Georgia Rules and Regulations
Administrative Bulletin for July 2026

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
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160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-1-4-.293, 160-1-4-.310, 160-1-4-.314	amended	July 7, 2026	Jul. 7
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Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-1. RULES AND REGULATIONS FOR ADULT DAY CENTERS

111-8-1-.14 Personnel

(1) All adult day centers shall maintain written personnel policies and procedures which address at least the following:

(a) The hiring, training, and supervising of staff members; and

(b) The use, nature and extent of volunteer services, including a screening procedure to select volunteers with appropriate skills to work with the participants, or otherwise assist the center.

(2) **Criminal History Background Checks**.

(a) Criminal History Background Checks for Owners Required. Prior to the issuance of any new license, the owner of the business or agency applying for the license must comply with the requirements of the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12.

(b) Criminal History Background Checks for Directors. The center must obtain a satisfactory fingerprint records check determination for the person being considered for employment as a director. The records check determination must be done in compliance with the Rules and 22 Regulations for Criminal Background Checks, Chapter 111-8-12.

(c) Criminal History Background Checks for Direct Access Employees Required. Prior to serving as a direct access employee, the center must obtain a satisfactory fingerprint records check determination for the person to be hired in compliance with the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12.

(3) **Training.** The Director shall be responsible for ensuring that any person working in the center as an employee or under contract receives work-related training acceptable to the Department within the first ninety (90) days of employment. However, for centers providing services prior to the initial effective date of these rules, the centers shall have until March 1, 2015 to have all such staff who were hired prior to the initial effective date of these rules certified in first aid and cardiopulmonary resuscitation. The center shall ensure that at least one staff member who has completed the minimum training requirements be present in the center at all times.

(a) Work-related training for employees shall at a minimum include the following:

1. Orientation to the rules and regulations contained in this chapter, and to the center's policies and procedures;

2. Evidence of current certification in cardiopulmonary resuscitation where the training course required return demonstration of competency;

3. Training in standard precautions, infection control and latex safety;

4. Training in identifying participants who may be victims of elder abuse or self-neglect;

5. Training in participants' rights including the prevention and reporting of suspected abuse, neglect or exploitation;

6. Training in protecting the confidentiality of participant information and records;

7. Training on the nature of influenza and the role of vaccination in controlling its spread to those persons having direct participant contact;

8. Training in diversity and cultural sensitivity;

9. Training on Alzheimer's disease and other dementias including communicating and responding to behaviors; and

10. Medication training for the unlicensed staff that are providing assistance with or supervision of self-administration of medications to capable participants. The medication training must be conducted with an appropriate curriculum for providing medication assistance and include at least the following topics:

(i) The center's medication policy and procedures, including actions to take if concerns regarding participant's capacity to self-administer medications are identified;

(ii) How to read prescription labels including common abbreviations;

(iii) Providing the right medication to the right participant at the right time in the right amount and the right way including how to measure various medications;

(iv) Actions to take when concerns regarding medications are identified;

(v) Infection control procedures relative to providing assistance with medications;

(vi) Proper medication storage and disposal;

(vii) Recognition of side effects and adverse reactions for the specific medications;

(viii) Understanding the common classifications of medications, typical side effects and adverse reactions and medications for which unlicensed staff may never provide assistance with or supervision of self-administration; and

(ix) Proper documentation and record keeping using the Medication Assistance Record.

(b) **Adult Day Health Centers.** In addition to the training requirements above in 3(a), centers that provide adult day health services shall provide training on the laws governing administration of prescribed medications.

(c) **Volunteers**. The Director is responsible for ensuring that all volunteers receive training in accordance with the services they provide in the center. At a minimum, all volunteers shall receive training in the following:

1. Identifying abuse, neglect and exploitation and the applicable reporting requirements; and

2. Participant rights.

(4) **Staff Records.** Each center shall maintain personnel records for each employee and volunteer who provides direct care to participants. Each employee shall have access to his/her personnel record. Individual personnel records on all staff members shall contain at least the following:

(a) A complete application for employment or volunteer services;

(b) References, which may be documented as oral references or letters of reference;

(c) Copy of current license or certificate, in good standing, as required for the position, including a valid driver's license for persons providing transportation services;

(d) Staff development records, to include, but not limited to evidence of current certification in CPR and first aid as well as evidence of training for staff; and

(e) Evidence of having conducted background screenings as required by these rules in regards to the staff member or volunteer.

(5) **Health of Employees.**

(a) Health Screenings. Each center shall have in place a health screening program designed to identify conditions that may place participants at risk for infection, injury, or improper care. The program shall include requirements and processes for initial, regular, and targeted health screenings of employees and contractors who interact with participants or conduct other activities with environmental impact;

(b) Screening for Tuberculosis (TB). Prior to starting work, all employees must be screened for TB in accordance with CDC guidance for baseline screening and testing for health care personnel.

(c) Records. Copies or certificates of the health screenings shall be kept in the employee's personnel file.

(6) **Education/License Requirements.**

(a) The adult day center shall employ staff qualified by training or experience to perform all aspects of the position for which they are hired.

(b) Adult Day Health Centers. In addition to the above, adult day health centers shall ensure the following:

1. Directors shall have a bachelor's degree or at least four years experience in a health or human services or related field and shall have demonstrated ability to perform all aspects of the position;

2. Nurses shall have a current Georgia license to practice as a nurse; and

All contract professionals, i.e. social workers or occupational, physical, or speech therapists, shall be licensed or certified, as required by law.

Cite as Ga. Comp. R. & Regs. R. 111-8-1-.14

AUTHORITY: O.C.G.A. §§ 49-6-80**, et seq.**

HISTORY: Original Rule entitled "Personnel" adopted. F. Dec. 18, 2014; eff. Jan. 7, 2015.

Amended: F. July 9, 2026; eff. July 29, 2026.

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-65. RULES AND REGULATIONS FOR PRIVATE HOME CARE PROVIDERS

111-8-65-.03 Definitions

In these rules, unless the context otherwise requires, the words and phrases set forth herein shall mean the following:

(a) "Ambulation and transfer" means the act of moving or walking about or walking or being moved from place to place with or without assistance.

(b) "Applicant" means:

1. When the private home care provider is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

2. When the private home care provider is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

3. When the private home care provider is owned by an association limited liability company (LLC), the governing body of the association or LLC shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and

4. When the private home care provider is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.

(c) "Companion or sitter tasks" means the following tasks which are provided to elderly, handicapped, or convalescing individuals: transport and escort services; meal preparation and serving; and household tasks essential to cleanliness and safety.

(d) "Department" means the Department of Community Health.

(e) "Director" means the chief administrative or executive officer or manager.

(f) "Home health agency" means a facility licensed as a home health agency in accordance with the applicable licensing statutes and associated rules.

(g) "Home management" means those activities normally performed by a homemaker for the maintenance of a home's essential services, including but not limited to activities such as meal planning, shopping, and bill paying; any employee that is authorized unlimited access to a client's personal funds for home management shall be bonded through the provider.

(h) "Housekeeping or housekeeping tasks" means those activities performed for the upkeep and cleanliness of the home, including but not limited to such activities as laundry, changing linens, trash disposal, and cleaning.

(i) "Inspection" means any examination by the department or its representatives of a provider, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a provider is operating in compliance with licensing

requirements or has violated any licensing requirements. The term inspection includes any survey, monitoring visit, complaint investigation, or other inquiry conducted for the purposes of making a compliance determination with respect to licensing requirements.

(j) "Medically frail or medically compromised client" means a client whose health status, as determined by appropriate provider staff in accordance with accepted standards of practice, is likely to change or has changed because of a disease process, injury, disability or advanced age and underlying disease process(es).

(k) "Medically related activities" means activities such as but not limited to observing and reporting changes in a client's condition, arranging trips to the doctor, picking up prescription drugs, accompanying clients on medical appointments, documenting client's food and/or liquid intake or output, reminding clients to take medication, and assisting with self-administration of medication; such activities shall not include professional services that are subject to regulation under professional practice and licensing statutes and associated rules.

(l) "Owner" means any individual or any person affiliated with the corporation, partnership, or association with 10 percent or greater ownership interest in a business or agency licensed as a private home care provider and who:

1. Purports to or exercises authority of an owner in the business or agency;

2. Applies to operate or operates the business or agency; or

3. Enters into a contract to acquire ownership of such a business or agency.

(m) "Personal care home" means a facility licensed as a personal care home in accordance with the applicable licensing statutes and associated rules.

(n) "Personal care tasks" means assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating; and may include but are not limited to proper nutrition, home management, housekeeping tasks, ambulation and transfer, and medically related activities, including the taking of vital signs only in conjunction with the above tasks.

