

FAQs from the Department of Labor Regarding Temporary/Partial Covid-19 Related Unemployment Insurance Benefits *

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This Q&A is about the New Temporary and Partial Unemployment Benefits Rule issued by the Georgia Department of Labor on March 22. The rule states, “Employers are required to file partial claims on behalf of their employees whenever it is necessary to temporarily reduce work hours or there is no work available for a short period.” You can read the entire text here:

<https://dol.georgia.gov/blog/new-information-filing-unemployment-partial-claims-and-reemployment-services>

Are employers the filers of temporary/partial UI benefits for their employees being *temporarily laid off*?

Yes

Does the employer need any kind of consent from the employee to file for temporary/partial UI benefits?

No

With respect to temporary/partial UI benefits, does the employer only need to file one initial time for each employee or does the employer have to file for each employee every week?

Partial claims must be filed each week for employees to receive benefits for that week.

Please provide examples of when employers should file for temporary/partial UI benefits. For example, if a business shut-down occurred on Monday, March 16, would the employer be able to go ahead and file this week for temporary/partial benefits of its employees or does the employer have to wait to file until after the end of the work week, i.e., on March 22?

The employer can file a temporary claim on behalf of employees at any time.

How many weeks do the temporary/partial UI benefits last? Is it expected that there will be an extension of the weeks as has occurred already in some states?

14 weeks is the maximum period allowed for unemployment. However, the federal government is looking to extend that period, if necessary, in this health crisis.

How much can an employee expect to receive in temporary/partial shut-down UI benefits and how are they calculated?

Benefits are based on the past 18 months of reported wages and range from \$55 to \$365 per week which is set by the state government.

What should employers tell employees about how employees should expect to receive the benefits?

Benefits are issued one of two ways. They are disbursed either by direct deposit or by GDOL-issued UI Way-2-Go debit card.

Does vacation or other paid time off have to be exhausted first before an employee is entitled to temporary/partial UI benefits?

This will depend on what your employee manual states as company policy.

Can an employer go ahead and apply for temporary/partial UI benefits for employees who are receiving PTO?

If the employee is not receiving full pay, a partial claim can be filed.

In line 15 of the online Employer Application, it asks if I've paid the employee at least \$7300. What period of time does that cover?

The time from the employee's date of hire to present day.

Please confirm that the temporary/partial UI benefits apply to exempt and non-exempt employees, and for employees on a fluctuating work week.

Unemployment Insurance applies to ALL employees.

Do the temporary/partial UI benefits apply to independent contractors?

A bona fide independent contractor that is not paying into the trust fund is not eligible for UI benefits.

What is the expected wait time for employees to receive these temporary/partial UI benefits?

On average, the wait time is 48 business hours.

Do employees receiving temporary/partial UI benefits have to look for work to retain UI benefits and report to the DOL?

No, the requirement to look for work is waived during this health crisis.

What is the quickest way to get employees their benefits? Is it through the temporary/partial shutdown UI regs or through employment termination and/or mass layoffs (DOL forms 402 & 402A)?

The quickest way to get employees the requested benefits is to file a partial claim.

Some employers have attempted to set up access to the portal but are having difficulty getting in to the DOL site. Is this an employer issue or is there an overload of the DOL system?

The Georgia Department of Labor is managing a tremendous influx of claims. GDOL is aware of the high-volume of claims and asks for your patience and cooperation as they address access issues as quickly as humanly possible.

Do partial benefits apply to completely laid off employees *and* those whose hours are reduced - whether part time or not?

Yes, per Emergency Rule 300-2-4-0.4, containing Rule 300-2-4-.09(1), an employer can file claims for 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 pandemic.

Do the traditional UI income eligibility requirements during the base period still apply to these emergency partial benefits?

The monetary weekly entitlement amount is calculated using the reportable wages earned in the last 18 months prior to the claim filing date.

What can employers tell employees about when their benefits will be available? Because the employer must wait until the end of the pay period to file, many are concerned that there is a substantial lag time.

Benefit payments are posted to either the entitled individual's debit card or direct deposit account within 48 hours of the partial claim being submitted to GDOL.

Employers are worried about the language within the instructions that identifies their liability for incorrectly filed claims; it clearly requires employers to pay back those funds for such a discrepancy. Many employers are also worried about the imposition of fines, fees or penalties for missing deadlines; deadlines for which they may be unaware when filing these claims. Can you speak to that with respect to these partial claims?

Employers will not be charged for partial claims filed as a result of COVID-19. Generally, deadline and penalties only potentially apply to claims initiated by individuals where GDOL requests information from the employer by a deadline.

As it stands now employers will have to file these claims weekly, which is a huge administrative burden on them. Is there a way to lessen this workload by storing data so that employers do not have to enter all the data fields for all the employees each week?

Employers have the option to file weekly by single entry or use an Excel spreadsheet template that can be updated and uploaded each week. The single-entry option will require data entry whereas the upload option may be used with minimal changes, e.g. the week ending date, given the employer is submitting claims for the same individuals each week.