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What’s New

072407 – Georgia minimum wage rises to the federal rate which was raised to $5.85 as of July 24, 2007.

072407 – New sections added on Breastfeeding Rights, Drug Testing, Smoking in the Workplace and Job Reference Liability.

072408 – Georgia minimum wage rises to the federal rate which was raised to $6.55 as of July 24, 2008.

072409 – As of July 24, 2009 Georgia’s minimum wage will match the Federal Minimum of $7.25 per hour. Tipped employees may be paid $4.23.

111612 - Changes were made to the following sections: Family Leave, Discrimination, Child Labor, Jury Duty, Work Hours and Breaks, Military Leave and Smoking in the Workplace. The following new section was added: New Hire Reporting.

041013 - Changes were made to the following section: State Continuation of Benefits.

072213 - Changes were made to the Discrimination section. A section for Employment Verification was added.

101813 - Changes were made to the following section: Payment of Wages.
STATE EMPLOYMENT REGULATIONS FOR GEORGIA

Introduction

Employment laws vary from state to state with some being more employee-friendly than others. Federal regulations set minimum standards of worker protections that all employers of a given size must meet. Individual states, however, are free to grant workers additional or expanded rights or protections above this federal minimum.

Virtually all employers in the U.S. are subject to federal employment regulations. Only the smallest, strictly local employers are not subject to federal regulations. If an employer does any of the following, they are participating in interstate commerce and are subject to federal employment regulations:

- Production of goods for commerce, such as transportation or communication
- Use of mail over state lines
- Interstate communications using the telephone
- Use of the Internet over state lines
- Interstate communications using electronic mail
- Make purchases from out-of-state vendors
- Sell to customers in other states

This summary of employment regulations does not include information for those few employers not subject to the federal minimum employment regulations.

Many states have regulations for public employers that are different than those for employers in the private sector. This document also does not include information on regulations (federal and state) that apply only to public sector employers.

In this document we summarize the workplace regulations and worker protections available in Georgia. Although not an exhaustive list, it covers the major topics small to mid-sized employers must deal with on a regular basis. Covered areas include:

- Wage, hour and overtime rules (including child labor and break rules);
- Leaves of absence (family leaves, voting time and jury duty);
- Discrimination and harassment regulations; and
- State rules on continuation of benefits.

The federally mandated, but state run new-hire reporting requirements are covered under a separate document, available for download from Libretto or from the Agent 77 store.

The following Quick View table summarizes these regulations. This is followed by a more detailed description of these regulations. Please be sure to read both carefully to understand your responsibilities under Georgia and federal law. Also, see the resources section below for reference websites and Libretto tools that can help you comply with these regulations.
# QUICK VIEW OF STATE EMPLOYMENT REGULATIONS FOR GEORGIA

<table>
<thead>
<tr>
<th>Topic</th>
<th>Georgia Regulation</th>
</tr>
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| **Minimum Wage**          | • $7.25 / hour  
• Tipped employees may be paid a minimum of $2.13                                                                                           |
| **Overtime**              | Non-exempt employees must be paid at least 1.5 times their regular rate for hours worked over 40 in a given week                                      |
| **Payment of Wages**      | • Employees must be paid at least semi-monthly.  
• Georgia has no regulations about payment of final wages.  
• Deductions must be authorized in writing.                                                      |
| **Work Hours and Breaks** | Georgia has no break time rules except for employees employed in cotton or woolen manufacturing establishments.                                    |
| **Child Labor**           | • Employers employing minors under 18 must keep an employment certificate on file (issued by Superintendent of Schools)  
• Federal and Georgia law prohibit minors in certain occupations. See the U.S. Department of Labor and the Georgia Department of Labor for information on these prohibitions (contact information is in the reference section).  
• See the details section below for restrictions on hours minors may work.                     |
| **Family Leave**          | Georgia has no separate Family Leave aside from the Federal Law outlined below:  
• Employers with 50 or more employees must grant up to 12 weeks of unpaid family medical leave to employees who have completed a year of service or 1250 hours.  
• Leave must be granted for birth or adoption of a child, serious medical condition of the employee, to care for a family member with a serious medical condition, qualifying exigency for military leave and serious illness/injury of covered service member for military leave.  
• Employee must be reinstated to same or equivalent position after completion of leave.  
• Benefits must be maintained during leave.                                                      |
| **Military Leave**        | Georgia has military reinstatement law (refer to details below) The Federal Law is as follows:  
• Employers must grant up to 5 years of military leave.  
• Employee must be reinstated to same or equivalent position after completion of military leave.  
• Employers may not terminate or threaten to terminate any employee called to military service.  
• Special benefit rules apply for military leave.                                                 |
# Quick View of State Employment Regulations for Georgia