(o) "Private home care provider" means any person, business entity, corporation, or association, whether operated for profit or not for profit, that directly provides or makes provision for private home care services through:

1. its own employees who provide nursing services, personal care tasks or companion or sitter tasks;

2. contractual arrangements with independent contractors who are health care professionals licensed pursuant to the applicable chapter of Title 43; or

3. referral of other persons to render home care services, when the individual making the referral has ownership or financial interest in the delivery of those services by those other persons who would deliver those services.

(p) "Private home care services" means those items and services provided at a patient's residence that involve direct care to that patient and includes, without limitation, any or all of the following:

1. nursing services, provided that such services can only be provided by a person licensed as a Registered Professional Nurse or Licensed Practical Nurse in accordance with applicable professional licensing statutes and associated rules;

2. personal care tasks; and

3. companion or sitter tasks.

4. Private home care services shall not include physical, speech or occupational therapy; medical nutrition therapy; medical social services; home health aide services provided by a home health agency; or proxy caregiver services provided by a proxy caregiver hired by the patient.

(q) "Residence" means the place where an individual makes that person's permanent or temporary home, whether that person's own apartment or house, a friend or relative's home, or a personal care home, but shall not include a hospital, nursing home, hospice, or other health care facility licensed under O.C.G.A. § 31-7-1 et seq.

(r) "Responsible Party" means any person authorized in writing by the client or appointed by an appropriate court to act upon the client's behalf; the term shall include a family member of a physically or mentally impaired client unable to grant the above authorization.

(s) "Transport and escort services" means accompanying clients or providing or arranging transportation for clients to places outside of their residences for purposes such as appointments, entertainment, exercise, recreation, shopping, or social activities. If the mode of transportation is not owned by the client and is operated by an employee of the provider, the provider shall either obtain a signed waiver by the client of any claims for damages arising out of the operation of the vehicle or make reasonable efforts to insure that there is current motor vehicle insurance that will provide medical coverage for the client, in the event that the vehicle is involved in an accident causing injuries to the client.

Cite as Ga. Comp. R. & Regs. R. 111-8-65-.03

AUTHORITY: O.C.G.A. §§ 31-2-2**,** 31-2-7**,** 31-7-300 **et seq.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Feb. 20, 2013; eff. Mar. 12, 2013.

Amended: F. Mar. 17, 2016; eff. Apr. 6, 2016.

Amended: F. July 9, 2026; eff. July 29, 2026.

111-8-65-.05 Licenses

(1) No private home care provider shall operate without a license or provisional license issued by the department.

(a) A license shall be issued and renewed periodically by the department upon a providers' compliance with these rules and shall remain in force and effect until the license expires or is suspended, revoked or limited.

(b) Prior to the issuance of any new license, the owner of the business or agency applying for the license must comply with the requirements of the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12.

(c) A provisional license may be issued by the department on a conditional basis for one of the following reasons:

1. To allow a newly established provider a reasonable, but limited, time to demonstrate that its operational procedures comply with these rules; or

2. To allow an existing provider a reasonable length of time to comply with these rules and regulations, provided that the provider shall present a plan of improvement acceptable to the department.

(2) Qualifications Requirement. In order to obtain or retain a license or provisional license, the provider's administrator and its employees must be qualified, as defined in these rules, to direct or work in a program. However, the department may require additional reasonable verification of the qualifications of the administrator and employees either at the time of application for a license or provisional license or at any time during the license period whenever the department has reason to believe that an administrator or employee is not qualified under these rules to direct or work in a program.

(a) If a governing body maintains offices as a private home care provider in more than one location, then each location shall be separately licensed.

(b) The license shall be prominently and appropriately displayed at the private home care providers licensed location.

(c) No license issued under these rules is assignable or transferable. Each license or provisional license shall be returned to the department in cases of changes in name, location, ownership or governing body or if suspended, revoked, or limited. The department shall be provided 15 days notice in advance of any providers change in location.

Cite as Ga. Comp. R. & Regs. R. 111-8-65-.05

AUTHORITY: O.C.G.A. §§ 31-2-5**,** 31-2-7**,** 31-7-300 **et seq.**

HISTORY: Original Rule entitled "Licenses" adopted. F. Feb. 20, 2013; eff. Mar. 12, 2013.

Amended: F. July 9, 2026; eff. July 29, 2026.

111-8-65-.09 Administration and Organization

(1) Services Description. A provider shall establish and implement written policies and procedures that define the scope of private home care services it offers and the types of clients it serves. No provider shall provide services that are prohibited by these rules, the applicable legal authority, or other laws.

(2) Service Agreements. No provider shall offer to provide a client any private home care services that it cannot reasonably expect to deliver in accordance with these rules.

(a) A provider shall establish and implement policies and procedures for service agreements. All services provided to a client shall be based on a written service agreement entered into with the client or the client's responsible party, if applicable. The service agreement must include the following:

1. Date that provider makes initial contact with client for services;

2. Date of referral, i.e. the date on which the provider received a specific request to deliver private home care services to a particular client;

3. Description of services needed as stated by client or responsible party, if applicable;

4. Description of services to be provided and expected frequency and duration of services;

5. Charges for such services, and mechanisms for billing and payment of such charges;

6. Acknowledgment of receipt of a copy of client's rights and responsibilities as outlined at rule .12;

7. A telephone number of the provider that a client can call for information, questions, or complaints about services supplied by the provider;

8. The telephone number of the state licensing authority, i.e. the department, to call for information or questions about the provider concerning a violation of licensing requirements that was not resolved to the client's satisfaction by complaining to the provider;

9. Authorization from client or responsible party, if applicable, for access to client's personal funds when home management services are to be provided and when those services include assistance with bill paying or any activities, such as shopping, that involve access to or use of such funds; similarly approved authorization for use of client's motor vehicle when services to be provided include transport and escort services and when the client's personal vehicle will be used;

10. Signatures for the provider's representative and the client or responsible party, if applicable, and date signed; if a client or responsible party refuses to sign the agreement, such refusal shall be noted on the agreement with an explanation from the provider's representative.

(b) For new clients, such initial service agreements shall be completed not later than the second visit to the client's residence to provide services if the second visit occurs on a different day from the first visit or not later than seven calendar days after services are initially provided in the residence, whichever is earlier.

1. If the provider is unable to complete the service agreement for good cause, the provider will document such reason(s) in the client's file.

2. Subsequent revisions to the initial service agreement may be handled by the provider noting in the client's record the specific changes in service (e.g. addition or deletion of service, changes in frequency, or duration, or charge for services, etc.) that will occur and that the change was discussed with and agreed to by the client and/or responsible party, as appropriate, who signed the initial agreement prior to the change in services occurring.

(c) A client has the right to cancel any service agreement at any time and shall only be charged for services actually rendered prior to the time that the provider is notified of the cancellation. The provider may assess a reasonable charge for travel and staff time if notice of the cancellation of the service agreement is not provided in time to cancel the service prior to the provider's staff member arriving at the client's house to perform the service.

(3) Administrator. The governing body shall appoint an administrator who shall have full authority and responsibility for the operation of the private home care provider.

(a) Any administrator employed by the provider must meet the following minimum qualifications:

1. Obtain a satisfactory fingerprint records check determination in compliance with the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12;

2. Participate in the orientation and training required by these rules;

3. Not have made any material false statements concerning qualifications requirements either to the department or the provider.

(4) Record keeping.

(a) Client Records. A provider shall maintain a separate file containing all written records pertaining to the services provided for each client that it serves and the file shall contain the following:

1. Identifying information including name, address, telephone number, and responsible party, if any;

2. Current service agreement as described at rule .09(2);

3. Current service plan as described at rule .11;

4. Clinical and/or progress notes if the client is receiving nursing services that have been signed and dated by the staff providing the direct care;

5. Documentation of personal care tasks and companion or sitter tasks actually performed for the client;

6. Documentation of findings of home supervisory visits by the supervisor unless entered in service plan;

7. Any material reports from or about the client that relate to the care being provided to the client including items such as progress notes and problems reported by employees of the provider, communications with personal physicians or other health care providers, communications with family members or responsible parties, or similar items;

8. The names, addresses, and telephone numbers of the client's personal physicians, if any; and

9. Date and source of referral.

(b) Retention and Confidentiality of Client Records. Written policies and procedures shall be established and implemented for the maintenance and security of client records specifying who shall supervise the maintenance of records, who shall have custody of records, to whom records may be released and for what purposes and how long the records will be retained.

1. At a minimum, all client records shall be retained for five years from the date of last service provided. The provider shall maintain the confidentiality of client records.

2. Employees of the provider shall not disclose or knowingly permit the disclosure of any information in a client record except to appropriate provider staff, the client, responsible party (if applicable), the client's physician or other health care provider, the department, other individuals authorized by the client in writing or by subpoena.

