

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

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

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300-2-4-.09 Partial Unemployment. Amended

Emergency Rule 300-2-4-0.13, containing Rule 300-2-4-0.13-.09(1). Partial Unemployment. Amended

(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 Non-deductible Earnings or earns an amount not exceeding the maximum weekly benefit amount provided in the Employment Security Law, plus Non-deductible Earnings, 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 July 19, 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-time employee's hours and pay are reduced below the level of Full-time Continuous Employment, defined in Rule 300-2-1-.01(9)(d), due to the COVID-19 public health emergency;
3. An employer shall be permitted, but not required, to file partial claims with respect to any week during which a part time employee's hours and pay are substantially reduced due to the COVID-19 public health emergency. Part-time employment is defined in Rule 300-2-1-.01(9)(g).
4. An employer shall not be required to file partial claims for an employee with respect to any week in which the employer offered to restore the employee's hours and pay to the pre-COVID-19 impacted level.

5. 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.

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**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 300-2-3-0.14 containing Rule 300-2-3-0.14-.05 Charges to Experience Rating Account

(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, and subsequent extensions thereof, 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. This rule shall expire upon the earlier of:

(a) 120 days from the date of adoption;

(b) The date on which the Public Health State of Emergency ends; or

(c) The date on which the United States Department of Labor rescinds guidance permitting flexibility to the States with respect to charging of COVID-19 related claims.

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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Emergency Rule 300-2-4-0.15-.14 Work Search Requirements.

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 subsequent extensions thereof, 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 claim weeks beginning on or after March 15, 2020. This rule shall expire upon the earlier of:

- (a) 120 days from the date of adoption;
- (b) The date on which the Public Health State of Emergency ends; or
- (c) The date on which the United States Department of Labor rescinds guidance permitting flexibility to the States with respect to work search requirements during the COVID-19 public health emergency.

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.