

**RULES
OF THE
GEORGIA DEPARTMENT OF LABOR
EMPLOYMENT SECURITY LAW**

**CHAPTER 300-2-3
TAX RATES AND COVERED EMPLOYMENT**

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Rule 300-2-3-.05 Charges to Experience Rating Account

Emergency Rule 300-2-3-0.6 containing Rule 300-2-3-0.6-.05

(1) An employer shall be charged for all benefits paid as a consequence of the employer's failure to provide a timely written response to a claim for unemployment insurance benefits, regardless of whether the previous determination to pay benefits is later reversed on appeal or if an overpayment is established.

(2) Effective October 22, 2013, pursuant to requirements of Section 252 of the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), amending Section 3303 of the Federal Unemployment Tax Act (FUTA) at subsection (f) and interpreting Section 3309(a) (2) consistently therewith for employers electing reimbursable status under O.C.G.A. § 34-8-158, and the authority of the Commissioner of Labor under O.C.G.A. § 34-8-93, an employer's account shall be charged and may not be relieved of charges, regardless of whether the associated determination to pay benefits is later reversed on appeal or if an overpayment is established, whenever an employer or an agent for that employer was at fault, without substantial good cause, for failing to respond timely or adequately to the request of the department for information relating to the associated claim for benefits that was subsequently improperly paid and

(a) the employer or an agent for the employer has failed to timely or adequately respond, during the current calendar year, to any requested reports of the department with respect to three (3) individual claims established or,

(b) effective April 24, 2014, the employer or an agent for the employer has failed to timely or adequately respond, during the same calendar year, to any requested reports of the Department with respect to three (3) individual claims established which also resulted in benefit overpayments.

(3) As of the effective date of this subsection, the restriction on relief from charges for the claim shall be imposed for each week of state or federal unemployment benefits that is determined to be an overpayment until the claimant is no longer eligible for unemployment benefits and no additional benefit payments are issued to the claimant.

(4) As of the effective date of this subsection, the restriction on relief from charges in this subparagraph shall be applicable to both contributory and reimbursable account employers.

(5) As of the effective date of this subsection, the limitations on charges to employers under O.C.G.A. § 34-8-157(b)(2) regarding wages paid at subsection (b)(2)(A), waiver of overpayments

at subsection (b)(2)(C), and benefits paid for unemployment that is directly caused by a presidentially declared natural disaster at subsection (b)(2)(D), shall not apply to provide relief from charges restricted under this subsection.

(6) "Substantial good cause" for failure to respond timely or adequately to the request of the department for information relating to a claim for benefits shall require a showing of extenuating circumstances which prevented the timely or adequate filing by the employer, or the employer's agent, as appropriate, and that such extenuating circumstances were beyond the employer's or the employer's agent's control.

(7) The statutory "cap" on benefit charges provided in O.C.G.A. § 34-8-157 shall not apply to Extended Benefits paid under O.C.G.A. § 34-8-197.

(8) In response to the COVID-19 public health emergency, the National Emergency declaration by President Donald Trump on March 13, 2020, and the Public Health State of Emergency declared by Governor Brian Kemp on March 14, 2020, under the authority of O.C.G.A. § 34-8-93(b), in the determination of the Commissioner, the account of an employer may not be charged for certain benefits paid for unemployment due to the COVID-19 public health emergency, including benefits paid on partial claims filed online.

Authority: O.C.G.A. Secs. 34-8-2-6(a)(4), 34-8-70, 34-8-93(b), 34-8-157.

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**300-2-4
UNEMPLOYMENT INSURANCE BENEFIT PAYMENTS**

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- 300-2-4-.02 Registration of Claimants for Possible Referrals to Job Openings**
300-2-4-.09 Partial Unemployment. Amended

Emergency Rule 300-2-4-0.7, containing Rule 300-2-4-0.7-02.

(1) Claimants are required to report as directed by the department to register with the department's Field Service Office for screening and referral to employers who are currently offering employment (except as provided below). Unemployment benefits will cease to be payable unless registration has been completed as directed. The department will notify claimants from time to time to report to the department to give reports on work search activities and for the department to make job referrals as appropriate.

(2) Exceptions to registration requirements are granted to qualified applicants who are:

(a) On short term layoff but who have a definite date of recall to their previous employment within six (6) weeks of the last day worked;

(b) Partial claimants as described in Section 300-2-4-.01 of these rules;

(c) Claimants who are attending training approved by the Commissioner;

(d) Members of unions who routinely and regularly receive all of their job referrals from so-called hiring halls or similar placement facilities and whose eligibility for membership in the union would automatically cease upon acceptance of other work; and

(e) Claimants involved in a strike or similar labor dispute, provided, however, claimants who have been locked out of their job must register with the department for possible job referrals if so directed by the department.

(3) In response to the COVID-19 public health emergency, the National Emergency declaration by President Donald Trump on March 13, 2020, and the Public Health State of Emergency declared by Governor Brian Kemp on March 14, 2020, and under the authority of O.C.G.A. Section 34-8-93(b), all work search requirements mandated by O.C.G.A. Section 34-8-195(3)(A) are waived for all claims filed on or after March 14, 2020. This emergency rule shall remain in effect until the Public Health State of Emergency declared by Governor Brian Kemp is declared over or 120 days from the adoption of this emergency rule.