(c) Personnel Records. A provider shall maintain separate written records for each employee and the records shall include the following:

1. Identifying information such as name, address, telephone number, and emergency contact person(s);

2. A five year employment history or a complete employment history if the person has not been employed five years;

3. Records of qualifications;

4. Records of health screenings, demonstrating compliance with the following:

(i) Each provider shall have in place a health screening program designed to identify conditions that may place clients at risk for infection, injury, or improper care. The program shall include requirements and processes for initial, routine, and targeted health screenings of employees and contractors who interact with clients or conduct other activities with environmental impact.

(ii) Screening for Tuberculosis (TB). Prior to starting work, all employees must be screened for TB in accordance with CDC guidance for baseline screening and testing for health care personnel.

5. Date of employment;

6. The person's job description or statements of the person's duties and responsibilities;

7. Documentation of orientation and training required by these rules;

8. Documentation of at least an annual performance evaluation;

9. Documentation of bonding if the employee performs home management services which permit unlimited access to the client's personal funds. (If bonding is provided through a universal coverage bond, evidence of bonding need not be maintained separately in each personnel folder.)

(d) Reports of Complaints and Incidents. The provider shall maintain files of all documentation of complaints submitted pursuant to rule .12(2). A provider shall also maintain on file for a minimum of five years all incident reports or reports of unusual occurrences (e.g. falls, accidents, significant medication errors, etc.) that affect the health, safety, and welfare of its clients. Documentation required to be maintained shall include what actions, if any, the provider took to resolve clients' complaints and to address any incident reports or unusual occurrences required to be retained.

(5) Staffing. The provider shall have sufficient numbers of qualified staff as required by these rules to provide the services specified in the service agreements with its clients. In the event that the provider becomes aware that it is unable to deliver the specified services to the client because of an unexpected staff shortage, the provider shall advise the client and refer the client to another provider if the client so desires.

(a) All staff employed by a provider shall have included in their personnel records or files maintained by the particular provider a written evaluation that was performed within one year before or after the effective date of these rules. The written evaluation must reflect that the employee's performance of required job tasks was observed personally by a supervisor either by demonstration or observation and such performance was determined to be competent for all job tasks required to be performed. All staff hired by the provider must meet the following minimum qualifications:

1. Prior to serving as a direct access employee, obtain a satisfactory fingerprint records check determination in compliance with the Rules and Regulations for Criminal Background Checks, Chapter 111-8-12;

2. Participate in the orientation and training required by these rules;

3. Not have made any material false statements concerning qualifications requirements either to the department or the provider.

(b) Nursing Personnel. Any persons employed by the provider to provide nursing services shall be licensed in Georgia in accordance with professional licensing laws and associated rules. Such persons may also provide any other types of private home care services offered by the provider.

(c) Personal Care Assistant (PCA). The provider may have PCAs perform personal care tasks for clients. Such persons may also perform companion or sitter tasks for clients, but shall not provide nursing services unless qualified as stated in rule .09(5)(b) above.

1. Any PCA hired after the effective date of these rules shall have the following training and/or experience:

(i) successful completion of a nurse aide training and competency evaluation program pursuant to the requirements of 42 CFR Part 483, Subpart D, as revised or recodified, if applicable; or

(ii) successful completion of a competency examination for nurse aides recognized by the department; or

(iii) successful completion of a health care or personal care credentialing program recognized and approved by the department; or

(iv) successful completion or progress in the completion of a 40 hour training program provided by a private home care provider, which addresses at least the following areas:

(I) Ambulation and transfer of clients, including positioning;

(II) Assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating;

(III) Basic first aide and CPR;

(IV) Caring for clients with special conditions and needs so long as the services are within the scope of the tasks authorized to be performed by demonstration;

(V) Home management;

(VI) Home safety and sanitation;

(VII) Infection control in the home;

(VIII) Medically related activities to include the taking of vital signs; and

(IX) Proper nutrition.

2. A training program described in rule .09(5)(c)1.(iv) must be conducted under the direction of a licensed registered professional nurse, or a health care professional with commensurate education and experience. Twenty hours of the program must be completed by the employee prior to serving clients and the additional twenty hours must be completed within six months of the date the training initially began. No PCA shall be assigned to perform a task for which training has not been completed and competency has not been determined. No PCA shall be assigned to care for a client with special conditions unless the PCA has received training and has demonstrated competency in performing such services related to such special conditions.

(d) Companions or Sitters. The provider may have companions or sitters perform companion or sitter tasks for clients.

1. Such persons may not provide other private home care services to clients unless qualified as stated in rules .09(5)(b) and (c).

2. Any companion or sitter hired after the effective date of these rules must meet the following minimal requirements:

(i) Be able to read and write, follow verbal and written instructions, and complete written reports and documents;

(ii) Successfully complete training or demonstrate understanding and practical competency in the following areas: understanding the needs and characteristics of elderly, handicapped, or convalescing individuals; meal preparation and serving; transportation and escort services; housekeeping to include sanitation; home safety; handling medical emergencies in the home; and infection control.

(6) Staff Training. Prior to working with clients, all employees hired or used on or after the effective date of these rules and who provide services to clients shall be oriented in accordance with these rules and shall thereafter receive additional training in accordance with these rules.

(a) Orientation shall include instruction in:

1. The provider's written policies and procedures regarding its scope of services and the types of clients it serves (rule .09(1)) and clients rights and responsibilities and complaints (rule .12), as well as other policies that are relevant to the employee's range of duties and responsibilities;

2. The employee's assigned duties and responsibilities;

3. Reporting client progress and problems to supervisory personnel and procedures for handling medical emergencies or other incidents that affect the delivery of services in accordance with the client's services plan;

4. The employee's obligation to report known exposure to tuberculosis and hepatitis to the employer.

(b) Additional training consisting of a minimum of eight clock hours of training or instruction shall be provided annually for each employee after the first year of employment. Employees hired prior to the effective date of these rules are also required to receive eight clock hours of training or instruction annually beginning with the effective date of these rules. Such training or instruction shall be in subjects that relate to the employee's assigned duties and responsibilities.

(7) Contracted Services. If a provider arranges with independent contractors, individuals, or agents for them to provide any authorized private home care services on behalf of the provider in any way, such arrangements shall be set forth in writing detailing the services to be provided. The provider must assure that the independent contractor, individual, or agent supplying the services follow the provisions of these rules and are qualified to provide the

services. The services must be supervised, as outlined in rule .10(2) (Supervision of Services), by a supervisor of the licensed provider.

Cite as Ga. Comp. R. & Regs. R. 111-8-65-.09

AUTHORITY: O.C.G.A. §§ 31-2-5**,** 31-2-7**,** 31-7-300**, et seq.**

HISTORY: Original Rule entitled "Administration and Organization" adopted. F. Feb. 20, 2013; eff. Mar. 12, 2013.

Amended: F. July 9, 2026; eff. July 29, 2026.

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-3. REGULATIONS REGARDING AGENTS, SUBAGENTS, COUNSELORS, ADJUSTERS, SURPLUS LINES BROKERS, AND AGENCIES

120-2-3-.09 Examinations

(1) All resident applicants required under Chapter 23 of Title 33 of the Official Code of Georgia Annotated shall submit to examination by the Commissioner except:

(a) Applicants for agent licenses in lines or sublines of life or accident and sickness insurance who hold the designation of Chartered Life Underwriter (CLU) or Fellow Life Management Institute (FLMI);

(b) Applicants for agent licenses in lines or sublines of property and casualty who hold the designation of Chartered Property and Casualty Underwriter (CPCU);

(c) Applicants for licenses as counselors who hold the designation of Certified Insurance Counselor (CIC), Accredited Advisor in Insurance (AAI), Registered Employee Benefits Consultant (REBC), CPCU as specified in Rule 120-2-3-.09(1)(b), CLU or FLMI as specified in Rule 120-2-3-.09(1)(a), or applicants deemed by the Commissioner to have sufficient experience and qualifications in the lines of authority for which the applicant seeks licensure;

(d) Applicants for Limited Health Counselor licensure that have five (5) years' experience licensed as an agent in the line of accident and sickness;

(e) Applicants for Limited Health Counselor licensure that hold the designation of CIC, CLU, FLMI, REBC and Registered Health Underwriter (RHU);

(f) Applicants for limited licenses in accordance with Rules 120-2-3-.29, .31, .32, .39, .44, .45, and .47 of this Regulation Chapter;

(g) Applicants holding a Ph.D. in Risk Management;

(h) Adjusters who are salaried employees of insurers;

(i) Applicants for temporary licenses;

(j) Applicants for credit insurance agent licenses;

(k) Applicants for a workers compensation adjuster license who hold the designation of Certified Workers Compensation Professional (CWCP);

(l) Such other applicants as the Commissioner may, at his discretion, determine.

