

GEORGIA

Employment Law Workbook Addendum

(Update on legislation enacted from Jan. 1–Dec. 31, 2013)

Topics

I. Discrimination

No new laws or regulations enacted in 2012 or 2013.

II. Pre-Employment Inquiry Guidelines

Under the new Illegal Immigration Reform and Enforcement Act, employers must use E-Verify (H. 87, OCGA 36-60-6, 500+ employees effective Jan. 1, 2012; 100 to 500 employees effective July 1, 2012; 10 to 100 employees effective July 1, 2013).

No new laws or regulations enacted in 2013.

III. Family and Medical Leave

No new laws or regulations enacted in 2012 or 2013.

IV. Wage and Hour Laws

No new laws or regulations enacted in 2012 or 2013.

V. Drug Testing

No new laws or regulations enacted in 2012 or 2013.

VI. Noncompete and Other Employment Agreements

A new version of the restrictive covenant statute was re-enacted, which eschews the “strict scrutiny” standard in favor of more lenient enforceability rules. The statute also allows courts to modify overbroad covenants and applies to all agreements entered into or on May 11, 2011 (OCGA § 13-8-54, effective May 11, 2011).

No new laws or regulations enacted in 2013.

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VII. Workplace Safety

No new laws or regulations enacted in 2012 or 2013.

VIII. Workers' Compensation

No new laws or regulations enacted in 2011 or 2012.

The GA Workers' Compensation Law was amended, modifying provisions relating to awards and benefits of workers' compensation for catastrophic injuries. The Act provides a limitation period for the payment of medical benefits and a time limit for employer payment of employee mileage. The Act also modifies provisions relating to an employee's required attempt to work in a tendered suitable job and increases the compensation benefits for total disability and temporary partial disability. (Act 203, effective July 1, 2013).

Miscellaneous

The state ended its routine practice of using human resources personnel, clerical employees, or paralegals instead of attorneys to answer garnishments in proceedings in Georgia state or superior courts (In Re UPL Advisory Opinion No. 2010-1, effective Sept. 12, 2011). However, in its next regular session, the Georgia legislature acted to overturn the Advisory Opinion. HB 683, signed into law on February 8, 2012 and immediately effective, permits employers to use in-house personnel, such as human resources and payroll professionals, to handle responses to garnishment summonses.

The GA Code provisions relating to security and immigration compliance were amended to modify provisions relating to requiring private businesses to utilize the federal work authorization program, and to modify provisions relating to private businesses participating in the employment eligibility verification system prior to the issuance of a business license or other document and provisions relating to evidence of state licensure, annual reporting, and violations. (Act 27, effective July 1, 2013).