

Senate Bill 388

By: Senators Jackson of the 2nd, Jones of the 10th and Rahman of the 5th

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, so as to revise certain provisions regarding the minimum wage law; to
3 provide for an increase in the minimum wage; to provide for annual minimum wage
4 increases to match the rising cost of living; to provide a credit toward the minimum wage for
5 employers of tipped workers; to eliminate various eligibility exemptions from the minimum
6 wage; to provide for related matters; to provide an effective date; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage,
11 is amended by revising Code Section 34-4-3, relating to amount of minimum wage to be paid
12 by employers, as follows:

13 "34-4-3.

14 (a)(1) Except as otherwise provided in this Code section, every employer, whether a
15 person, firm, or corporation, shall pay to all covered employees a minimum wage which

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16 shall be not less than ~~\$5.15~~ \$7.25 per hour for each hour worked in the employment of
 17 such employer.

18 (2)(A) On January 1, 2023, and on January 1 of each successive year thereafter, the
 19 minimum wage shall be adjusted upwards to reflect the increase in the cost of living,
 20 if any, as determined by the Georgia Department of Labor pursuant to subparagraph (B)
 21 of this paragraph.

22 (B) On September 30, 2022, and on September 30 of each successive year thereafter,
 23 the Georgia Department of Labor shall measure the increase in the cost of living from
 24 the preceding July over the July level of the immediately preceding year. In making
 25 such determination the Georgia Department of Labor may utilize the Consumer Price
 26 Index for Urban Wage Earners and Clerical Workers (CPI-W) or such successor index
 27 as published by the United States Department of Labor or its successor agency.

28 (C) Each adjusted minimum wage rate calculated pursuant to subparagraph (B) of this
 29 paragraph shall be published and shall take effect on the following January 1 of each
 30 successive year.

31 (b) Employers of employees who meet the eligibility requirements for the tip credit under
 32 the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Section 203(t), may
 33 credit tips toward the satisfaction of up to 50 percent of the minimum wage provided by
 34 this Code section.

35 ~~(b)~~(c) This chapter shall not apply with respect to:

- 36 (1) Any employer that has sales of ~~\$40,000.00~~ \$50,000.00 per year or less;
- 37 (2) Any employer having five employees or less;
- 38 ~~(3) Any employer of domestic employees;~~
- 39 ~~(4) Any employer who is a farm owner, sharecropper, or land renter;~~
- 40 ~~(5) Any employee whose compensation consists wholly or partially of gratuities;~~
- 41 ~~(6)~~(3) Any employee who is a high school or college student;
- 42 ~~(7)~~(4) Any individual who is employed as a newspaper carrier; or

43 ~~(8)~~(5) Any individual who is employed by a nonprofit child-caring institution or
44 long-term care facility serving children or mentally disabled adults who are enrolled in
45 such institution and reside in residential facilities of the institution, if such employee
46 resides in such facilities, receives without cost board and lodging from such institution,
47 and is compensated on a cash basis at an annual rate of not less than ~~\$10,000.00~~
48 \$15,000.00.

49 ~~(e)~~(d) This chapter shall not apply to any employer who is subject to the minimum wage
50 provisions of any act of Congress as to employees covered thereby if such act of Congress
51 provides for a minimum wage which is greater than the minimum wage which is provided
52 for in this Code section."

53 **SECTION 2.**

54 This Act shall become effective on July 1, 2022.

55 **SECTION 3.**

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