(m) The applicant who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination. This exemption is only available if the individual is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's

previous license. The applicant must have been in good standing with the prior state as evidenced by a certificate of good standing provided by that state and verifiable in the producer database records maintained by authorized systems.

(2) The passing grade on examinations for licenses shall be seventy percent (70%).

(a) If an applicant scores sixty percent (60%) and has a currently licensed agent sponsor, then the Commissioner may grant such applicant a temporary license upon the written request of an insurer.

(3) Any person taking an examination for licensing and not receiving a passing grade shall not be entitled to retake the examination until fourteen (14) days have elapsed and will be required to pay the appropriate fee. A person who fails to pass the examination after taking the exam three (3) times shall not be entitled to retake the examination until sixty (60) days have elapsed and will be required to pay the appropriate fees.

(4) A person who has not filed an application within twelve (12) months of the date of receiving a passing exam score will be required to retake the examination.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.09

AUTHORITY: O.C.G.A. §§ 33-2-9**,** 33-8-1**,** 33-23-5**,** 33-23-10**,** 50-13-21**.**

HISTORY: Original Rule entitled "Temporary License for One Company Only" adopted. F. and eff. July 20, 1965.

Repealed: New Rule entitled "Examinations" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Amended: F. July 23, 1998; eff. August 12, 1998.

Amended: F. Jan. 14, 2000; eff. Feb. 3, 2000.

Repealed: New Rule of same title adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Amended: F. Aug. 23, 2004; eff. Sept. 12, 2004.

Amended: F. July 16, 2009; eff. August 5, 2009.

Amended: ER. 120-2-3-.24-.09 adopted. F. June 12, 2012; eff. June 12, 2012, as specified by the Agency.

Repealed: New rule with same title adopted. F. Sept. 10, 2012; eff. Sept. 30, 2012.

Amended: F. Apr. 16, 2014; eff. May 6, 2014.

Amended: F. June 6, 2016; eff. August 1, 2016, as specified by the Agency.

Amended: F. Aug. 8, 2018; eff. Aug. 28, 2018.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

Amended: F. Sept. 20, 2023; eff. Aug. 1, 2023, as specified by the Agency.

Amended: F. June 11, 2025; eff. July 1, 2025.

Amended: F. July 29, 2026; eff. Aug. 18, 2026.

Department 120. OFFICE OF COMMISSIONER OF INSURANCE, SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN COMMISSIONER

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-112. GEORGIA ACCESS

120-2-112-.05 User Fees

Pursuant to O.C.G.A. § 33-1-23, the Commissioner is authorized to impose fees on Issuers offering QHPs. Failure to timely remit fees may result in the assessment of penalties.

(1) **Annual User Fee.** To support the functions of Georgia Access, issuers offering QHPs must remit a user fee to Georgia Access each month, in a timeframe and manner established by Georgia Access, equal to a percentage of the monthly premium charged by the issuer for each policy under the plan where enrollment is through Georgia Access.

(2) **Publication of Fee Percentage.** Georgia Access will publish its user fee percentage for each plan year before the beginning of the open enrollment period.

(3) **Retention of User Fees and Eligibility for Refunds.**

(a) An Issuer seeking consideration for a refund of user fees associated with an enrollment discrepancy or missed enrollment update or retroactive enrollment changes shall submit documentation to Georgia Access within ninety (90) calendar days of missed enrollment update in a format prescribed by Georgia Access.

(b) An Issuer that fails to submit the documentation required under this subsection within ninety (90) calendar days may be deemed ineligible for any refund or credit of user fees associated with the discrepancy. Such failure to provide timely notification of such discrepancies or enrollment updates may constitute a violation subject to enforcement action under Rule 120-2-112-.07.

(4) **Exemptions.**

(a) State System Error: The requirements of subsection (c) of this Rule shall not apply where Georgia Access determines that the enrollment discrepancy, missed enrollment update, or retroactive enrollment change resulted from an error, defect, or operational failure within the State's enrollment platform or any system operated on behalf of Georgia Access.

(b) Force Majeure or Unavoidable Circumstances: Georgia Access may grant an exemption from the requirements of subsection (c) where the Issuer demonstrates that the failure to provide timely notification was caused by circumstances beyond the reasonable control of the Issuer, including but not limited to natural disasters, widespread system outages, cybersecurity incidents, or other force majeure events. Third-Party Data Transmission Failures: Georgia Access may determine that an Issuer is exempt from the requirements of subsection (c) where the discrepancy or missed update resulted from a failure in data transmission between systems maintained by Georgia Access, federal systems, or authorized third-party platforms, provided that the Issuer acted in good faith and exercised reasonable diligence in attempting to submit the required enrollment updates.

(c) Discretionary Administrative Waiver: Georgia Access may waive or modify the requirements of subsection (c) upon a written determination that strict application of the requirements would be unreasonable, would not serve the purposes of this Rule, or would adversely affect consumers or market stability.

(5) **Documentation Requirement.** An Issuer seeking an exemption under this subsection shall submit documentation sufficient for Georgia Access to determine the applicability of the exemption. Georgia Access shall retain final authority to approve or deny such requests.

Cite as Ga. Comp. R. & Regs. R. 120-2-112-.05

AUTHORITY: O.C.G.A. §§ 33-2-9**,** 50-13-21**.**

HISTORY: Original Rule entitled "User Fees" adopted. F. July 9, 2025; eff. July 29, 2025.

Amended: F. July 29, 2026; eff. Aug. 18, 2026.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.293 Computer Science Teacher Credential Grant

(1) **Purpose of Grant.** The purpose of the Computer Science Teacher Credential Grant is to support broadening participation in K-12 Computer Science (CS) education and to assist in the implementation of O.C.G.A. § 20-2-149.3 by providing funding for teacher professional development and training, teacher certifications, and teacher endorsements for middle and high school CS teachers.

(2) **Term and Conditions.** Grants are awarded through a competitive process to local educational agencies (LEA), a consortia of LEAs, local charter schools, state charter schools, and eligible partnerships between an LEA and an approved high-quality professional learning provider. The applicants must have a systemic computer science implementation plan with specific professional learning goals for teachers within the system. Awardees must agree to make their trained teachers available to train other teachers within the LEA in which the teacher is employed following implementation of grant activities. Awardees will also produce a report at the conclusion of the grant period.

(3) **Eligible Recipient(s).** Eligible recipients include LEAs, a consortia of LEAs, local charter schools, state charter schools, and partnerships between an LEA and an approved high-quality professional learning provider.

(4) **Criteria for Award.** Grant applications will be reviewed and scored by the Georgia Department of Education. Funding will be awarded based on rank (highest score first) and availability of grant funds.

(5) **Directions and Deadlines for Applying.** To apply for the grant, eligible applicants must complete and submit an electronic application located online at the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to computerscience@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.293

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "CS4GA Computer Science Capacity Grant" submitted July 18, 2019.

Amended: New title, "Computer Science Teacher Credential Grant." Submitted Aug. 5, 2024.

Amended: Submitted July 7, 2026.

160-1-4-.310 Computer Science Teacher Equipment and Community (CSTEC) Grant

(1) **Purpose of the Grant**. The purpose of the Computer Science Teacher Equipment and Community (CSTEC) Grant is to (1) build a community for computer science teachers that will provide professional support for instruction, practice, and pedagogy and (2) promote the use of physical computing as a means to engage students in computer science education.

(2) **Term and Conditions**. Grants are awarded through a competitive process to local educational agencies (LEA). Grant recipients must use the funding to obtain memberships for identified teachers, who have not previously benefitted from this grant, to join a local and national computer science teacher consortium, and to pay for registration costs to attend a national computer science teacher conference. Additionally, grant recipients must purchase a class set of physical computing devices and receive the necessary professional training for implementation and use. Grant recipients must submit a completion report and all other reports required by the Georgia Department of Education (GaDOE). Only one grant will be awarded per LEA per fiscal year.

(3) **Eligible Recipient(s)**. All LEAs are eligible to apply on behalf of eligible educators. An eligible educator is an individual teaching at least one computer science course, which includes both discrete computer science courses and courses that integrate computer science, such as gifted or STEM courses, in a K-12 Georgia public school during the current school year.

(4) **Criteria for Award**. Applications are reviewed by GaDOE for adherence to the terms and conditions described in the application.

(5) **Directions and Deadlines for Applying.** Application materials, including information regarding the deadline, are available on GaDOE's Grants Opportunities webpage. All additional requests for information should be made to computerscience@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.310

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "Computer Science Opportunity Grant." Submitted March 22, 2023.

Amended: New title, "Computer Science Teacher Equipment and Community (CSTEC) Grant." Submitted Aug. 28, 2023.

Amended: Submitted July 7, 2026.

160-1-4-.314 Georgia Outdoor Learning Demonstration (GOLD) Grant

(1) **Purpose of Grant.** The purpose of the GOLD grant is to allow interested local educational agencies (LEAs) and non-formal environmental education providers to launch, revitalize, or expand outdoor learning opportunities of their choice.

