section 34-7-6, relating to professional
 314 employer organizations, rights, powers, and responsibility, as follows:

315 "34-7-6.

316 ~~(a) As used in this Code section, the term 'professional employer organization' means an~~
 317 ~~employee leasing company as defined in Code Section 34-8-32 that has established a~~
 318 ~~coemployment relationship with another employer, pays the wages of the employees of the~~
 319 ~~coemployer, reserves a right of direction and control over the employees of the~~
 320 ~~coemployer, and assumes responsibility for the withholding and payment of payroll taxes~~
 321 ~~of the coemployer.~~

322 ~~(b) A professional employer organization may collect information to evaluate costs; may~~
 323 ~~obtain life, accident and sickness, disability income, workers' compensation, and other~~
 324 ~~types of insurance coverage; may establish retirement plans; may have other types of~~
 325 ~~employee benefits; and may discuss such benefits with prospective coemployers and their~~
 326 ~~employees.~~

327 ~~(c) A coemployer of a professional employer organization shall retain sufficient direction~~
 328 ~~and control over the employees involved in a coemployment relationship as is necessary~~
 329 ~~to conduct its business operations and fulfill its obligations to such employees. Unless~~
 330 ~~otherwise agreed in writing, such coemployer shall be considered to be the sole employer~~
 331 ~~of such employees for licensing purposes, provided that nothing contained in this Code~~
 332 ~~section shall be deemed to prohibit a professional employer organization and its~~
 333 ~~coemployer from agreeing that the professional employer organization shall be considered~~
 334 ~~to be an employer for licensing purposes. The professional employer organization shall~~

335 ~~give written notice of such an agreement to the appropriate licensing agency and to the~~
 336 ~~employees involved.~~
 337 ~~(d) It is the intent of this Code section that professional employer organizations shall be~~
 338 ~~considered to be employers under this title and are required to comply with the provisions~~
 339 ~~of Code Sections 34-8-32, 34-8-34, and 34-8-172. Professional employer organizations and~~
 340 ~~their coemployer clients are entitled to exclusive remedy under Code Section 34-9-11~~
 341 ~~Reserved."~~

342 SECTION 2-2.

343 Said title is further amended by revising Code Section 34-8-32, relating to employee leasing
 344 company, as follows:

345 "34-8-32.

346 ~~(a) As used in this chapter, the term 'employee leasing company' means an independently~~
 347 ~~established business entity which engages in the business of providing leased employees~~
 348 ~~to any other employing unit under the following conditions:~~

349 ~~(1) Negotiates with clients or customers for such matters as time, place, type of work,~~
 350 ~~working conditions, quality, and price of service;~~

351 ~~(2) Determines assignments of individuals to its clients or customers, even if the~~
 352 ~~individuals retain the right to refuse specific assignments;~~

353 ~~(3) Sets the rate of pay of the individuals, whether or not through negotiation;~~

354 ~~(4) Pays the individuals from its accounts; and~~

355 ~~(5) Hires and terminates individuals who perform services for the clients or customers.~~

356 ~~(b) Individuals performing services for an employee leasing company shall be considered~~
 357 ~~employees of the employee leasing company. The employee leasing company shall file~~
 358 ~~required reports in accordance with regulations prescribed by the Commissioner and pay~~
 359 ~~contributions on wages paid to such employees.~~

360 ~~(c) Individuals who perform services for temporary help contracting firms as that term is~~
 361 ~~defined in Code Section 34-8-46 shall not be considered employees of an employee leasing~~
 362 ~~company Reserved."~~

363 SECTION 2-3.

364 Said title is further amended by revising Code Section 34-8-34, relating to employing unit,
 365 as follows:

366 "34-8-34.

