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Changes to Georgia Unemployment Benefits: Eligibility, Total Benefits and Employer Obligations

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As the COVID-19 public health emergency continues to ravage our communities, an increasing number of Georgians are forced to file for unemployment benefits. On April 2, the Georgia Department of Labor announced that it processed 133,820 claims during the week of March 22 through March 28, the highest number of claims it has ever processed in a week and an increase of 1102% over the prior week.

This article addresses the main federal and Georgia-specific changes that have been made to unemployment compensation benefits in response to the COVID-19 crisis. These changes include expanded eligibility qualifications, extended eligibility periods, increased payment amounts, and new employer obligations.

I. Expanded Employment Benefits under The CARES Act

The Georgia Department of Labor has announced that it is updating its current systems to facilitate distribution of federal unemployment funds as part of the CARES Act (Coronavirus Aid, Relief, and Economic Security Act).

The federal CARES Act sets forth three key expanded unemployment benefits programs: Pandemic Unemployment Compensation (“PUC”), Pandemic Emergency Unemployment Compensation (PEUC), and Pandemic Unemployment Assistance (PUA).

The Pandemic Unemployment Compensation (PUC) program provides additional unemployment compensation in the amount of \$600 per week to individuals who are receiving full or partial unemployment compensation benefits from the state. The U.S. Department of Labor has clarified that any individual who qualifies for at least \$1 of regular unemployment compensation will receive the additional \$600 in weekly PUC benefits. This added weekly benefit is available from March 29, 2020 until July 31, 2020.

The **Pandemic Emergency Unemployment Compensation (PEUC)** program provides an additional 13 weeks of unemployment benefits to individuals who have exhausted their regular state unemployment benefits. The PEUC is available until December 31, 2020.

The **Pandemic Unemployment Assistance** program provides unemployment benefits to workers who are ineligible for regular state unemployment benefits, including self-employed workers, workers seeking part-time work, and workers with insufficient work history. Covered individuals must self-certify that they are unemployed, partially unemployed, or unable or unavailable to work because:

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can't attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.

Workers are not eligible for PUA if they can either telework with pay or are receiving paid sick days or paid leave.

Individuals covered by the PUA will generally receive the benefit amount authorized under the unemployment compensation law of the state where the covered individual was employed, plus the weekly \$600 in PUC benefits.

The PUA program will expire on December 31, 2020.

II. Status of Georgia DOL's Processing of CARES Act Unemployment Benefits

The Georgia Department of Labor (GDOL) has announced that it is modifying its current online unemployment application by adding new questions to better identify those individuals who may be eligible for PUA. It expects the modified application to be available on **Monday, April 13, 2020**, on the GDOL website.

To many eligible individuals' dismay, it could then take "several weeks" for a PUA application to process, according to the GDOL. The GDOL has advised that individuals who have already filed claims with the GDOL will be eligible for benefits under the PUA and do not need to refile their claims with the new application. These individuals will be identified and sent an email with a link to provide additional information for the PUA program.

The GDOL has not yet announced when it will begin making PUC payments to eligible individuals receiving regular state unemployment benefits.

III. Changes to Regular Unemployment Benefits in Georgia

In addition to the expanded unemployment benefits available under the CARES Act, employers should be mindful of three new emergency rules issued by the GDOL to address the COVID-19 public health emergency.

First, the GDOL now requires Georgia employers to file partial unemployment claims online on behalf of any employees whose hours have been reduced due to a partial or total company shut down caused by the COVID-19 public health emergency. The employer-filed (partial) claims submitted because of COVID-19 will not affect the employer's tax rate and will not be charged to the employer. However, employers who refuse to file partial claims will be required to reimburse GDOL for the full amount of benefits paid to their employees.

The GDOL has also issued emergency rules aimed at increasing the amount of regular unemployment benefits available to Georgians. First, for claims filed on or after March 29, 2020, the GDOL will only deduct earnings above \$300 per week from the weekly benefit amount for eligible employees. Earnings of \$300.00 or less will therefore not affect entitlement to benefits. Second, for claims filed on or after March 14, 2020, the maximum benefits payable to an individual are increased from fourteen weeks to twenty-six weeks.

If you have any questions about the new unemployment benefits rules or need assistance interpreting new guidance, please do not hesitate to contact our team.

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