(2) **Term and Conditions.** Grants are awarded through a competitive process for recipients to provide professional learning, to improve outdoor learning spaces, to purchase outdoor learning teaching supplies, or to provide field trips to nature centers or field investigations. Grant recipients must submit a completion report and all other reports required by the Georgia Department of Education (GaDOE). The grant awards are one-time funds for use during the fiscal year of the award.

(3) **Eligible Recipient(s).** Eligible applicants are LEAs and non-formal environmental education providers.

(4) **Criteria for Award.** Grant applications will be reviewed and scored by a team of individuals consisting of GaDOE staff members and external stakeholders who are interested in science and outdoor learning. Funding will be awarded based on rank (highest score first), geographic location, and availability of grant funds.

(5) **Directions and Deadlines for Applying.** Eligible applicants must complete and submit the electronic application located online at the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to science@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.314

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "Georgia Outdoor Learning Demonstration (GOLD) Grant." Submitted March 23, 2023.

Amended: Submitted June 17, 2024.

Amended: Submitted July 7, 2026.

160-1-4-.324 Cambridge Exam Fee Initiative Grant

(1) **Purpose of Grant.** The purpose of the Cambridge Exam Fee Initiative grant is to support local educational agencies (LEA) that have Cambridge programs in one or more of their high schools by providing funds to offset the cost associated with Cambridge exams. Funding for this grant shall be used to reduce the financial obligation of LEAs for the fees associated with Cambridge exams by partially funding the Cambridge exam cost for students who are eligible for free or reduced-price meals and for Cambridge STEM exams taken by any student.

(2) **Term and Conditions.** Grants are awarded to LEAs who submit a completed application and have Cambridge programs in one or more high schools. Grant recipients must use the funds to partially offset their Cambridge exam fees for students who are eligible for free or reduced-price meals and for Cambridge STEM exams taken by any student. Grant recipients will complete an end-of-grant report at the conclusion of the grant period.

(3) **Eligible Recipient(s).** Eligible applicants are LEAs that have Cambridge programs in one or more high schools.

(4) **Criteria for Award.** Grant applications are reviewed by the Georgia Department of Education for adherence to the terms and conditions described in the application. Grant awards will be based on the projected number of Cambridge exams taken by students who are eligible for free or reduced-price meals and the projected number of Cambridge STEM exams for the current school year. Priority will be given to LEAs that have Cambridge programs in high schools that have been identified as Tier IV, Comprehensive Support and Improvement, Additional Targeted Support and Improvement, or Targeted Support and Improvement. Grant funding for the LEAs with Cambridge programs in identified schools will be greater per student.

(5) **Directions and Deadlines for Applying.** Eligible applicants must complete and submit the electronic application located online at the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to gifted@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.324

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "Cambridge Exam Fee Initiative Grant," submitted F. July 7, 2026.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

183-1-12-.12 Tabulating Results

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. The poll manager and two witnesses shall record the count of ballots from the tabulation tape on the recap form. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

(i). As soon as possible after the polls close and the last elector votes, the poll manager shall advise the election superintendent of the total number of ballots scanned into the ballot scanner, the total number of provisional ballots issued at the precinct, and the total number of any cast but unscanned ballots in a scanner emergency bin in the manner prescribed by the Secretary of State.

(ii) One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

(iii) The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot

scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

(iv) The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

(v) The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

(vi) Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

(vii) Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation at the county and state level, including election officials' activities to review and approve tabulation reporting, shall be performed in public, with meaningful poll watcher visual access permitted. However, the election superintendent and the Secretary of State may make reasonable rules and regulations for conduct at the tabulating or central reporting center for the security of the results and the returns and to avoid interference with the tabulating center and review activities. personnel. The election superintendent shall ensure all properly cast ballots that are received by the deadline to receive ballots are processed, verified, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated. However, counting may cease prior to tabulating provisional ballots that are cured by the prescribed deadline and validated pursuant to O.C.G.A.§ 21-2-419, so long as those ballots are processed, verified, and tabulated as soon as possible. Counting may also cease prior to tabulating ballots from qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq. ("UOCAVA"), that are received after the deadline to receive non-UOCAVA ballots but before the deadline for UOCAVA ballots set forth in O.C.G.A. § 21-2-386(a)(1)(G) so long as those ballots are processed, verified, and tabulated as soon as possible following their timely receipt.

(i) For the purposes of this rule, "shall not cease" allows for reasonable or limited breaks so long as the processing, counting, and tabulating of ballots resumes as soon as possible. If the election superintendent, in its reasonable

discretion, determines that due to mechanical or technological failures, emergency circumstances, or other circumstances that do not allow the processing, counting, and tabulating of ballots to continue reliably and accurately, the election superintendent shall report as soon as possible in writing to the Secretary of State in the manner prescribed by the Secretary of State the reason the processing, counting, and tabulating of ballots cannot continue reliably and accurately and the estimated time that the processing, counting, and tabulating ballots will resume.

4. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

5. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

6. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

7. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

8. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § 21-2-133.

9. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Publicly Posting Total Number of Ballots Cast After Close of Polls.

1. For the purposes of publicly posting the number of ballots cast, including the total number of ballots scanned into the ballot scanner, the total number of provisional ballots issued at the precinct, and the total number of any cast but unscanned ballots in a scanner emergency bin, as soon as possible after the close of polls and the number of absentee ballots received as soon as possible following the deadline to receive such absentee ballots as required by O.C.G.A § 21-2-421(a), posting information in a prominent public place means:

(i) If the county or municipality maintains a publicly accessible website, publishing information on the homepage of the county's publicly accessible website associated with elections and/or registrations.

(ii) If the county or municipality does not maintain a publicly accessible website, affixing information on the door of the county or municipality's election office such that the information is viewable to the public.

(iii) At the same time that such information is publicly posted, it shall be transmitted to the Secretary of State in a manner determined by the Secretary of State, which shall be subject to contemporaneous review by authorized poll watchers and observers.

(d) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. Such results shall be transmitted in a format prescribed by the Secretary of State and reviewable contemporaneously by authorized poll watchers and observers and subject to public review under provisions of O.C.G.A. § 21-2-72. At a minimum, the results shall be transmitted upon one third of the

precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

(e) Reconciliation Report

1. As soon as possible but no later than 30 days following the certification of election results, the election superintendent shall transmit to the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters who received credit for voting in each precinct on the form made available by the Secretary of State. Any discrepancies in the aggregate total of ballots cast in each precinct compared to the aggregate number of voters who received credit for voting in a precinct shall be fully investigated by the election superintendent or designee. The explanation for any discrepancy shall be included in the Reconciliation Report.

2. Upon submission of the completed Reconciliation Report to the Secretary of State, each county shall publish the report on their county election results website or post it in their elections office.

(f) Preparing for County Certification.

1. After each election but not later than 3:00 P.M. on the Friday following the date on which the election was held, the Board shall meet to conduct a review of precinct returns.

2. After all absentee ballots received by the close of the polls, including those cast by advance voting, and all ballots cast in person on Election Day and all provisional ballots (that have been validated) have been tabulated, the total number of ballots cast by each vote method shall be reported for each precinct.

3. A list of all voters who voted in the election shall be compiled including by category the number of voters who voted Election Day In Person, Advance Voting, Absentee and Provisionally. The list shall be examined for duplicates. The list shall then be sorted by precinct. The total number of unique voter IDs from each precinct shall be counted. The total number of unique voters who voted by each vote method shall be reported for each precinct.

4. For each precinct, the board members shall compare the total number of ballots cast to the total number of unique voter ID numbers. In any precinct in which the number of ballots exceeds the number of unique voters, the Board shall determine the method of voting in which the discrepancy exists. The Board shall investigate the discrepancy and no votes shall be counted from that precinct until the results of the investigation are presented to the Board as required in O.C.G.A. § 21-2-493(b).

(g) If any error is discovered that cannot be properly corrected, the Board shall determine a method to compute the votes justly as required in O.C.G.A. § 21-2-493(i). If fraud is discovered, the Board shall determine a method to compute the votes justly and report the facts to the district attorney for action as required in O.C.G.A. § 21-2-493(i).Certification Meeting.

1. After all precinct discrepancies have been investigated and resolved as required by O.C.G.A. § 21-2-493, the correct or corrected returns shall be recorded until all the returns from each precinct which are entitled to be counted are recorded; then they shall be added together, announced, and verified as accurate.

2. The consolidated returns shall then be certified by the superintendent not later than 5:00P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.12

AUTHORITY: O.C.G.A. §§ 21-2-2**,** 21-2-31**,** 21-2-133**,** 21-2-439**,** 21-2-483**.**

HISTORY: Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Amended: F. Sept. 22, 2021; eff. Oct. 12, 2021.

