

GEORGIA STATUTES REGULATING EMPLOYMENT

SUBJECT	STATUTE	COVERAGE	BRIEF SUMMARY
Provision of Criminal Records	O.C.G.A. § 35-3-34	All employees	Establishes Georgia Crime Information Center (GCIC) and procedures by which employers may obtain access to certain criminal records. The Center's phone number is (404) 656-2000. NOTE - Employers who make an adverse employment decision as to one whose record was obtained from the Center must inform the affected person of the reasons for the decision, disclose that the record was obtained and the contents of the record, and must disclose the effect the record had on the decision. Failure to provide all of the above information is a misdemeanor.
First Offender Statute	O.C.G.A. § 42-8-60 <i>et seq.</i>	All employees	First offenders who have successfully completed their probation or confinement are not considered to have been convicted of a crime and may not be denied employment on that basis.
Reference Checks	O.C.G.A. § 34-1-4	Employees & former employees	Employers have a qualified privilege to disclose factual information on job performance or abilities of employee or former employee, made at request of employee or a prospective employer, including disclosures involving violations of law.
New Hire Reporting	O.C.G.A. § 19-11-9.2	All employers Employees who work at least 350 hrs during a continuous 4-mo period or who can earn at least \$300/mo	REPORTING DEADLINE: Within 10 days of hire to: Dept. of Human Resources State Support Registry P. O. Box 38480 Atlanta, GA 30334 (404) 657-2498
Wage Payment Laws Deceased Employee's Wages When Wages Presumed Abandoned	O.C.G.A. § 34-7-2	All employers except sawmills, agricultural employers, and employers in turpentine industry. Not applicable to department heads and subheads, or executives	Wage payment required twice a month on regular, designated paydays. Direct deposit allowed with consent of employee
	O.C.G.A. § 34-7-4 § 44-12-206	All employers	Upon demand, employer may pay unpaid wages to deceased employee's spouse or designated beneficiary, up to a maximum of \$2,500. Wages that have remained unclaimed by the owner for more than one year are presumed abandoned.
Minimum Wage	O.C.G.A. § 34-4-3	Employers not subject to federal minimum wage law and not falling under a Georgia exception	Minimum wage is \$3.25/hour; employer must keep record of hours worked. Employees may sue to recover unpaid wages for up to three years, double that amount as liquidated damages, and attorney's fees and costs
Deductions From Pay	O.C.G.A. § 19-11-20(d)	Service Charge Deduction for Garnishment or support Order Withholding	Limited to a \$25 initial deduction, and to \$3 per pay period thereafter.
Garnishments	O.C.G.A. § 18-4-1 <i>et seq.</i>	All employers	Establishes procedures by which creditors may garnish the wages of employees and methods for determining the amount to be withheld from an employee's wages. An employer who fails to respond to a properly served garnishment may ultimately be found liable for the amount that should have been withheld from the employee's wages.
Records: Wages/Hours/Payroll	O.C.G.A. § 34-8-121 O.C.G.A. § 34-4-5 O.C.G.A. § 34-2-11	All employers	Name, address, occupation, and daily and weekly hours, to be retained one year, plus employee work records in sufficient detail to administer employment security law, to be retained 4 years.

