

House Bill 197

By: Representatives Lewis-Ward of the 109<sup>th</sup>, Boddie of the 62<sup>nd</sup>, McClain of the 100<sup>th</sup>, Moore of the 95<sup>th</sup>, and Park of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to labor and industrial relations, so as to change certain provisions  
3 related to the use of sick leave for the care of immediate family members; to increase the  
4 applicability of such sick leave requirements to more employers; to revise a definition; to  
5 extend the sunset provision relating to such sick leave requirements; to provide for related  
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to labor and industrial relations, is amended by revising Code Section  
11 34-1-10, relating to the use of sick leave for care of immediate family members, as follows:

12 "34-1-10.

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

14 (1) 'Employee' means an individual who works for salary, wages, or other remuneration  
15 for an employer for at least 30 hours per week.

- 16 (2) 'Employee stock ownership plan' shall have the same meaning as provided in  
17 Section 4975(e)(7) of the Internal Revenue Code, 26 U.S.C. Section 4975(e)(7).
- 18 (3) 'Employer' means any individual or entity that employs ~~25~~ 18 or more employees and  
19 shall include the State of Georgia and its political subdivisions and instrumentalities.
- 20 (4) 'Immediate family member' means an employee's child, spouse, grandchild,  
21 grandparent, or parent or any dependents as shown in the employee's most recent tax  
22 return.
- 23 (5) 'Sick leave' means time away from work by an employee, due to his or her own  
24 incapacity, illness, or injury, for which the employee receives his or her regular salary,  
25 wages, or other remuneration. The term 'sick leave' shall not include paid short-term or  
26 long-term disability.
- 27 (b) An employer that provides sick leave shall allow an employee to use such sick leave  
28 for the care of an immediate family member; provided, however, that nothing in this Code  
29 section shall be construed to require an employer to offer sick leave or to require an  
30 employer to allow an employee to use more than five days of earned sick leave per  
31 calendar year for the care of an immediate family member.
- 32 (c) An employee shall not be entitled to use sick leave under this Code section until that  
33 leave has been earned. Any employee who uses such sick leave shall comply with the  
34 terms of the employer's employee sick leave policy.
- 35 (d) Nothing in this Code section shall be construed to create a new cause of action against  
36 an employer.
- 37 (e) This Code section shall not apply to any employer that offers to their employees an  
38 employee stock ownership plan.
- 39 (f) This Code section shall be repealed in its entirety on July 1, ~~2023~~ 2025, unless extended  
40 by an Act of the General Assembly."

41 **SECTION 2.**

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

44 **SECTION 3.**

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