



# Georgia

## Human Resources LEGAL FACT SHEET

*Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in July 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## ARE THERE GEORGIA STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

### HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday/ Pay Rate	<b>NO</b>	Not required under Georgia law.
Reporting <sup>1</sup>	<b>YES</b>	<a href="#">New hires</a> and rehires must be reported to the State New Hire Reporting System within 10 days.

### WAGES

TOPIC	ANSWER	DETAILS
Payday <sup>2</sup>	<b>NO</b>	Georgia payday law does not apply to farms.
Final Pay <sup>3</sup>	<b>YES/NO</b>	Georgia law does not address final pay explicitly, but employers must file Form DOL-800, " <a href="#">Separation Notice</a> ", for each worker separated regardless of the reason for separation. The Separation Notice must be completed, signed by the employer or authorized agent, dated and delivered to the separated employee on the last day of work in accordance with printed instructions on the Form DOL-800. It is recommended that employers pay former employees on the next regular payday following the employee's employment separation.
Overtime	<b>NO</b>	Georgia law does not address overtime; federal rules may apply. Employers are encouraged to review the federal fact sheet.
Minimum Wage <sup>4</sup>	<b>NO</b>	Georgia minimum wage law does not apply to farms; federal rules may apply. Employers are encouraged to review the federal fact sheet.
Hours Worked	<b>NO</b>	Georgia law does not explicitly define hours worked for calculating compensable time. Employers are encouraged to review the federal fact sheet for federal guidance.
Reporting Time Pay	<b>NO</b>	Georgia law does not require reporting time pay, i.e. an employee is only required to be paid for actual hours worked.
Pay Stub	<b>NO</b>	Georgia law does not address pay stubs.

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## WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Taxes and Withholding <sup>5</sup>	YES	<p>Employers are required to <u>withhold Georgia income tax</u>. You must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>Employers must pay <u>Georgia Unemployment Insurance</u> taxes if:</p> <ul style="list-style-type: none"> <li>You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR,</li> <li>You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.</li> </ul> <p>Certain family employment is excluded from coverage requirements (a parent employed by their son/daughter, a person employed by their spouse, or a child under 21 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Georgia in calculating how much you owe for federal unemployment taxes. <a href="#">More details</a>.</p>
Deductions <sup>6</sup>	YES/NO	<p>Georgia law does not address wage deductions. However, there are laws on wage garnishments (<a href="#">see page 10</a>). Employers are encouraged to review federal rules on wage deductions in the federal fact sheet.</p>
Bonuses	YES/NO	<p>Bonuses are not explicitly addressed in Georgia wage laws. Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses paid under an agreement can be considered wages.</p> <p>A nondiscretionary bonus, or earned bonus, is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals or a bonus for length of service) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p>

## HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
OSHA	YES	<p>Georgia falls under federal OSHA jurisdiction. See the federal fact sheet for more details.</p>
Workers' Compensation <sup>7</sup>	YES/NO	<p>Georgia law does not require employers of farm labor to have workers' compensation coverage, but they can elect to.</p> <p><u>Employers with workers' compensation coverage</u> must report work-related injuries to their insurance carrier immediately after learning of the injury. Injuries that result in 7 or more days of lost time or that require medical/surgical treatment must be reported to the State Board of Workers' Compensation within 10 days.</p>
Housing	YES/NO	<p>Georgia law does not explicitly address standards for permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.</p>

# RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll <sup>8</sup>	YES/NO	Payroll records are not required for farms under Georgia minimum wage law. However, employers must keep records under Georgia Unemployment Insurance law (see below).
Personnel Files – Employee Access	NO	Georgia law does not require private sector employers to allow employees access to their personnel file.
Unemployment Insurance <sup>9</sup>	YES	<p>Employers subject to contributions must submit <u>quarterly wage reports</u>.</p> <p>Whether or not subject to paying Unemployment Insurance taxes, every employer in Georgia must keep the following records for at least 4 years:</p> <ul style="list-style-type: none"> <li>• Name;</li> <li>• Social Security Number;</li> <li>• State or states in which the services are performed; and if any of such services are performed outside this state and are not incidental to the service within the state, the employee's base of operations (or if there is no base of operations, then the place from which such services are directed or controlled) and the employee's residence (by state);</li> <li>• Date on which the individual was hired, rehired or returned to work after temporary layoff, and date separated from work and reason therefor;</li> <li>• Remuneration paid for services and date of payment, showing separately: <ul style="list-style-type: none"> <li>- Cash remuneration, including special payments (such as bonuses, gifts, etc.);</li> <li>- Remuneration in any medium other than cash (determined in accordance with the rules or regulations prescribed by the Commissioner), including special payments (such as bonuses, gifts, etc.).</li> </ul> </li> <li>• Amounts paid the individual as allowance of reimbursement for traveling or other business expenses, dates of payment, amounts of payment, and amounts of such expenditures actually incurred and accounted for by the individual;</li> <li>• With respect to any period for which the individual is paid: <ul style="list-style-type: none"> <li>- At a fixed rate of pay per week or longer period;</li> <li>- On a fixed daily basis, the daily rate;</li> <li>- On a fixed hourly basis, the hourly rate;</li> <li>- On a piece-rate or other variable-pay basis, the method by which the remuneration is computed.</li> </ul> </li> <li>• With respect to pay periods in which the individual performs services in both covered and exempt employment: <ul style="list-style-type: none"> <li>- Hours spent in covered employment;</li> <li>- Hours spent in exempt employment.</li> </ul> </li> <li>• Beginning and ending dates of each pay period;</li> <li>• Total amount of remuneration paid in each quarter for services;</li> <li>• Records shall be maintained by each employing unit in such form as to make it possible to determine from an inspection thereof with respect to any worker: <ul style="list-style-type: none"> <li>- Earnings by pay-period weeks, if paid on a weekly basis, or if not so paid, then by calendar weeks or by other seven (7) consecutive day periods;</li> <li>- Weeks of less than full-time work;</li> <li>- Time lost due to the individual's unavailability for work. All payroll records must be kept in such a way that quarterly wages of each worker and the weeks in which the workers performed their services may be easily determined.</li> </ul> </li> </ul>
Workers' Compensation <sup>10</sup>	YES	Employers that have workers' compensation coverage must keep records of work-related deaths, injuries, or illnesses.
OSHA	YES	Georgia falls under federal OSHA jurisdiction. See the federal fact sheet for more details on OSHA recordkeeping.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

## WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms <sup>11</sup>	<b>YES</b>	Georgia has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	<b>NO</b>	No max hour or day requirements.
Rest and Meal Breaks	<b>NO</b>	Georgia law does not require meal or rest breaks. Employers that choose to provide rest and meal breaks should consult federal rules about duration and pay found in the federal fact sheet.
Labor Relations	<b>NO</b>	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection	<b>YES/NO</b>	Georgia law does not provide a general protection for private sector employees in whistleblower cases. However, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Sick and Vacation Leave	<b>NO</b>	Paid sick or vacation leave is not required under Georgia law. Employers who choose to provide such benefits must follow their written policy/contract.
Breaks for Nursing Mothers <sup>12</sup>	<b>YES/NO</b>	Georgia law uses the word 'may' in its law on breaks for nursing mothers, which means it is not required. Employers may provide reasonable unpaid break time each day to employees who need to express breast milk. The break time may be during break time already provided to the employee, if possible. Employers may make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee can express her milk in privacy. There may be requirements under federal law. Employers should refer to the federal fact sheet.
Pregnancy Accommodations and Leave	<b>NO</b>	State law does not address pregnancy accommodations in the workplace or pregnancy leave. Generally, pregnancy and related conditions must be treated the same as other temporary disabilities for accommodations and leave requests.
Family and Medical Leave	<b>NO</b>	Georgia does not have a state-level family and medical leave law. Federal law requiring unpaid leave may apply depending on the size of the employer. Refer to federal fact sheet.
Military and other Service Leave <sup>13</sup>	<b>YES</b>	Members of the U.S. armed forces or Georgia National Guard are entitled to leave and reinstatement. When called into active duty, they are entitled to unlimited unpaid leave. For service school or annual training, they can receive up to 6 months leave in any 4-year period. Federal rules also apply; refer to the federal fact sheet.
Crime Victim and Witness Leave <sup>14</sup>	<b>YES/NO</b>	State law does not explicitly address leave for crime victims or witnesses. However, employees must be allowed leave to respond to a court order, such as a subpoena. An employer cannot discharge, discipline, or otherwise penalize an employee for responding to a court order. This does not apply an employee charged with a crime.
Jury Duty Leave <sup>15</sup>	<b>YES</b>	An employer cannot discharge, discipline, or otherwise penalize an employee for responding to a jury summons or serving on a jury. Georgia law does not require employers to pay employees for time spent responding to a summons or serving on a jury. However, the Attorney General issued an opinion in 1989 that the law requires employers to pay employees for jury service leave. Some jurisdictions in Georgia have adopted that opinion, others have not.
Voting Leave <sup>16</sup>	<b>YES</b>	Employers must give employees up to 2 hours of leave to vote if the employee does not have at least 2 hours when the polls are open before or after their shift. The employee must give advance notice.
School Activity Leave	<b>NO</b>	Georgia law does not address leave for private sector employees to attend a child's school activity.

## HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination <sup>17</sup>	YES	<p>Georgia does not have a general employment discrimination law for private sector employers. State equal pay law does not cover agricultural employees.</p> <p>State law prohibits employment discrimination based on disability for employers with 15 or more employees. Employment discrimination based on age (between 40 and 70 years old) is prohibited for all employers. Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment. Employers are encouraged to review federal laws in the federal fact sheets for additional requirements.</p>
Harassment/ Sexual Harassment	YES/NO	<p>Georgia law does not explicitly address sexual harassment. However, it is prohibited by federal law. Sexual harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i></li> <li>• <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</i></li> <li>• <i>The conduct interferes with an employee’s work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</i></li> </ul>
Forced Labor <sup>18</sup>	YES	<p>Human trafficking is illegal in Georgia. Trafficking for labor means: recruiting, harboring, transporting, provisioning, or obtaining of a person by any means for subjection to forced labor, forced services, debt bondage, or slavery.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

## CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor <sup>19</sup>	NO	<p><a href="#">Georgia child labor law</a> does not apply to agriculture, but federal laws may apply. Employers should review the federal fact sheet.</p>

### References

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| 1. Ga. Code Ann. §19-11-9.2                    | 6. Ga. Code Ann. §18-4-5                         | 11. Ga. Code Ann. §26-2-238                         | 16. Ga. Code Ann. §21-2-404                            |
| 2. Ga. Code Ann. §34-7-2                       | 7. Ga. Code Ann. §34-9-2; §34-9-12               | 12. Ga. Code Ann. §34-1-6                           | 17. Ga. Code Ann. §34-5-2; §34-6A-2; §34-6A-4; §34-1-2 |
| 3. Ga. Comp. R. & Regs. 300-2-7-.06            | 8. Ga. Code Ann. §34-4-5                         | 13. Ga. Code Ann. §38-2-280                         | 18. Ga. Code Ann. §16-5-46                             |
| 4. Ga. Code Ann. §34-4-3                       | 9. Ga. Comp. R. & Regs. 300-2-2-.02; 300-2-6-.01 | 14. Ga. Code Ann. §34-1-3                           | 19. Ga. Code Ann. §39-2-9                              |
| 5. Ga. Code Ann. §48-7-101; §34-8-33; §34-8-35 | 10. Ga. Code Ann. §34-9-12                       | 15. Ga. Code Ann. §34-1-3; Op. Att’y Gen. No. 89-55 |  |