

Senate Bill 384

By: Senators Hickman of the 4th, Albers of the 56th, Beach of the 21st, Halpern of the 39th
and Esteves of the 6th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor
2 practices relative to public officers and employees, so as to provide for the development and
3 administration of the State of Georgia as a Model Employer (GAME) Program for the
4 recruitment, hiring, advancement, and retention of qualified individuals with disabilities at
5 all levels and for all occupations within state agencies; to establish state policy; to provide
6 for definitions; to provide for certain duties of the State ADA Coordinator; to establish the
7 elements of the GAME Program; to provide for reporting; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices
12 relative to public officers and employees, is amended by adding new article to read as
13 follows:

14 "ARTICLE 3

15 45-19-60.

16 It shall be the policy of this state to be a model employer of individuals with disabilities by
17 encouraging state agencies to consider the best practices relating to the recruitment, hiring,
18 advancement, and retention of a broad range of qualified individuals with disabilities at all
19 levels and for all occupations.

20 45-19-61.

21 As used in this article, the term:

22 (1) 'Americans with Disabilities Act' means the Americans with Disabilities Act of 1990,
23 as amended, 42 U.S.C. Section 12101, et seq.

24 (2) 'GAME Program' means the State of Georgia as a Model Employer Program
25 established pursuant to this article.

26 (3) 'Individual with a disability' means any person who has a physical or mental
27 impairment which substantially limits one or more of such person's major life activities
28 or who has a record of such impairment.

29 (4) 'Qualified individual with a disability' means an individual with a disability who, with
30 or without reasonable accommodation, can perform the essential functions of the job.

31 (5) 'Reasonable accommodation' means any modification or adjustment to the work
32 environment or to the manner in which the job is performed that enables an individual
33 with a disability to enjoy equal employment opportunities.

34 (6) 'State ADA Coordinator' means the individual designated under 28 C.F.R.
35 Section 35.107(a) to ensure the state's compliance with the Americans with Disabilities
36 Act.

37 (7) 'State agency' means any department, agency, board, division, authority, commission,
38 or other instrumentality of the executive branch of the government of the State of
39 Georgia.

40 45-19-62.

41 (a) There is established the GAME Program. Such program shall be developed and
42 implemented by the State ADA Coordinator to assist state agencies with the recruitment,
43 hiring, advancement, and retention of qualified individuals with disabilities.

44 (b) Elements of the GAME Program shall include:

45 (1) The provision of technical assistance and training for state agency human resources
46 personnel and hiring managers for the recruitment, hiring, advancement, and retention of
47 qualified individuals with disabilities;

48 (2) Assistance with the implementation plans of reasonable accommodations by state
49 agencies under the Americans with Disabilities Act; and

50 (3) The development of evaluation forms and reports for the purpose of data collection
51 and analysis relating to individuals with disabilities employed by state agencies.

52 (c) Nothing in this article shall be construed so as to require a state agency to predetermine
53 the status of an individual with a disability or a reasonable accommodation.

54 45-19-63.

55 On or before September 1, 2025, and on or before September 1 of each year thereafter,
56 each state agency shall submit to the State ADA Coordinator a report which shall include:

57 (1) The percentage of jobs that were filled within the most recent fiscal year by qualified
58 individuals with disabilities at designated pay levels;

59 (2) An analysis of the barriers in existing employment related policies, practices, and
60 procedures and the adoption of strategies to address such barriers;

61 (3) A description of the education and training relative to the American with Disabilities
62 Act that is received by every individual serving in a human resources supervisory
63 position within the state agency; and
64 (4) An evaluation of whether adequate resources exist to provide any assistance needed
65 in the event of an emergency evacuation.
66 (b) On or before December 15, 2025, and on or before December 15 of each year
67 thereafter, the State ADA Coordinator shall submit a written report on the progress of state
68 agencies toward meeting the employment policy goals of the state established by this
69 article to the Governor, the President of the Senate, the Speaker of the House of
70 Representatives, and the chairpersons of the Senate Insurance and Labor Committee and
71 the House Committee on Industry and Labor."

72 **SECTION 2.**

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