367 As used in this chapter, the term 'employing unit' means any individual, the legal
 368 representative of a deceased individual, or any type of organization, including any
 369 partnership, association, trust, estate, joint-stock company, insurance company, or

370 corporation, whether domestic or foreign, ~~employee leasing company~~ professional
 371 employer organization, common paymaster, or the receiver, trustee in bankruptcy, trustee,
 372 or successor thereof which has or had in its employ one or more individuals performing
 373 services for it within this state. Each individual performing services within this state for any
 374 employing unit which maintains two or more separate establishments within this state shall
 375 be deemed to be employed by a single employing unit for all the purposes of this chapter.
 376 Each individual employed to perform or to assist in performing the work of any agent or
 377 employee of an employing unit shall be deemed to be employed by such employing unit
 378 for all the purposes of this chapter, whether such individual was hired or paid directly by
 379 such employing unit or by such agent or employee, provided the employing unit had actual
 380 or constructive knowledge of such work."

381 **SECTION 2-4.**

382 Said title is further amended by revising Code Section 34-8-172, relating to surety bond
 383 required of employee leasing company, as follows:

384 "34-8-172.

385 The Commissioner shall require any ~~employee leasing company~~, as defined in Code
 386 ~~Section 34-8-32~~, PEO or PEO group to post a surety bond or such equivalent financial
 387 securities as approved by the Commissioner in such an amount as needed to cover the total
 388 of any potential tax liability which may reasonably be expected to be incurred ~~by such~~
 389 ~~employer. In the event an employee leasing company is unable to procure such bond or~~
 390 ~~security, the employee leasing company may report such employees as being in the~~
 391 ~~employment of its client employers, notwithstanding any provision of Code Section~~
 392 ~~34-8-32 to the contrary."~~

393 **SECTION 2-5.**

394 Said title is further amended by revising subsection (c) of Code Section 34-8-195, relating
 395 to determination of eligibility for unemployment benefits generally, eligibility while in
 396 training, and deductions and withholdings from compensation, as follows:

397 "(c) An individual shall not be deemed to be unemployed in any week such individual
 398 refuses an intermittent or temporary assignment without good cause when the assignment
 399 offered is comparable to previous work or assignments performed by the individual or
 400 meets the conditions of employment previously agreed to between the individual and the
 401 employer. Such individual may be considered unemployed with respect to any week an
 402 assignment or work is not offered by the employer; provided, however, an employee of a
 403 temporary help contracting firm, an employee leasing company, or a professional employer
 404 organization as defined in Code Section ~~34-7-6~~ 34-11-1 will be presumed to have

405 voluntarily left employment without good cause if the employee does not contact the
 406 temporary help contracting firm, employee leasing company, or professional employer
 407 organization for reassignment upon completion of an assignment; provided, further, that
 408 such failure to contact the temporary help contracting firm, employee leasing company, or
 409 professional employer organization will not be considered a voluntary departure from
 410 employment unless the employee has been advised in writing of the obligation to contact
 411 such employer upon completion of assignments and has been advised in writing that
 412 unemployment benefits may be denied for failure to do so."

413 **SECTION 2-6.**

414 Said title is further amended by revising subsection (c) of Code Section 34-9-11, relating to
 415 exclusivity of rights and remedies granted to employee under chapter and immunity granted
 416 to construction design professionals, as follows:

417 "(c) The immunity provided by this subsection shall apply and extend to the businesses
 418 using the services of a temporary help contracting firm, as such term is defined in Code
 419 Section 34-8-46, or ~~an employee leasing company~~ professional employer organization, as
 420 such term is defined in Code Section ~~34-8-32~~ 34-11-1, when the benefits required by this
 421 chapter are provided by either the temporary help contracting firm or the ~~employee leasing~~
 422 ~~company~~ professional employer organization or the business using the services of either
 423 such firm or company. A temporary help contracting firm or ~~an employee leasing company~~
 424 a professional employer organization shall be deemed to be a statutory employer for the
 425 purposes of this chapter."

426 **PART III**

427 **SECTION 3-1.**

428 This Act shall become effective on July 1, 2017.

429 **SECTION 3-2.**

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