

Coronavirus-Based Updates to Georgia and Tennessee Unemployment Requirements for Employers

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Before the coronavirus began to pick up steam in the Southeast U.S., both Georgia and Tennessee started 2020 with seasonally adjusted unemployment rates below the national average, with just 3.1% unemployment in Georgia and 3.3% unemployment in Tennessee for January 2020. After both states had their first confirmed cases of COVID-19 earlier this month, social distancing and business shutdowns became the norm, employers have been laying off employees, and the number of workers filing for unemployment benefits in our region and across the country has skyrocketed. As a result, both Georgia and Tennessee have revised requirements for unemployment insurance benefits and other unemployment services.

While many of these changes affect the requirements or process for *workers* to *obtain* unemployment benefits, some of the changes impact employers.

Below are the latest unemployment updates **for employers** in Georgia and Tennessee.

Georgia:

- **** Important Note -- Georgia employers must comply with these new requirements or face severe penalties. ****
- Employers are now **required** to file partial claims on behalf of their employees (both full-time and part-time employees) **if the employer is temporarily reducing work hours or where there is no work available for a short period due to COVID-19**. The Georgia Department of Labor (GDOL) has made clear that any employer who violates this requirement to file partial claims on behalf of employees **will be required to reimburse the GDOL for the full amount of unemployment insurance benefits paid to these employees**.
 - Employer-filed claims submitted electronically provide unemployment benefits to the affected employees more quickly, usually within 48 hours.
 - Employers must file claims through the GDOL's employer portal. Instructions regarding the process are available [here](#).

Tennessee:

- Employers are **not (yet) required** by the Tennessee Department of Labor & Workforce Development (TDOLWD) to file claims for employees being laid off due to the coronavirus, but employers are **encouraged** to file a **Mass Layoff List** or an **Employer-Filed Mass Claim**, as applicable, to speed up the process for everyone involved, including the employer.
- Employers should submit a **Mass Layoff List** to the TDOLWD **where the business has already closed** and the employer is no longer in contact with the employees. The template Excel spreadsheet for this list is available [here](#).
- Employers should submit an **Employer-Filed Mass Claim** to the TDOLWD where the business **has not yet closed** and **the employer believes the business ultimately will remain open/will not close on a permanent basis**. **Employers using this method also should direct their affected workers not to submit individual claims**. The template Excel spreadsheet for this filing method can be accessed [here](#).
- If employers submit either a Mass Layoff List or an Employer-Filed Mass Claim, a number of benefits apply:

- Such employers are not required to issue individual separation notices to each employee being laid off, as they otherwise would be;
 - Such employers are not required to respond to each employee's individual claim for unemployment, as they otherwise would be; and
 - The TDOLWD is able to process these claims significantly faster, which reduces the delay in benefits being provided to laid off workers.
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- On a side note, the TDOLWD also has recently issued a FAQ regarding "who is eligible for unemployment benefits" in some (what are quickly becoming) common situations relating to the coronavirus, such as "what if I do not go to work due to concerns I will become sick?" or "what if I need to be off work to care for an elderly parent who has COVID-19?" or "what if my doctor has ordered me to self-quarantine such that I cannot go to work?" View the full TDOLWD FAQ [here](#). The one-week waiting period which usually applies to unemployment benefits in Tennessee also has been suspended by Executive Order of Governor Lee until May 18, 2020.

These new developments and resources in Georgia and Tennessee are meant to streamline the unemployment process for both employers and employees affected by the coronavirus pandemic. These requirements may continue to change as the situation worsens or improves, and in response to new legislation at the national or state level, so please check our Coronavirus Resource Center for further developments on this issue.

We understand that COVID-19 has left employers with many questions. Miller & Martin is here to help. Please contact any member of our Labor & Employment Practice Group if you need assistance regarding unemployment or any other dimension of this challenging situation.