Authority: O.C.G.A. Secs. 34-8-2-6(a)(4), 34-8-70, 34-8-93(b), 34-8-190, 34-8-191.

Emergency Rule 300-2-4-0.8, containing Rule 300-2-4-0.8-.09(1).

(1)(a) "Weekly report of Low Earnings", Form DOL-408, may be filed by an employer with respect to any complete pay-period week during which an otherwise full-time employee works less than full-time, due to lack of work only, and earns an amount not exceeding his unemployment insurance weekly amount, if known, plus \$50.00 or earns an amount not exceeding the maximum weekly benefit amount provided in the Employment Security Law, plus \$50.00, if the individual's unemployment insurance weekly benefit is not known. Partial unemployment claims shall not be submitted or allowed for vacation days regardless of whether such vacation days were requested by the employee or established by the employer.

(b) For partial claim weeks beginning on or after December 11, 2016, the limitation on partial unemployment claims set forth in the last sentence of subparagraph (1)(a) shall not apply during an employer company shutdown or employer established vacation period when such shutdown or vacation period is due to circumstances outside the employer's control which directly affect the employer's business operations.

(c) An employer filing partial unemployment claims must have a positive reserve account as that term is used in OCGA 34-8-155; provided, however, the positive reserve account requirement shall not apply to partial claims filed for partial claim weeks beginning on or after December 11, 2016.

(d) For partial claim weeks beginning on or after March 15, 2020:

1. All partial claims shall be filed online;
2. An employer shall file partial claims with respect to any week during which a full or part time employee's hours are reduced due to a partial or total company shutdown caused by the COVID-19 public health emergency; and
3. Any employer found to be in violation of this subparagraph shall pay to the Commissioner for the unemployment fund the full amount of benefits paid to the employee.

Authority O.C.G.A. Secs. 34-2-6(a)(4), 34-8-47, 34-8-70, 34-8-190, 50-13-3, 50-13-4, 50-13-6.

**RULES
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EMPLOYMENT SECURITY LAW**

**CHAPTER 300-2-9
QUALIFICATIONS AND PENALTIES FOR UNEMPLOYMENT INSURANCE
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Rule 300-2-9-.06 Vacation

Emergency Rule 300-2-9-0.9 containing Rule 300-2-9-0.9-.06

(1) An individual shall not be considered available for work if on vacation. An individual shall not be considered to be on vacation if the employer-employee relationship no longer exists. However, this relationship shall be deemed to exist if:

(a) An employer is submitting Form DOL-408 for partial unemployment on behalf of the individual; or

(b) The individual has a firm return to work date within six (6) weeks of the date the individual last worked for the employer.

(2) No individual shall receive unemployment insurance:

(a) While on vacation at his own request regardless of whether or not the individual was paid by or on behalf of the employer during the vacation period; or

(b) For any week of vacation if paid vacation pay.

(3) When an individual is separated, any money paid for previously accrued vacation rights will not affect claimant's benefit payments.

(4) Any claimant who is not receiving pay during a period of vacation shutdown shall not be denied benefits for any weeks of such shutdown unless the employer has established a vacation plan as set forth in OCGA Section 34-8-195(a)(3)(A).

(a) For purposes of computing two (2) weeks discussed in OCGA Section 34-8-195(a)(3)(B), if the last week of December has three (3) or more work days, that week is to be considered in the prior calendar year, even though the week ending date is in January of the current calendar year.

(5) In response to the COVID-19 public health emergency, the National Emergency declaration by President Donald Trump on March 13, 2020, and the Public Health State of Emergency declared by Governor Brian Kemp on March 14, 2020, and under the authority of O.C.G.A. Section 34-8-93(b), certain individuals unable to work due to the COVID-19 public health emergency who have an expectation of returning to work when the emergency ceases shall be considered involuntarily unemployed through no fault of their own. This rule shall apply to all claims filed on or after March 14, 2020, including but not be limited to an individual:

(a) Quarantined or self-quarantined on the advice of a licensed medical professional;

(b) Sixty (60) or more years of age;

(c) With a recognized medical condition making that individual particularly susceptible to COVID-19;

(d) Who is a caregiver and resides with someone identified in part (b) or (c) of this subparagraph; or

(e) Who is a custodial parent or legal guardian of a minor whose school is closed due to COVID-19 and is unable to secure childcare.

Authority: O.C.G.A. Secs. 34-8-2-6(a)(4), 34-8-70, 34-8-93(b), 34-8-190, 34-8-191.

**RULES
OF THE
GEORGIA DEPARTMENT OF LABOR
INSPECTION – CHILD LABOR REGULATIONS**

**CHAPTER 300-7-3
CHILD LABOR - GENERAL**

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Emergency Rule 300-7-3-0.1-.01 Minor’s Issuing Officer

In response to the COVID-19 public health emergency, the National Emergency declaration by President Donald Trump on March 13, 2020, and the Public Health State of Emergency declared by Governor Brian Kemp on March 14, 2020, effective March 14, 2020, a Minor who is unable to obtain an employment certificate or letter from an issuing officer at a public or private school due to school closure caused by the COVID-19 public health emergency, shall be considered enrolled in a home study program and the Department of Labor shall allow a parent or guardian of the Minor to act as the issuing officer for compliance with O.C.G.A. Section 39-2-11.

Authority: O.C.G.A. Section 39-2-19.