Amended: F. Nov. 1, 2021; eff. Nov. 21, 2021.

Amended: F. Aug. 27, 2024; eff. Sept. 16, 2024.

Amended: (i.e., subparagraphs (a) 1., (a) 5., paragraph (e), as specified by the Board.) F. Oct. 2, 2024; eff. Oct. 22, 2024.

Repealed: F. Nov. 13, 2024, eff. Sept. 16, 2024.

Note: Rule 183-1-12-.12 filed Aug. 27, 2024 and Oct. 2, 2024 repealed effective Sept. 16, 2024 and Oct. 22, 2024 respectively, pursuant to Georgia Superior Court Final Judgement Order (see Department 183 Administrative History for details) the rule is null and void and reverted to the prior version (i.e., F. Nov. 1, 2021; eff. Nov. 21, 2021, as shown above). Effective November 13, 2024.

Amended: F. July 21, 2026; eff. Aug. 10, 2026.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-15. RETURNS OF PRIMARIES AND ELECTIONS

183-1-15-.02 Definition of Vote

(1) Lever-type Voting Machines. A vote cast on a lever-type voting machine shall be the choice made by a voter by either operating the lever adjacent to the name of the candidate or answer to a question for which the voter desires to vote or by writing of the name of a qualified write-in candidate on the machine in accordance with the instructions for voting on the voting machine and then recording such votes on the machine by the actuation of the main lever which casts such votes and returns the other levers to their original positions.

(2) Optical Scan Voting Systems. A vote cast on an optical scan ballot shall be detected and tabulated directly from the paper ballot, and not an electronic copy or image of the ballot exported from the certified voting system.

(a) A vote cast on an optical scan ballot marked by hand shall be the choice made by a voter by either:

1. Filling in the oval adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or

2. Filling in the oval adjacent to the appropriate write-in space and writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b) In reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § 21-2-483(g)(2), if the voter filled-in the oval next to the name of a candidate whose name appears on the ballot and filled-in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(c) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A.§ 21-2-483(g)(2), it appears that there is a properly cast vote and what is clearly a stray mark which has caused the ballot scanner to read the vote for such office as an overvote, the properly cast vote shall be counted and the stray mark shall be ignored.

(d) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § 21-2-483(g)(2), a voter marks his or her ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the vote review panel as provided in O.C.G.A. § 21-2-483(g)(2)(B), the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(e) If, in reviewing an optical scan ballot marked by hand, a discrepancy is found between the voter's mark on the ballot that clearly and without question indicated the voter's intent and the result tabulated by the ballot scanner, the voter's mark shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(f) When an optical scan ballot marked by hand contains stray marks or marks which prevent the ballot scanner from properly recording valid votes as determined under this rule and by law, the ballot shall be duplicated in accordance with law to correct such problems and the duplicate shall then be tabulated.

(g) In lieu of manually duplicating a ballot pursuant to paragraph (e), the manual review of ballots with overvotes by vote review panels pursuant to O.C.G.A. § 21-2-483(g) may be done by reviewing a digital image of the ballot and electronically adjudicating the intent of the voter, if such determination is recorded on the digital image of the ballot.

(h) A vote cast on an optical scan ballot marked by an electronic ballot marker shall be the choices indicated by the printed paper ballot.

(i) When an optical scan ballot marked by an electronic ballot marker contains marks added, in addition to what was printed by the electronic ballot marker, the additional marks shall be ignored.

(j) If, in reviewing an optical scan ballot marked by an electronic ballot marker in accordance with O.C.G.A. §§ 21-2-495 or 21-2-498, a discrepancy is found between the voter's choice indicated by the printed text on the ballot and the result tabulated by the ballot scanner, the printed text shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(k) Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that:

1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection;

2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection;

3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in O.C.G.A. § 21-2-483(g). In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

Cite as Ga. Comp. R. & Regs. R. 183-1-15-.02

AUTHORITY: O.C.G.A. §§ 21-2-2**,** 21-2-31**,** 21-2-133**,** 21-2-439**,** 21-2-483**.**

HISTORY: Original Rule entitled "Definition of Vote" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. May 8, 2020; eff. May 28, 2020.

Amended: F. Sep. 24, 2020; eff. Oct. 14, 2020.

Amended: F. July 21, 2026; eff. Aug. 10, 2026.

Note: Rule 183-1-15-.02, an incorrect version of the Rule was filed by the Agency on July 21, 2026. The Rule in its entirety was updated on the Rules and Regulations website August 13, 2026, the original filed and effective dates (i.e., F. July 21, 2026; eff. Aug. 10, 2026) were retained, as requested by the Agency. Effective August 13, 2026.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-2. REPORTS

300-2-2-.02 Employer Tax and Wage Reports

(1) All liable employers are required to file tax and wage reports pursuant to these rules and in accordance with the instructions issued by the department for the applicable filing method and format.

(2) Employer tax and wage reports shall contain the full first and last name, valid social security number, amount of quarterly wages paid for each individual employee, and any other information as the Commissioner may prescribe. An employer shall ascertain and report the correct social security number of each individual employee in accordance with Rule 300-2-7-.01.

(3) Employers with domestic employment only shall file tax and wage reports with the department annually on or before January 31st of each year for the prior calendar year. All other employers shall file reports with the department quarterly on or before the last day of the month following the end of each calendar quarter. Except for the annual reporting of wages and taxes, requirements for reporting wages by employers of domestic employment shall be the same as for all other employers.

(4) A tax and wage report is filed on the date received by the department or, if an electronic report is not required, when placed in the mail service. When placed in the mail service, the postmark cancellation date shall control over any prior postage meter date shown on the envelope or package.

(5) A tax and wage report that is not filed when due shall be subject to the late filing penalty in O.C.G.A. Section 34-8-165(b) until properly filed. In addition to the late filing penalty, if a report remains unfiled, the employer may become ineligible for an experience rated tax rate, and the employer's tax rate shall be calculated in accordance with O.C.G.A. Section 34-8-155(b).

(6) Mandatory electronic reporting.

(a) All employers shall submit tax and wage reports electronically in a format approved by the Commissioner, unless expressly authorized by the department to file by a different method.

(b) If an employer or an employer's agent fails to file a report electronically when required by this rule, the report may be treated as not filed and subject to late filing penalties and loss of experience rated tax rate.

(7) Any corrections, additions, or adjustments to the regular report filed for any quarter should be reported on Form DOL-3C "Add New Wages and/or Correct Reported Wages" including the reason for the adjustment to the original report, or electronically as directed by the department. Taxes on any additional wages shall be calculated at the tax rate in effect during the quarter in which the wages were paid.

(8) All wages paid an employee in insured employment shall be reported for the quarter in which payment was actually made to the employee. When payment has been made by check, the remuneration shall be reported for the quarter in which the employee's paycheck is dated. For wages paid by electronic funds transfer, direct deposit, payroll card, or any other cash, electronic, or non-cash medium, the remuneration shall be reported in the quarter in which the funds or benefit are made available to the employee.

(9) An employer that has no employment in a calendar quarter, shall, within the prescribed time, either electronically file a report showing no wages, as directed by the department, or shall write across the face of the report "No Employment" and shall date, sign, and mail the report to the department.

(10) Required reporting of additional wage data.

(a) Whenever additional wage information is needed by the department to determine regular or alternative base period wages, each employer shall report such additional wage information as may be requested by the department. Employers shall report the additional wage information by the date designated by the department in its request.

(b) A report of additional wage data made in response to a department request under subparagraph (a) is not a substitute for quarterly tax and wage reports required under paragraph (1) above or for annual reports required of employers with domestic employment only. A report of additional wage data made in response to a department request under subparagraph (a) shall not relieve the employer from properly reporting all wage information with the appropriate quarterly or annual report, when such report is due.

(c) Whenever additional wage information requested by the department under subparagraph (a) of this paragraph is not received by the department within the time required, the department may use documentary information supplied by the benefit claimant (cash receipts, wage check stubs, and Internal Revenue Service tax forms 1099 or W-2) to determine base period wages.

(11) Reporting for administrative assessment.

(a) All provisions of these regulations with respect to taxes, contributions, penalty, interest and costs shall apply with equal force and effect to the administrative assessment specified in O.C.G.A. Section 34-8-180, et seq. Tax and wage reports shall include all information with respect to administrative assessments. This information shall be reported on the same form, by the same method, or in the same format, and shall be submitted at the same time, as all other information in an employer's tax and wage report.

(b) All wages as described above in these rules shall be applied against the employer's rate of contribution as well as the administrative assessment.

(c) Administrative assessments which are not paid when due shall be collected in the same manner as that provided in the Employment Security Law for the collection of contributions, taxes, penalties, interest, costs and reimbursements in lieu of contributions. Any amount due as an assessment may be included in tax executions along with other such payments due or may be collected by separate tax executions.