<table>
<thead>
<tr>
<th>Topic</th>
<th>Details</th>
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| **Jury Duty**                | • Paid leave is required, except pay may not be deducted for salaried employees.  
                                      • Employees must notify employers of the need for leave.  
                                      • Employee must be reinstated to same position after completion of jury duty. |
| **Voting Time**             | • 2 hours for any election where employee is qualified to vote, provided employees do not have 2 hours of unscheduled time when polls are open.  
                                      • Request must be made prior to Election Day.  
                                      • Employer can specify times for leave. |
| **New Hire Reporting**      | • Information on new hires and rehires must be provided within ten days of hire. |
| **Breastfeeding Rights**    | Mothers must be allowed to breastfeed their child in any place that they otherwise are allowed to be. Employers may provide nursing mothers break time and a private place to express breast milk. |
| **Drug Testing**            | Employers that implement drug-free workplace policy conforming to state regulations may be eligible for a discount on their workers' compensation insurance. |
| **Job Reference Liability** | Employers who provide information about current or former employees to a prospective employer are presumed to be acting in good faith, unless the information given is knowingly false. |
| **Smoking in the Workplace**| • Georgia prohibits smoking in any enclosed spaces of employment. For exceptions, see below.  
                                      • Posting requirements apply. |
| **Employment Verification** | • Employers are required to verify employment using E-Verify, as listed below |
| **Discrimination and Harassment** | • Employers are prohibited from discriminating based on ancestry or national origin, race or color, religion, age (between 40 and 70), service in the military, physical/mental/learning disability or mental retardation, sex (including sexual harassment, pregnancy, childbirth, and other pregnancy-related conditions).  
                                      • Posting requirements apply. |
| **Continuation of Benefits**| • Details and contact information are listed below. |
STATE EMPLOYMENT REGULATIONS FOR GEORGIA

Wage, Hour and Overtime Rules

Employers are subject to the federal minimum wage, hour and overtime rules through the Fair Labor Standards Act. This act specifies that businesses that do at least $500,000 in gross revenue, as well as all health care facilities and schools are subject to the federal rules. Also, employers involved in interstate commerce are subject to the federal rules.

Minimum Wage

Georgia minimum wage is $7.25 per hour. Employers may pay tipped employees a minimum of $2.13 per hour, provided that the total wages plus tips come to at least the minimum of $7.25 per hour.

Finally, both federal and Georgia regulations allow employers to apply for licenses to pay sub-minimum wages to certain disabled persons. Please contact the U.S. Department of Labor or the Georgia Department of Labor for more information on applying for these licenses. (Contact information for both are listed in the reference section below.)

Overtime

Georgia has the same overtime rules as the federal government. That is, for any hours worked over 40 in a given week, non-exempt employees must be paid at least one and one-half times their regular pay.

Like the federal rules Georgia exempts certain employees from minimum wage and overtime rules. Excluded employee classes include: executive, administrative, professional, outside salespeople and computer professionals. (Use Libretto’s FLSA Resource Package for help in determining whether a given employee is exempt). Georgia also permits exemptions for certain small employers not involved in interstate commerce. See the Georgia Department of Labor web site for a list of these exemptions.

Payment of Wages

Georgia law requires that employees be paid at least twice per month. These regular pay periods must be established and published for all employees.

Georgia has no regulations about payment of final wages.

Deductions may be made only if the employee has given his/her written authorization which may be revoked at any time at the request of the employee.

