

CHAPTER 300-2-8 GOVERNMENTAL AND NON-PROFIT ACCOUNTS

300-2-8-.01	Repealed	300-2-8-.04	Establishment, Administration and Dissolution of Group Accounts
300-2-8-.02	Repealed	300-2-8-.05	Reimbursable Employer Appeal to the Department of Amount Due
300-2-8-.03	Employers Electing to Reimburse in Lieu of Paying Contributions		

300-2-8-.01 Repealed.

300-2-8-.02 Repealed.

300-2-8-.03 Employers Electing to Reimburse in Lieu of Paying Contributions.

(1) No eligible employer may change its method of payment from a reimbursable basis to a contributory basis or from a contributory basis to a reimbursable basis unless:

(a) There are no unpaid debts, taxes, contributions, reimbursement amounts, penalty, interest or recording fees outstanding against such employer; and

(b) The employer has completed two (2) calendar years under the prior method (reimbursable basis or contributory basis).

(2) Election to change from reimbursable to contributory.

(a) In any case in which an employer was first a contributor, then a reimbursing, and now terminates such election; according to OCGA Section 34-8-158(d)(2), such employer shall have an employment experience rating computation as provided in OCGA Section 34-8-155. This computation shall be computed on the basis of all the employer's experience (contribution period and reimbursement period). The period of reimbursement will be considered a zero balance period; provided, however, that all reimbursements billed to the employer are paid.

(b) In any case in which any employer having no prior coverage elects to be on a reimbursable basis and who, at a later date, terminates such election; according to OCGA Section 34-8-158(d)(2), such employer shall have an employment experience rating computation as provided in OCGA Section 34-8-155. The computation shall be computed on the basis of all the employer's experience (the reimbursement period only). The period of reimbursement will be considered a zero balance period; provided, however, that all reimbursements billed to the employer are paid.

(3) Election to change from contributory to reimbursable.

(a) In any case in which an employer was first a reimbursing, then a contributor, and now elects reimbursement, such employer shall have its reserve balance (positive or negative) remain fixed as of the completion of processing of the last quarter of the year preceding the change in method of payment. Such reserve shall be frozen in the event the employer subsequently elects to return to the contributory method.

(b) In any case in which an employer on contributory basis now elects reimbursement, such

employer shall have its reserve balance (positive or negative) remain fixed as of the completion of processing of the last quarter of the year preceding the change in method of payment. Such reserve will be frozen in the event the employer subsequently elects to return to the contributory method of payment.

(4) The standard of acceptance of securities for deposit, as required by law, shall be the same as that required of trustees under Georgia law for investment in bonds and other securities as set forth in OCGA Sections 53-8-6 or 53-13-54. Such securities shall include, but are not limited to, the following:

- (a) Bonds or other securities authorized by or issued by this state;
- (b) Direct and general obligations of the United States Government;
- (c) Obligations unconditionally guaranteed by the United States Government;
- (d) Obligations of agencies of the United States Government issued by the
 - 1. Federal Land Bank;
 - 2. Federal Home Loan Bank;
 - 3. Federal Intermediate Credit Bank; or
 - 4. Central Bank for Cooperatives.
- (e) Deposits of funds at interest in any chartered state or national bank or trust company located in this state and which is insured by the Federal Deposit Insurance Corporation to the extent of the insurance;
- (f) Accounts and certificates of state chartered associations and federal savings and loan associations, which are insured by the Federal Savings and Loan Insurance Corporation to the extent of the insurance.
- (g) Irrevocable letters of credit which name the Commissioner of Labor as obligee.

(5) Acceptance of cash deposit, surety bond and/or acceptable securities may be subject to the approval of a committee of no less than three (3) employees of the department (one of whom is an attorney) appointed by the Commissioner.

(a) Amount. The amount of the securities required by this subsection shall be equal to two and seven-tenths percent (2.7%) of the organization's taxable wages paid for employment as defined in OCGA Section 34-8-49 for the four (4) calendar quarters immediately preceding the effective date of election or anniversary of the effective date of election, whichever date shall be most recent and applicable, or twenty-six (26) times the maximum potential weekly benefit amount as provided in OCGA Section 34-8-193, whichever amount is higher. If the organization did not pay wages in each of such four (4) calendar quarters the amount of the securities shall be as determined by the Commissioner.

(b) The effective date of a bond, irrevocable letter of credit or other type security instrument shall cover the period of time which equals the benefit year of any claim for benefits which could have been filed by an employee of the employing unit as of the date of notification by the

Department to the employing unit of the option to be a reimbursable employer.

(6) Any amount owed to the department by an employing unit which has elected to reimburse benefits paid in lieu of contributions shall be due and payable on or before the thirtieth (30th) day after the release date of the Reimbursable Employers Quarterly Bill, Form DOL-621.

Authority O.C.G.A. Sec. 34-8-70.

300-2-8-.04 Establishment, Administration and Dissolution of Group Accounts.

Two or more employers, as defined in OCGA Section 34-8-161, in the same or related trade, occupation, profession or enterprise; or having a common financial interest, hereinafter referred to as an "Employer Group", may enter into an agreement with the Georgia Department of Labor to establish a Group Account. Such employer group shall be treated as a separate employer account and subject to the following provisions:

- (a) An employer group may not be established for a period of less than five (5) years;
- (b) No employer may become a member of an employer group until such employer has been liable under this law for a minimum of two (2) calendar years;
- (c) Separate accounts shall be maintained for each employer in an employer group for identification;
- (d) The successor who acquires the business of a member of an employer group shall continue to be a member of such group until the employer group is dissolved;
- (e) An employer group may be dissolved on any five (5) year anniversary date, provided a written request is made ninety (90) days prior to such anniversary date:
 - 1. By the parent employer, if each member of the employer group is owned or controlled by such parent employer; or
 - 2. By fifty percent (50%) or more of the employers in the employer group.
- (f) Each member of an employer group shall be liable individually or collectively for past due payments owed to the department by any member;
- (g) No provision in this rule shall be construed as giving any member of any employer group any authority over the operation of another member with respect to the administration of the employer group account.

Authority O.C.G.A. Sec. 34-8-70.

300-2-8-.05 Reimbursable Employer Appeal to the Department of Amount Due.

(1) Pursuant to OCGA Section 34-8-159(4), the amount due specified in any bill to a reimbursable employer shall be conclusive on the organization unless the organization files an application with the Commissioner for a redetermination, setting forth the grounds to support a redetermination, not later than fifteen (15) days after the bill was mailed to its last known address or otherwise delivered to it.

(2) The Commissioner shall promptly review the application for redetermination and shall issue a redetermination. The reimbursable employer shall have an additional fifteen (15) days after the redetermination is mailed or delivered in which to appeal in writing for a hearing. If no such request is made within that time the redetermination becomes final and no further appeal is allowed.

(3) Hearings on such appeals shall be conducted by the Office of State Administrative Hearings. The amount due as found by the decision of said office shall be conclusive on the organization and the Department of Labor unless the organization or the Department of Labor files an appeal to the Superior Court setting forth the grounds for its appeal, not later than fifteen (15) days after the written decision was mailed or otherwise delivered to the last known address of the organization and the Department of Labor.

Authority O.C.G.A. Sec. 34-8-70.