

Georgia 2021: Unemployment Benefit Developments

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Georgia employers may be experiencing some whiplash from the latest updates to the state's unemployment and partial unemployment rules and regulations in the wake of the COVID-19 pandemic. Most recently, the Georgia Department of Labor (GDOL) amended its Separation Notice form. This is another update in a long line of notable changes to the state's unemployment and partial unemployment rules and regulations in the post-pandemic world.

The GDOL has released the latest version of its individual Separation Notice DOL-800 form, which became effective July 21, 2021. Georgia employers must complete this separation notice for each employee who is separated for any reason (except when at least 25 employees leave at the same time for the same reason, then the streamlined mass separation form DOL-402 and DOL-402(a) forms should be completed). Employers are expected to promptly present the completed separation form to a departing employee at the time of separation (or within 48 hours thereafter) under Georgia Employment Security Law Rules [300-2-7-.06](#).

The amended form includes information about a recipient's potential eligibility for unemployment benefits and how to file a claim. While this amendment may appear minor, it is intended to make it easier for employers to comply with the Coronavirus Aid, Relief and Economic Security (CARES) Continued Assistance Act of 2020, which requires employers to disclose the availability of unemployment insurance to every separated employee upon separation.

Failing to complete the DOL-800 form may result in penalties. As a practical matter, however, the GDOL has not imposed such penalties thus far. Rather, it is more likely that separated employees will collect unemployment benefits when they otherwise might not be eligible.

This latest development is just one example of how the GDOL has significantly altered the state's unemployment and partial unemployment benefits requirements in the post-COVID-19 world. In 2020, after the start of the COVID-19 crisis, employers were affirmatively required to file for unemployment benefits on behalf of their employees, even if the employee was only partially unemployed (*e.g.*, furloughed or working reduced hours). This requirement was unprecedented and burdensome on some Georgia employers. But, on December 31, 2020, this requirement expired, relieving Georgia employers of the affirmative requirement to file unemployment benefits claims on behalf of their employees.

In June 2021, three other changes took place. First, Georgia halted its participation in four federal unemployment programs enacted through the CARES Act and the American Rescue Plan Act, including Pandemic Unemployment Assistance, Pandemic Emergency Unemployment Compensation, Federal Pandemic Unemployment Compensation, and Mixed Earner Unemployment Compensation. While these programs largely did not directly affect

employers, Georgia's early withdrawal from them is hoped to positively affect an unprecedented labor shortage in many sectors.

Second, Georgia resumed the requirement that contributory employers (those that pay for unemployment insurance benefits through quarterly tax payments) pay unemployment benefit charges for claims filed for individuals, regardless of the reason for unemployment.

Third, the GDOL enacted the Employer-Filed Partial Claims Rule, Rule 300-2-4.09. Under this rule, employers are no longer obligated to submit partial unemployment claims for individuals who are unemployed for more than six consecutive weeks. The GDOL therefore is encouraging employers to convert any partial claims to individual-filed claims so that these employees can receive the benefits they need.

Jackson Lewis attorneys are available to answer inquiries regarding these and other workplace developments.

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