Work Hours and Breaks

Georgia has no break time rules.

Certain maximum hours (ten hours per day) apply to employees employed in cotton or woolen manufacturing establishments.

Child Labor

Georgia child labor law requires all employers employing minors under the age of 18 to have employment/work certificates on file.

Employers who employ minors under 16 years of age are subject to strict limits for hours worked per day and per week for their minor employees:

When school is in session, minors under the age of 16 may not be employed or permitted to work for more than four (4) hours on any day, more than eight (8) hours on days other than school days or more than 40 hours in any week nor between the hours of 9:00 PM and 6:00 AM.
In addition, no minor under 16 years of age may be employed or be permitted to work in any gainful occupation during the hours when schools are in session unless the minor has completed senior high school or has been excused from attendance in school by a county or independent school system board of education.

Certain rules apply to minors employed in the entertainment industry.

No minor under the age of 12 may be employed or permitted to work in any gainful occupation at any time; provided that this does not apply to employment of a minor in agriculture, domestic service in private homes, or any specific employment provided by child labor laws or to employment of a parent or a person standing in place of a parent.

Both federal and Georgia law prohibits minors from working in hazardous or certain other occupations. Please contact the U.S. Department of Labor or the Georgia Department of Labor for more information on restricted occupations for minor employees.

Leaves of Absence

Family Leave

Federal law requires that employers with 50 or more employees must grant up to 12 weeks of unpaid family medical leave to employees who have completed a year of service or 1250 hours. This leave must be granted for the birth or adoption of a child, serious medical condition of the employee, to care for a family member with a serious medical condition, qualifying exigency for military leave and serious illness or injury of covered service member for military leave. After completion of the leave the employee must be reinstated to the same or an equivalent position (as regards to salary, benefits and seniority). Also, benefits, such as health care coverage and retirement benefits, must be maintained during leave.

Military Leave

Georgia specifies that to be eligible for military leave, employees must be employed in non-temporary positions and are eligible for reinstatement to their former positions if they 1) have served and have been discharged from U.S. military service; 2) temporarily left their position to participate in assemblies or annual training or to attend service schools; 3) join the organized militia or the U.S. armed forces reserve or 4) are called into active state service. This job protection is available for annual training duties and for six (6) months in any four-year period. Employers must reinstate eligible employees following military leave without loss of seniority, and they are entitled to participate in insurance or other benefits pursuant to the rules and practices in effect for other employees taking leave of absence.

Unless circumstances have so changed as to make it impossible or unreasonable to do so, covered employers must restore former permanent employees, who left their position to perform military service, to their former position or to a position of like seniority, status and pay provided that they 1) receive a certificate or completion of military service; 2) are still qualified to perform the duties of the position; and 3) apply for reemployment within 90 days after they are relieved from service.

Employers must reinstate former permanent employees who temporarily left their position to participate in assemblies or annual training or to attend service schools conducted by the armed forces, and who, being qualified to perform the duties of the position, apply for reemployment within ten (10) days of completion of the temporary period of service.

Under federal law, employees must be granted up to 5 years of military leave and must be restored to their position (or an equivalent position) within the company as if they had been on furlough. Also, employers may not terminate or threaten to terminate any employee
called to military service, Please see Libretto’s White Paper on USERRA for more details on military leave.

**Jury Duty**

Employers must provide leave for jury duty. Generally, employers are required to pay for the leave. Employees must notify their supervisors as soon as possible for the need for leave. Also, employers may not terminate or threaten to terminate any employee called to jury duty, and employees must be restored to their position within the company as if they had been on furlough.

Employees charge with a crime are not eligible for court attendance leave.

Employees covered by FLSA exemptions serving on a jury must be paid their full salary (minus jury stipend) or risk losing their exemption status.

**Voting Time**

Employees must be granted two hours off for any election in which they are eligible to vote if the employee does not have 2 hours of unscheduled time when polls are open. Requests for voting time off must be made prior to Election Day, and the employer may specify the hours during which an employee may vote.

