

## Emergency Changes To Georgia Unemployment With Harsh Penalties For Employers In Response To COVID-19

3.19.20

The Georgia Department of Labor announced this week that it passed emergency rules regarding partial unemployment claims and shifted Career Center registration from in-person to online. The rule will remain in effect for 120 days or until the agency proposes or adopts a subsequent rule.

### Overview Of Requirements And Penalties For Employers

Currently, employers are required to file partial claims on behalf of their full-time employees whenever it is necessary to temporarily reduce work hours or there is no work available for a short period and the employee earns an amount not exceeding their maximum weekly benefit amount plus \$50.

On March 16, the Georgia Department of Labor (GDOL) announced new requirements for employers filing partial unemployment claims. Under Emergency Rule 300-2-4-0.5, containing Rule 300-2-4-.09(1), impacting all partial claims filed on or after March 15, 2020:

1. All partial claims must be filed by employers online in the Employer Portal;
2. All employers must file partial claims with respect to any week during which an employee (full-time/part-time) works less than full-time due to a partial or total company shutdown caused by the COVID-19 public health emergency; and

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3. Any employer found to be in violation must pay to the Commissioner the full amount of benefits paid to the employee.

### Employees Excluded From This Rule

The GDOL provides several circumstances in which employers should not file a partial claim. These include employees who:

- Will be paid for the temporary layoff period (e.g., paid salary, paid sick leave, paid vacation or paid family leave);
- Are/were on scheduled leave prior to the layoff period (e.g., a leave of absence or medical leave);
- Are employed by a temporary agency and are currently working at your place of business;
- Were employed in another state in the last 18 months (employees should be directed to apply for unemployment benefits online); and
- Were employed with the federal government or on active military service in the last 18 months (employees should be directed to apply for unemployment benefits online).

### Additional Guidance For Employers

To maintain compliance with the new GDOL Rules, employers are encouraged to be mindful of the following guidelines:

- Be sure to accurately report the employee's name, social security number, and date of birth to match the Social Security Administration's records.
- There must be seven days between payment week ending dates.
- Do not submit claims until after the week end date on the claim.
- Report vacation pay, holiday pay, earnings, etc., during the week it was earned rather than the week it was paid.
- Be sure to report any additional income employees are receiving to the GDOL, except Social Security benefits, jury duty income, and pay for weekend military reserve duty.

### How To File Partial Unemployment Claims Online

To submit partial claims, employers not already registered must register online on the GDOL Employer Portal. Once registered, employers can perform the following steps to file partial claims:

1. Log into the Employer Portal.



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2. Select the employer account number under Registered Account.
3. Select the File Partial Claims link under Common Links.
4. Follow the on-screen instructions.

For step-by-step registration instructions, there is an Administrator Guide available for download on the Employer Portal page.

### **Career Centers Closed To Public**

As of March 18, all GDOL Career Centers are closed to the public and will be providing online access for unemployment services and other reemployment services. Employees for whom employers file a partial claim are not required to report to a GDOL career center, register for employment services, or look for other work.

### **Additional Resources**

Employers with questions regarding filing unemployment claims can obtain additional information on the GDOL website. The following additional resources are also available:

- GDOL Certification of Administrative Rules Filed with the Secretary of State 03-16-20
- GDOL Employer Handbook
- GDOL Employer Portal
- GDOL Instructions for Filing Partial Claims
- GDOL Separation Notice (Form DOL-800)
- GDOL Mass Separation Notice (Form DOL-402)
- GDOL Mass Separation Notice Continuation Sheet (Form DOL-402A)
- GDOL Partial Claims Form (Form DOL-408)

### **Conclusion**

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our Atlanta office, or any member of our COVID-19 Taskforce. You can also review our nationwide Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus, put together by the Taskforce.

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