

Senate Bill 384

By: Senators Hickman of the 4th, Albers of the 56th, Beach of the 21st, Halpern of the 39th
and Esteves of the 6th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor
2 practices relative to public officers and employees, so as to provide for the development and
3 administration of the State of Georgia as a Model Employer (GAME) Program for the
4 recruitment, hiring, advancement, and retention of qualified individuals with disabilities at
5 all levels and for all occupations; to establish state policy; to provide for definitions; to
6 provide for certain duties of the State ADA Coordinator; to establish the elements of the
7 GAME Program; to provide for the development of plans by state agencies; to provide for
8 reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices
12 relative to public officers and employees, is amended by adding new article to read as
13 follows:

"ARTICLE 3

45-19-60.

It shall be the policy of this state to be a model employer of individuals with disabilities by adopting a framework for state agencies that considers the best, most promising, and emerging practices relating to the recruitment, hiring, advancement, and retention of qualified individuals with disabilities at all levels and for all occupations.

45-19-61.

As used in this article, the term:

(1) 'Americans with Disabilities Act' means the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Section 12101, et seq.

(2) 'GAME Program' means the State of Georgia as a Model Employer Program established pursuant to this article.

(3) 'Individual with a disability' means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities or who has a record of such impairment.

(4) 'Qualified individual with a disability' means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

(5) 'Reasonable accommodation' means any modification or adjustment to the work environment or to the manner in which the job is performed that enables an individual with a disability to enjoy equal employment opportunities.

(6) 'State ADA Coordinator' means the individual designated under 28 C.F.R. Section 35.107(a) to ensure the state's compliance with the Americans with Disabilities Act.

(7) 'State agency' means any department, agency, board, division, authority, commission, or other instrumentality of the executive branch of the government of the State of Georgia.

45-19-62.

(a) There is established the State of Georgia as a Model Employer Program for individuals with disabilities to be known as the GAME Program. Such program shall be developed and implemented by the State ADA Coordinator to ensure that state agencies design and proactively implement the best, most promising, and emerging policies, practices, and procedures related to the recruitment, hiring, advancement, and retention of qualified individuals with disabilities.

(b) Elements of the GAME Program shall include, but shall not be limited to:

(1) The provision of training and technical assistance for state agency human resources personnel and hiring managers regarding the best, most promising, and emerging policies, practices, and procedures;

(2) Guidelines relative to the provision of reasonable accommodations by state agencies, including, but not limited to, modifications or adjustments to the job application process, to the work environment, or that enable an individual with a disability to enjoy equal employment opportunities;

(3) The development of evaluation forms and reports for the purpose of data collection and analysis relating to individuals with disabilities employed by state agencies;

(4) The development and implementation of policies by state agencies pertaining to the accessibility of internet websites, online systems, mobile applications, and other forms of information and communication technology designed, procured, and used to assist qualified individuals with disabilities in seeking and maintaining employment with such state agencies;

(5) The development and implementation by state agencies of reasonable accommodation policies and procedures pertinent to applicants and employees, including, but not limited to, policies and procedures for requesting reasonable accommodations and denying requests if the requested accommodation is not reasonable or constitutes an undue hardship; and

(6) A reporting system for reporting and tracking progress of state agencies toward meeting the employment policy goals of the state established by this article.

45-19-63.

On or before September 1, 2025, and on or before September 1 of each year thereafter, each state agency shall submit to the State ADA Coordinator a plan to increase employment opportunities during the fiscal year for qualified individuals with disabilities that shall include, but shall not be limited to:

(1) The percentage of jobs that were filled within the most recent fiscal year by qualified individuals with disabilities at designated pay levels and the number of such individuals receiving reasonable accommodations;

(2) Goals and timetables based on workforce analysis to ensure progress toward the advancement of the GAME Program;

(3) An analysis of the barriers in existing employment related policies, practices, and procedures, such as job descriptions, interviewing criteria, and testing procedures and the adoption of strategies to address such barriers;

(4) Specific steps to recruit a broad range of qualified individuals with disabilities to apply for job vacancies;

(5) Specific steps to ensure qualified individuals with disabilities currently employed by the state agency have sufficient opportunities for advancement, including, but not limited to, opportunities to enroll in management training programs and mentoring programs;

(6) A description of the education and training relative to the American with Disabilities Act that is received by every individual serving in a supervisory position within the state agency; and

(7) An evaluation and determination of the number of employees with disabilities, methodologies designed to address any underutilization concerns, and the identification whether adequate resources exist to provide any assistance needed in the event of an emergency evacuation.

45-19-64.

On or before December 15, 2025, and on or before December 15 of each year thereafter, the State ADA Coordinator shall submit a written report on the progress of state agencies toward meeting the employment policy goals of the state established by this article to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the Senate Insurance and Labor Committee and the House Committee on Industry and Labor."

SECTION 2.

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