Time Off For Voting	O.C.G.A. § 21-2-404	All eligible voters	Two hours unless employee has two consecutive nonworking hours to vote between the hours of 7 am and 7 pm.
Jury Duty; Response to Subpoena	O.C.G.A. § 34-1-3	All employers	An employer may not penalize an employee who is absent from work to attend a judicial proceeding in response to a subpoena, summons for jury duty, or other court process. In the opinion of Georgia's attorney general, salaried employees must be paid their salary while on jury duty.
Right to Work and Union Security Provisions	O.C.G.A. § 34-6-23	Labor Relations - Private Employers	Right-to-work law guarantees employees the right to work regardless of union membership; union shop, agency shop, and maintenance of membership agreement are illegal.
Employment at Will	O.C.G.A. § 34-7-1	All employers	If a contract of employment states that wages are payable at a stipulated period (each month, for example), a presumption arises that the hiring is for that period of time. An indefinite hiring may be terminated at will by either party with or without cause or advance notice.
Child Labor: Permitted Occupations and Hours	O.C.G.A. § 39-2-1 <i>et seq.</i>	All employers	WORKING AGE: None specified for domestic work in private home, farm work, & employment by parents; 16 for most employment involving operation of machinery; 12 for most other non-hazardous employment; 18 for all other employment.
			PERMITTED HRS/MAXIMUM WORK TIME - EMPLOYEES UNDER 16: 6 am - 9 pm (5 am in newspaper sales & deliveries in residential areas), Maximum 4 hrs/day on school nights; 8 hrs/day - 40 hrs/wk.
Child Labor: Proceeds	O.C.G.A. § 19-7-1	All employers	Parents are entitled to the proceeds of a minor's labor.
Child Labor: Records	O.C.G.A. § 39-2-11, 13	Child employees	Employer must receive certificate from school superintendent or official. Certificate must be returned to issuing official within 5 days of termination, or if the minor fails to return to work for a 30 day period, within 5 days of the expiration of the 30 day period.
Disability Discrimination	O.C.G.A. § 34-6A-1 <i>et seq.</i>	Employers with 15 or more employees	Prohibits discrimination on the basis of disability in hiring, promotion, wages and other terms and conditions of employment. Also prohibits retaliation against person who opposes discrimination or assert their own rights under this law. Aggrieved person may file private action within 180 days and may obtain hiring reinstatement, promotion or other job benefits, plus back pay, costs, and attorney's fees.
Equal Pay	O.C.G.A. § 34-5-1 <i>et seq.</i>	Employers with 10 or more employees	Prohibits wage discrimination on basis of sex. An aggrieved person may bring private action for unpaid wages and may obtain back wages plus costs, and attorneys fees not to exceed 25% of the judgment. Official poster required to be posted.
Unemployment Compensation	O.C.G.A. § 34-8-1 <i>et seq.</i>	All employers, with certain exceptions for governmental entities and non-profit organizations	Requires payments to State Employment Service based on wages paid or on claim experience, in order to finance compensation to eligible claimants. Also requires filing of various separation reports, such as DOL 800 and DOL 402. The required poster may be obtained by calling (404) 656-3131.
Workers' Compensation	O.C.G.A. § 34-9-1 <i>et seq.</i>	All employers other than railroad common carriers and a few others who are exempted	Employees are entitled to compensation for injuries by accident that arise out of and in the course of employment. Employees entitled to receive workers' compensation for their injury do <u>not</u> have the right to recover from their employer for that injury through a common law tort action. The required poster may be obtained by calling (404) 656-3875.
Drug Free Workplace Program	O.C.G.A. § 34-9-410 <i>et seq.</i>	Employers subject to the workers' compensation laws	Provides for a discount on workers' compensation insurance for employers who establish a drug free workplace program that substantially complies with O.C.G.A. § 34-9-413, which requires a written policy, substance abuse testing, employee assistance resources, employee education, and supervisor training.

Drug Free Workplace Act	O.C.G.A. § 50-24-1 <i>et. seq.</i>	Employers who have contracts with a state agency worth at least \$25,000	Contractor must certify that it has a drug free workplace program in compliance with O.C.G.A. § 50-24-3, which requires certain publications to, and agreements from, the contractor's employees. The contractor must obtain certification of compliance from subcontractors.
AIDS Testing	O.C.G.A. § 31-22-9.2	Employers who order an HIV test for an employee	Where employers lawfully conduct AIDS tests, they must report confirmed positive tests to the Georgia Department of Human Resources. The report should include <u>only</u> the age, sex, race, and county of residence of the person who tested positive. Results should be sent to: Roger Davis Office of AIDS Surveillance Number 2 Peachtree Street, NW Room 6-407 Atlanta, Georgia 30303
Arbitration	O.C.G.A. §9-9-3	All employers	A written agreement to arbitrate an existing or future controversy is generally enforceable.
Trade Secrets	O.C.G.A. §10-1-760 <i>et. seq.</i>	All employers	Employer can bring a civil action for injunctive relief and/or damages against one who misappropriates the employer's "trade secrets," as that term is defined in the statute.
Georgia Computer Systems Protection Act	O.C.G.A. § 16-9-90 <i>et. seq.</i>	All employers	Provides criminal and civil penalties against persons using a computer or computer network to, among other things, steal, delete or alter data, invade the privacy of another, or commit computer forgery.
Workplace Violence	O.C.G.A. § 34-1-7, 19-3-4(a)	All employers	Employer may obtain temporary restraining order and injunction against any individual who has subjected an employee of the employer to unlawful violence at or away from the workplace, or credibly threatened to do so. The TRO and injunction prohibit further threats or acts of violence at the workplace and while the Employee is acting within the course and scope of employment.
Criminal Trespass	O.C.G.A. § 16-7-21	All employers	Provides legal grounds for employer to obtain police assistance in removing unauthorized persons from employer's property.
Harassing Phone Calls	O.C.G.A. § 16-11-39.1	All persons, including employees who make harassing phone calls	Criminalizes conduct of repeatedly calling another person to harass, molest or threaten them with violence. (May apply to conduct of an employee/harasser.)

** This Chart provides summary information relating to state laws only. For specific legal advice, contact your labor and employment attorney.