(d) Any assessment which becomes delinquent, regardless of whether other funds are due from the respective employer, shall bear interest at the rate provided for delinquent contributions in O.C.G.A. Section 34-8-166.

(e) Any delinquent assessment shall become the personal debt of the person required under the provisions of O.C.G.A. Section 34-8-167 to file returns or to pay assessments provided under O.C.G.A. Section 34-8-180, et seq.

Cite as Ga. Comp. R. & Regs. R. 300-2-2-.02

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4), 34-8-70(b), 34-8-150(a), 34-8-165(a), 34-8-180(b), 34-8-183.

HISTORY: Original Rule entitled "Hazardous Materials Overhead" adopted. F. and eff. May 18, 1965.

Amended: Rule renumbered as and Rule 300-1-2-.02, entitled "Reports," renumbered as 300-2-2-.02. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Employer Tax and Wage Reports" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Amended: F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Amended: F. Jan. 9, 1989; eff. Jan. 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 10, 2002; eff. Jan. 1, 2003, as specified by the Agency.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

Amended: F. Oct. 29, 2024; eff. Nov. 18, 2024.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-3. TAX RATES AND COVERED EMPLOYMENT

300-2-3-.02 Penalty and Interest

(1) Interest.

(a) Interest on delinquent unemployment insurance contributions, reimbursements in lieu of contributions, and administrative assessments shall be computed from the first day following the due date thereof at the rate specified in the Employment Security Law. Interest will be charged from the due date until payment is received.

(b) Waiver.

1. As provided in O.C.G.A. Section 34-8-166, the Commissioner may waive the accrual of interest only when it is reasonably determined that the delay in payment was due to the action or inaction of the department.

2. There shall be no administrative appeal rights to a decision by the Commissioner on an interest waiver request.

(2) Penalty.

(a) Late report filing.

1. Any employer who fails to file a tax and wage report on or before the due date shall be penalized in the amount specified in Section 34-8-165(b) of the Employment Security Law. Such penalty shall continue to be assessed until the report is filed pursuant to these rules.

2. For the purposes of the late filing penalty provided in O.C.G.A. Section 34-8-165(b) and tax rate calculation under O.C.G.A. Section 34-8-155(b), a tax and wage report may be considered not filed if an employer or agent of an employer:

(i) Fails to submit any portion of the report electronically when required pursuant to Rule 300-2-2-.02;

(ii) Misreports by ten (10) percent or more the amount of tax required by the Employment Security Law to be shown on the tax and wage report; or

(iii) Submits a tax and wage report containing an incorrect or invalid social security number and fails to either provide satisfactory documentation of reasonable and timely efforts to ascertain the valid social security number when requested by the department or promptly file a corrected or supplemental report upon obtaining the valid social security number, as required by Rule 300-2-7-.01.

3. Waiver.

(i) Nothing in this rule shall be interpreted to limit or impair the authority of the Commissioner provided in O.C.G.A. Section 34-8-165(c) to waive the monetary penalty for delinquent tax and wage reports; provided, however, that no amount of tax payable due to an increased tax rate by operation of O.C.G.A. Section 34-8-155 shall be waivable under the authority of O.C.G.A. Section 34-8-165(c).

(ii) There shall be no administrative appeal rights to a decision by the Commissioner on a penalty waiver request.

(b) Employee misclassification.

1. Any employing unit that misclassifies an employee for unemployment insurance tax or administrative assessment purposes may be:

(i) Assessed a penalty for each misclassified employee, as provided in O.C.G.A. Section 34-8-257(a): and

(ii) Charged a fee to cover the expense of investigating such misclassification at a rate established by the Commissioner, with interest, as provided in O.C.G.A. Section 34-8-257(b).

2. Waiver.

(i) In the discretion of the Commissioner, any penalty or fee assessed for employee misclassification may be waived.

(ii) There shall be no administrative appeal rights to a decision by the Commissioner on an employee misclassification penalty or fee waiver request.

(3) Liability under O.C.G.A. Section 34-8-33(a)(8) - acquisition of a liable business:

(a) Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the acquisition occurred or from the end of the month following the month in which the employer was notified of the liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the acquisition occurred.

(4) Liability under O.C.G.A. Section 34-8-33(a)(9) - combined employment of two or more not liable employing units:

(a) Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of its liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(5) Liability under O.C.G.A. Section 34-8-33(a)(6) - re-registration of an employer after being inactive (unless terminated):

(a) Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the employer re-entered business.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the employer re-entered business.

(6) Liability under O.C.G.A. Section 34-8-33(a)(7) - election of coverage:

(a) Penalty. In all cases, penalty will be charged from the end of the month following the month in which the employer was notified of liability or from the end of the month following the initial quarter of liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer was notified of its liability.

(7) Liability under O.C.G.A. Section 34-8-33(a)(10) - liability under federal law:

(a) Penalty. In all cases, penalty will be charged from the end of the month following the month in which the employer was notified of liability or from the end of the month following the initial quarter of liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the employer employed its first worker in Georgia.

(8) Liability under O.C.G.A. Section 34-8-33(a)(1)(A) - payment of $1,500.00 or more in wages for any one quarter in either the current or preceding calendar year:

(a) Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the employer had $1,500.00 or more in wages or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer had $1,500.00 or more in wages.

(9) Liability under O.C.G.A. Section 34-8-33(a)(1)(B) - employment of one or more employees:

(a) Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(10) Liability under O.C.G.A. Section 34-8-33(a)(5) - operation of a governmental organization:

(a) Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the employer was notified of liability.

(b) Interest. In all cases where an employer is on a contributory basis, interest will be charged on delinquent taxes from the regular due date of each "Employer's Quarterly Tax and Wage Report" (which the employer must file and pay), regardless of when the employer was notified of liability.

(c) In all cases where an employer is on a reimbursable basis, interest will be charged beginning thirty (30) days after the release date of Form DOL-621, "Reimbursable Employer's Quarterly Bill".

(11) Liability under O.C.G.A. Section 34-8-33(a)(4) - operation of a non-profit organization:

(a) Penalty. In all cases, penalty will be charged from the regular due date for the quarter in which the twentieth (20th) week during the calendar year was reached or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b) Interest. In all cases where an employer is on a contributory basis, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer reached the twentieth (20th) week during the calendar year.

(c) In all cases where an employer is on a reimbursable basis, interest will be charged beginning thirty (30) days after the release date of Form DOL-621, "Reimbursable Employer's Quarterly Bill".

(12) Liability under O.C.G.A. Section 34-8-33(a)(8) - acquisition by a non-liable employer of a liable business causing liability:

(a) Penalty. In all cases, penalty will be charged from the end of the month following the quarter in which the acquisition occurred or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b) Interest. In all cases, interest will be charged on delinquent taxes from the end of the month following the quarter in which the acquisition occurred.

(13) Liability under O.C.G.A. Section 34-8-33(a)(2) - employment of employees in domestic service:

(a) Penalty. Except as otherwise provided herein, penalty will be charged from the regular due date for the quarter in which the employer paid $1,000.00 or more in cash remuneration or from the end of the month following the month in which the employer was notified of liability, whichever is the later date. Employers with domestic employment only shall be charged penalty from the regular due date for the calendar year in which the employer paid $1,000.00 or more in cash remuneration or from the end of the month following the month in which the employer was notified of liability, whichever is the later date.

(b) Interest. Except as otherwise provided herein, interest will be charged on delinquent taxes from the last day of the month following the quarter in which the employer paid $1,000.00 or more in cash remuneration. Employers with domestic employment only shall be charged interest from the last day of the month following the calendar year in which the employer paid $1,000.00 or more in cash remuneration.

Cite as Ga. Comp. R. & Regs. R. 300-2-3-.02

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-150(a)**,** 34-8-165(a)**.**

HISTORY: Original Rule entitled "Washing Facilities" adopted. F. and eff. May 18, 1965.

Amended: Rule renumbered as and Rule 300-1-3-.02, entitled "Interest," renumbered as 300-2-3-.02. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Penalty and Interest" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule of same title adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 10, 2002; eff. Jan. 1, 2003, as specified by the Agency.

Amended: F. Jan. 24, 2020; eff. Feb. 13, 2020.

Amended: F. Oct. 29, 2024; eff. Nov. 18, 2024.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-4. UNEMPLOYMENT INSURANCE BENEFIT PAYMENTS

300-2-4-.02 Claimant Registration for Work and Job Referrals

(1) Purpose and scope. This rule sets the conditions under which a claimant must register for work and accept job referrals as a condition of receiving unemployment insurance benefits. Registration for work and the operation of the public labor exchange are administered by the Technical College System of Georgia ("TCSG") through WorkSource Georgia, or any successor system designated by TCSG. This rule governs only the unemployment insurance consequences of a claimant's compliance or noncompliance with the registration and referral requirements.

