

Synopsis

The Department is amending Rule 300-2-4-.09 Partial Unemployment. Amended to provide for the following modifications. The modifications will remain in effect for a period not to exceed 120 days.

Paragraph (1) is amended to provide for three subparagraphs.

Subparagraph (a) “Weekly report of Low Earnings.”

- This subparagraph addresses when an employer may file when an otherwise full-time employee works less than full-time due to lack of work and earns an amount less than certain amount of unemployment benefits.
- Partial Unemployment claims are not allowed for vacation days regardless who establishes or requests the vacation days.

Subparagraph (b)

- This subparagraph provides for an exemption to the disallowance of vacation days as set forth in subsection (a) for Partial Unemployment claims filed for claim weeks beginning December 11, 2016.
- The exemption in Subparagraph (b) applies to Partial Unemployment claims when an employer company shutdown or employer established vacation period is due to circumstances beyond the control of the employer and which directly affect business operations.

Subparagraph (c)

- This subparagraph provides that positive reserve account requirement will not be applicable on partial claims filed for claim weeks commencing December 11, 2016.

All other provisions of Rule 300-2-4-.09 Partial Unemployment. Amended remain in force and effect.

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE
BRIAN P. KEMP

(Pursuant to O.C.G.A. Sections 50-13-3, 50-13-4, and 50-13-6.)

I do hereby certify that the attached Emergency Rule is a correct copy as promulgated and adopted on the 9th day of December, 2016.

GEORGIA DEPARTMENT OF LABOR

FILING DATE: December 9, 2016.

The Georgia Department of Labor has adopted Emergency Rule:

- Emergency Rule 300-2-4-0.1, containing Rule 300-2-4-.09(1)
Partial Unemployment. Amended.

The effective date of this rule shall be December 9, 2016. This Rule will remain in effect for 120 days or until the Department proposes and adopts a subsequent Rule, whichever occurs earlier.

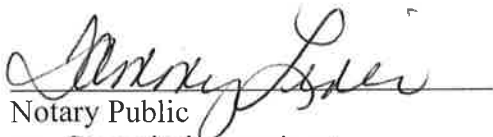
STATUTORY AUTHORITY: O.C.G.A. §§ 34-8-47, 34-8-70, 34-8-157, 34-8-190, 34-8-191 & 34-8-194, 50-13-3, 50-13-4, 50-13-6.

The adoption of the aforementioned Emergency Rule by the Department is necessary to facilitate the filing of certain partial claims for timely payment of Unemployment Insurance benefits for claim weeks beginning December 11, 2016.



Mark Butler, Commissioner
Georgia Department of Labor

Sworn to and subscribed to me this
9th Day of December, 2016.



Notary Public
My Commission expires:

Jan. 19, 2020



**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 300-3-4-0.1, containing Rule 300-2-4-.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.

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