**Other Employment Regulations**

**Breastfeeding Rights**

Mothers may not be prohibited from breastfeeding their child in any location where they are otherwise authorized to be. Employers may provide reasonable unpaid break time to a nursing mother for the purpose of expressing breast milk, which may be concurrent with any break time already scheduled and may provide a private place near the workplace (not a toilet stall) for a nursing mother to express breast milk.

**Drug Testing**

Employers who implement a drug-free workplace program conforming to state law may qualify for a discount on their worker’s compensation insurance policy. To qualify the program must have a written policy including a notice given to applicants and employees, a drug testing program, resources of employee assistance providers, employee education, supervisor training and privacy standards.

**Job Reference Liability**

Employers who give out information about current or former employees to a prospective employer are presumed to be acting in good faith, unless the information can be shown to be false.

**New Hire Reporting**

All employees must furnish a report to Georgia New Hire Reporting Program that includes the name, address, date of hire, SSN, date of birth and availability of medical insurance of every new and rehired employee within ten days of hire, using the federal form W-4 or equivalent, and the employer’s name, address and FEIN.

**Smoking in the Workplace**

Georgia prohibits smoking in any enclosed work space open to the public. Exceptions include private homes (not used for commercial child, adult or health care), designated smoking rooms at hotels & motels, tobacco shops, manufacturers of tobacco products, long-
term care facilities, outdoor places of employment, private function rooms and clubs, bars and restaurants, private offices and other areas of employment not open to the general public (except in medical facilities), and airport smoking lounges.

No smoking signs must be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited.

**Employment Verification**

Employers with 500 or more employees are required to use E-Verify effective January 1, 2012; employers with 100 or more employees but fewer than 500 employees must use E-Verify effective July 1, 2012, and employers with more than 10 but fewer than 100 employees are required effective July 1, 2013. Some exemptions may be granted by the Attorney General.

**Discrimination and Harassment**

Georgia prohibits discrimination or harassment based on:

- Ancestry or national origin
- Race or color
- Religion
- Age (over 40)
- Service in the Military
- Mental/physical/learning disability, or mental retardation or
- Sex (including sexual harassment, pregnancy, childbirth, and other pregnancy-related conditions)

Employers with more than 15 employees are covered by GINA, which prohibits discrimination based on genetic testing information.

Employers must post and keep posted in conspicuous places on their premises (where notice to employees and applicants are customarily posted) a notice prepared and distributed by the Commission on Equal Opportunity.

Employers must make reasonable accommodations to the religious, social and physical needs to employees whose regular day of worship is either Saturday or Sunday.

Although Georgia does not have specific laws prohibiting sexual harassment, employers with more than 15 employees are subject to title VII of the Civil Rights Act of 1964, as amended, which prohibits sexual harassment.

Some jurisdictions prohibit discrimination based on sexual orientation.

**State Continuation of Benefits**

Continuation of benefits change frequently. Currently, continuation coverage requirements apply to employers with fewer than 20 employees. Eligible employees have the right to continue coverage for up to nine (9) months.

The following link will provide further information:

www.healthinsuranceinfo.net/.../georgia/
Resources/Posters

Georgia Department of Labor
http://www.dol.state.ga.us/

United States Department of Labor
http://www.dol.gov/

Georgia Commission on Equal Opportunity
www.geeo.state.ga.us/

Georgia New Hire Reporting Program
www.ga-newhire.com

Related Libretto Products

FLSA Resource Package (for help in determining overtime exempt / non-exempt status of employees)
Overtime Guidelines
Break Period Guidelines
Family Medical Leave of Absence Policy
Military Leave of Absence Policy
Jury Duty-Witness Leave Policy
Voting Time Policy
Drug & Alcohol Testing Policy & Release Forms
Guidelines on Smoking In the Workplace
Guidelines on Verification of Employment and Providing References
Prohibited Harassment and Nondiscrimination Policy & Employee Acknowledgement
COBRA Continuation Coverage Policy
General Notice of COBRA Continuation Coverage Rights
COBRA Continuation Coverage Election Information. Notice And Form
New Hire Reporting for Georgia