

This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Georgia Unemployment Update: Changes to Partial Unemployment Claims and Converting Claims for Permanent Layoffs to Individual Claims

The Georgia Department of Labor (“Georgia DOL”) has modified the filing rules for COVID-19 pandemic-related unemployment claims. Here is a summary of the changes that may impact nonprofits:

Partial Claims No Longer Required to Be Filed for Part-time Employees

Under emergency regulations issued in March 2020, employers were required to file partial unemployment claims for all employees (full-time or part-time) who experienced a temporary layoff or reduction in hours or pay due to the COVID-19 public health emergency. As of July 19, 2020, although they may still choose to do so, employers are no longer required to file partial unemployment claims for part-time employees (those who regularly work *less than 30 hours per week*) whose hours or pay are reduced due to the COVID-19 public health emergency. Please be aware that employers are still required to file partial unemployment claims for full-time employees whose hours or pay has been reduced below 30 hours per week.

If an employer continues properly to follow the Georgia DOL’s emergency rules and to file partial unemployment claims for any full-time employees whose hours or pay are reduced, the employer’s unemployment account with the Georgia DOL will not be charged for the unemployment benefits paid on these partial claims. This rule regarding the chargeability of benefits is scheduled to expire on the earlier of (1) November 16, 2020; (2) the date when the public health emergency ends; or (3) when the U.S. Department of Labor rescinds current guidance that gives the Georgia DOL flexibility with regard to charging for claims.

No Partial Claims for Employees Offered Return to Work

Employers are not required to file a partial claim for any employee who has been offered employment at the same hours and pay as the employee had before COVID but who refuses to return to work. Please be sure to document both the offer of employment and the refusal to return to work, in case the organization needs to defend a grant of benefits to an employee in this position. The Georgia DOL asks that employers report a refusal to return to work at this [link](#). **CAVEAT:** Please be aware that, if an employee refuses to return to work for a reason that is covered by the Families First Coronavirus Response Act (such as personal illness or childcare), the employee may be entitled to leave, some of which must be paid by the employer. See this [article](#) for additional information about sick and childcare leaves under the FFCRA.

Claims Conversion Program

The Georgia DOL has instituted a claims conversion program to allow employers who have permanently laid off employees (without severance or retirement pay) to convert employer-filed partial claims to individual claims. Please see these [instructions](#) for claims conversion. If an employer is permanently separating an employee and converts the claim to an individual claim, the employer’s account will be charged when the claim is converted.

Contact your PBPA attorney if you have questions about unemployment claims and your filing obligations.

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