

House Bill 914

By: Representatives Lupton of the 83<sup>rd</sup>, Campbell of the 35<sup>th</sup>, Cummings of the 39<sup>th</sup>, and Lim of the 98<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex  
2 discrimination in employment, so as to authorize the Commissioner of Labor to ensure that  
3 certain employees receive comparable pay for comparable work in jobs which require  
4 comparable skill, effort, and responsibility; to provide for powers and duties of the  
5 Commissioner; to provide for consent orders, administrative orders, hearings, penalties, and  
6 judicial review; to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex  
11 discrimination in employment, is amended by revising Code Section 34-5-4, relating to  
12 powers and authority of Commissioner under chapter, as follows:

13 "34-5-4.

14 (a) The Commissioner shall have the power and it shall be his or her duty to carry out the  
15 provisions of this chapter; and for this purpose the Commissioner or his or her authorized  
16 representative shall have the power to:

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- 17 (1) ~~Assist any employer to ensure~~ Ensure that all employees are receiving comparable  
18 pay for comparable work in jobs which require comparable skill, effort, and  
19 responsibility;
- 20 (2) ~~Assist any employer so that~~ Review the character of the work and operations ~~on~~  
21 ~~which persons are employed can be compared~~ of any employer, to question such persons  
22 any employer or employee, and to obtain such other information as is reasonably  
23 necessary for the administration and enforcement of this chapter; and
- 24 (3) Eliminate pay practices unlawful under this chapter by informal methods of  
25 conference, conciliation, and persuasion, provided that the remedy obtained through such  
26 methods may be set out in a written consent order and signed by both the Commissioner  
27 and the violator or violators; provided, however, that, in case such methods fail to correct  
28 or remedy such practices, the Commissioner may issue an administrative order as  
29 provided in subsection (d) of this Code section.
- 30 (b) The Commissioner is authorized to request witnesses to appear and to produce  
31 pertinent records for examination by the Commissioner or his or her authorized  
32 representative in the county of the place of business of the employer and such witnesses  
33 shall be paid the same fees as are allowed witnesses attending the superior courts of this  
34 state. In the event of failure of a person to attend, testify, or produce records voluntarily,  
35 the Commissioner may make application to the superior court of the county in which the  
36 business is located and, after notice and hearing, the court, in its discretion, and upon  
37 proper cause shown, may issue an order requiring the person to appear before the  
38 Commissioner or his or her authorized representative and testify or produce records as  
39 requested by the Commissioner.
- 40 (c) The Commissioner shall have the authority to issue such rules and regulations  
41 appropriate to the carrying out of this chapter.
- 42 (d) The Commissioner shall have the authority to issue an administrative order directing  
43 a violator or violators to comply with the provisions of this chapter. Such order shall

44 specify the provision or provisions of this chapter or rule or regulation alleged to have been  
45 violated and shall order that necessary corrective action be taken within a reasonable time  
46 to be prescribed in such order. Such order shall become final unless the person or persons  
47 named therein request in writing a hearing no later than 30 days after such order is served  
48 on such person or persons. After such hearing, the Commissioner may issue a final order  
49 imposing a penalty not to exceed \$1,000.00 for each violation whenever the Commissioner  
50 determines that any person has violated any provision of this chapter, any rule or regulation  
51 promulgated under this chapter, or any order issued pursuant to this chapter. The hearing  
52 and any administrative review thereof shall be conducted in accordance with the procedure  
53 for contested cases under Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
54 Act.' Any person that has exhausted all administrative remedies available and that is  
55 aggrieved or adversely affected by a final order or action of the Commissioner shall have  
56 the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties  
57 recovered under this Code section shall be paid into the state treasury."

58

**SECTION 2.**

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