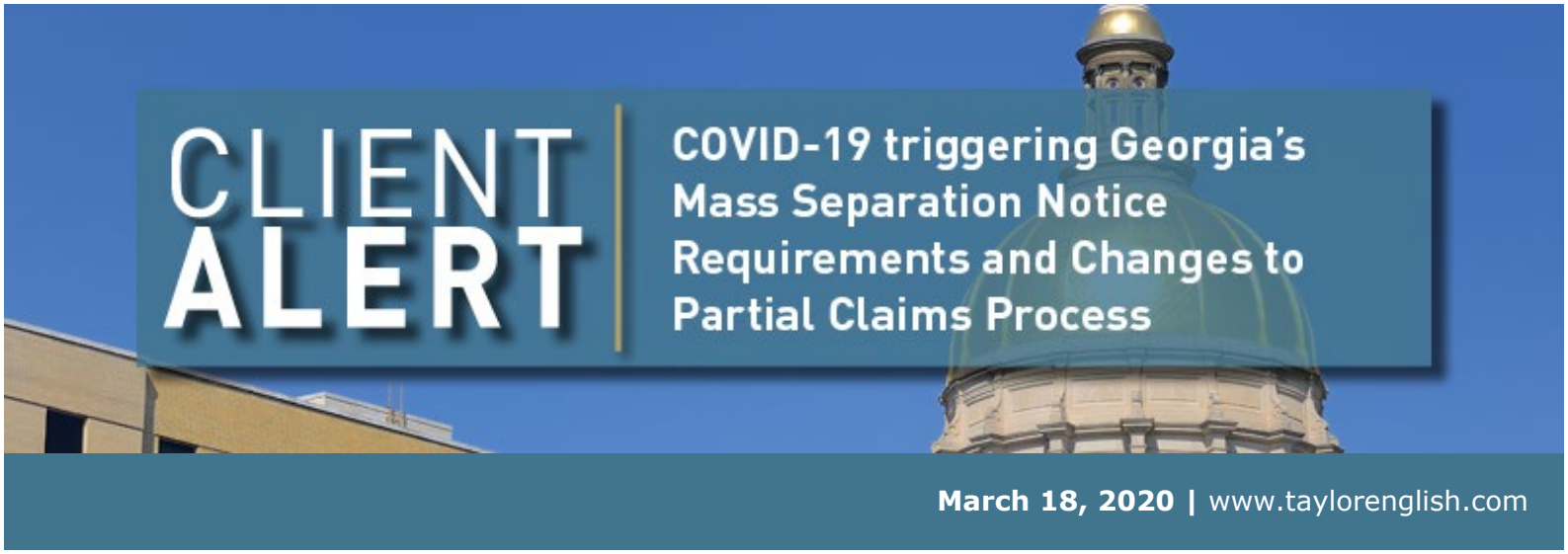

COVID-19 TRIGGERING GEORGIA'S MASS SEPARATION NOTICE REQUIREMENTS AND CHANGES TO PARTIAL CLAIMS PROCESS

As businesses continue to grapple with ongoing closures and the effects of wide scale social distancing spurred by the COVID-19 pandemic, a spotlight has been cast on some lesser known state requirements related to mass separations. Additionally, and in response to emergencies declared at the state and national level, the Georgia Department of Labor ("DOL") passed an emergency rule on March 16, 2020, temporarily altering employer requirements related to partial unemployment claims.

Regarding mass separation: When any Georgia employer separates 25 or more workers from employment on the same day for the same reason, they are required to submit a Mass Separation Notice to the Georgia DOL. This form is required where the separation is either permanent, for an indefinite period of time, or expected to last more than seven days. For purposes of reaching the 25-worker threshold, mass separation includes those workers who are furloughed. These requirements are in effect regardless of the ongoing COVID-19 emergency.

The forms required for the mass separation notice can be found on the Georgia DOL website.

The emergency rule passed by the Georgia DOL on March 16, 2020, requires all Georgia employers to file

partial claims online on behalf of their employees for any week during which an employee (full-time or part-time) works less than their regular full-time or part-time schedule due to a partial or total company shutdown caused by the COVID-19 public health emergency. Failure to comply with this requirement may make the employer liable to reimburse Georgia DOL for the full amount of unemployment insurance benefits paid to the affected employee.

The forms related to filing a partial claim are available on the Georgia DOL website. The Georgia DOL has also provided the following information on when to file partial claims:

- You must file a partial claim for each pay period. A week of partial unemployment consists of an employer's established pay period week. Once a pay period is established, it should remain the same.
- Accurately report the employee's name, social security number (SSN), and date of birth. They must match the Social Security Administration's records.
- There must be seven (7) days between payment week ending dates.
- Do NOT submit claims until after the week ending date on the claim. The Georgia DOL cannot accept claims filed prior to the week ending date on the claim.
- Report any vacation pay, holiday pay, and/or earnings during the week in which it was earned, NOT during the week it was paid to the employee.
- Report any additional income employees are receiving to the Georgia DOL, except Social Security benefits, jury duty income, and pay for weekend military reserve duty.

The Partial Claim emergency rule shall be in effect for 120 days or until the Georgia DOL adopts a subsequent rule, whichever comes earlier.

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