(2) Registration required. Except as provided in paragraph (4), a claimant must register for work with TCSG through WorkSource Georgia, or any successor system designated by TCSG, in the manner and within the timeframe directed by the Department. A claimant who fails to complete registration as directed is ineligible for unemployment insurance benefits for any week in which the registration requirement remains unmet.

(3) Reporting, work search, and job referrals. The Department may direct a claimant to:

(a) Report on work-search activities;

(b) Accept and respond to job referrals received through WorkSource Georgia or directly from an employer; and

(c) Take any other action reasonably necessary to determine the claimant's continued eligibility for benefits.

A claimant who, without good cause, fails to make a required report, refuses a referral to suitable work, or fails to take other action directed by the Department is ineligible for benefits as provided in Georgia Code Sections 34-8-194 and 34-8-195.

(4) Exceptions. A claimant is not required to register for work under paragraph (2) if the claimant is:

(a) On a short-term layoff with a definite recall date within six (6) weeks of the last day worked;

(b) A partial unemployment claimant as described in Rule 300-2-1-.01;

(c) Attending training approved by the Commissioner;

(d) A member of a union in good standing who customarily obtains work through a hiring hall or similar placement facility, and who provides evidence of current union membership and current registration with the union for job referrals; or

(e) Unemployed because of a strike or similar labor dispute, except that a claimant who has been locked out must register if directed by the Department.

(5) How registration and referrals are reported to the Department. TCSG provides the Department with information about a claimant's registration, referrals, and refusals through data exchanges established between the agencies. A claimant or employer may also report to the Department any information relevant to the claimant's compliance with this Rule.

(6) Coordination with TCSG. Nothing in this Rule confers on the Department any authority over the operation of WorkSource Georgia, the State Employment Service, or Wagner-Peyser Act programs in Georgia, all of which are administered by TCSG. See GDOL Rule 300-2-7-.14 for the allocation of responsibilities between the Department and TCSG regarding job openings and refusals of work.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.02

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-190(a)**,** 34-8-191(a)**,** 34-8-195(a)(2)**.**

HISTORY: Original Rule entitled "Protection from Welding Rays" was filed and effective on May 18, 1965.

Amended: Rule renumbered as 300-3-4-.02 and Rule 300-1-4-.02, entitled "Regulations Pertaining to Maritime Workers" renumbered as 300-2-4-.02.

Amended: F. June 1, 2023; eff. June 1, 2023, as specified by the Agency.

Amended: New title, "Claimant Registration for Work and Job Referrals." F. July 20, 2026; eff. Aug. 9, 2026.

300-2-4-.10 Mass Separation Notices

(1) Purpose. This rule establishes how an employer reports a mass separation to the Department for purposes of administering the unemployment insurance program. The Mass Separation Notice (Form DOL-402, with continuation sheet Form DOL-402A) is an administrative tool used to expedite the processing of unemployment insurance claims arising from group separations.

(2) When a mass separation notice is required. An employer or employing unit must file a Mass Separation Notice when twenty-five (25) or more workers at a single establishment are separated on the same day, for the same reason, and the separation is:

(a) Permanent;

(b) For an indefinite period; or

(c) For an expected duration of seven (7) or more days.

(3) Filing deadline. The employer must file the completed Form DOL-402, together with Form DOL-402A if more than one worker is listed, within forty-eight (48) hours after the separation occurs.

(4) How to file.

(a) Electronic filing encouraged. Employers are encouraged to file the Mass Separation Notice electronically through the Employer Portal on the Department's website or by another electronic method designated by the Commissioner.

(b) Alternative filing. If electronic filing is not available to the employer, the employer may file the notice with the Department by email to the address designated by the Commissioner, or by hard copy delivered or mailed to the Department's office serving the employer's place of business.

(5) Separations due to a labor dispute.

(a) For total or part-total unemployment caused by a strike, lockout, or other labor dispute, the employer or employing unit must file only Form DOL-402 within forty-eight (48) hours after the unemployment first occurs. The notice must describe the existence and nature of the dispute and must be filed with the Department's UI Legal Section through the electronic method designated by the Commissioner or, if electronic filing is unavailable, at the address published on the Department's website.

(b) On request of the Department, the employer or employing unit must, within four (4) business days, provide the names and Social Security numbers of the workers ordinarily attached to the establishment where the unemployment is caused by the strike, lockout, or other labor dispute.

(6) Relationship to individual Separation Notices. An employer that timely files a Form DOL-402 (and Form DOL-402A, if applicable) for a covered separation is not required to issue a Form DOL-800 "Separation Notice" under Rule 300-2-7-.06 to the workers listed on the mass separation notice.

(7) Scope of the Department's enforcement. The Department enforces this rule only as necessary to administer the unemployment insurance program. The Department will not initiate enforcement action where the information needed to adjudicate affected claims has otherwise been timely furnished, or where enforcement is sought for a purpose unrelated to the administration of unemployment insurance benefits. Nothing in this rule creates a private right of action.

Cite as Ga. Comp. R. & Regs. R. 300-2-4-.10

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**.**

HISTORY: Original Rule entitled "Mass Separation" adopted. F. Jun. 25, 1998; eff. July 15, 1998.

Amended: New title, "Mass Separation Notices." F. July 20, 2026; eff. Aug. 9, 2026.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-5. APPEALS

300-2-5-.01 Employer Tax Liability Appeals

(1) For the purposes of this rule, "tax liability" shall mean the status of an employing unit as a liable or not liable employer. It shall not mean any specific sum that has been assessed or specific tax rate that has been assigned to an employing unit.

(2) Determination of liability.

(a) Liability for unemployment insurance taxes shall be based upon the definitions found in the Employment Security Law, primarily to include "employing unit", "employer", "employment", and "wages". Definitions of these same terms from the common law or other state or federal laws shall not be controlling. Likewise, neither the language of a contract, such as an independent contractor agreement, nor a party's belief about the status of a worker shall be controlling. A determination of unemployment insurance tax liability shall be based on the true underlying nature of the relationship between a worker and an entity.

(b) Any entity ("employing unit") that remunerates any individual for the performance of personal services in this state shall cooperate with the department for the purposes of determining unemployment insurance tax liability.

1. It shall be the duty of any such employing unit to ensure it is either compliant with the unemployment insurance reporting and tax requirements of the law and these rules, or that it is entitled to a specific statutory exemption from such requirements.

2. In any administrative proceeding before the department or Office of State Administrative Hearings, an employing unit shall bear the burden of proof to show it is entitled to an exemption from the reporting and tax requirements of the law and these rules.

3. If an individual is remunerated by a different entity than the one for whom such personal services are actually performed, the entity remunerating the individual shall have the duty of ensuring compliance with the reporting and tax requirements of the law and these rules. Such entity shall:

(i) Cooperate in disclosing to the department:

(I) The identity of any entity for whom the individual performed the personal services at issue; and

(II) The frequency and nature of the relationship, including any written agreements governing the payment of the wages at issue and any commonality of ownership with any such entity; and

(ii) Have the burden of proof to show the services are exempt from unemployment insurance taxes, or, if such services are not exempt, to show liability for the services should be assigned to another entity, whether through the agency provisions of O.C.G.A. Section 34-8-34 or otherwise.

4. Failure to cooperate with the department or to meet the burden of proof may result in liability being assigned to the entity remunerating the individual.

(c) The determination as to the unemployment insurance tax liability of any employing unit shall be based upon the information contained in a properly executed Form DOL-1 or Form DOL-1A, "Employer Status Report", or Form DOL-1G, "Registration of Governmental Organizations", together with other available information and reports of investigations.

1. For the purpose of determining liability of any employing unit as defined in O.C.G.A. Section 34-8-33,"week" means a period of seven (7) consecutive calendar days beginning with the first day of the calendar week and ending at midnight on the last day of such calendar week during a calendar year. If any such week includes December 31 and January 1, the days up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week.

2. The employing unit shall be promptly notified of the determination and the reasons thereof.

(3) Appeals from a determination of tax liability.

(a) Any interested party who claims to be aggrieved by a determination of unemployment insurance tax liability may protest the findings contained in the determination and such protest, in writing, shall be deemed as an appeal from such determination.

1. In addition to appeals from a determination of tax liability, the law or these rules may provide the right to an administrative appeal hearing to protest a specific unemployment insurance tax related determination made by the department. When such a right has been specifically provided in the law or these rules, the protest shall be handled in accordance with the procedures set forth in this rule, unless the law or rules provide that the Commissioner shall preside at the hearing and be the ultimate decision maker.

2. There shall be no right to an administrative appeal hearing to protest any unemployment insurance tax determination unless such a right is specifically provided in the law or these rules.

3. Neither the Unemployment Insurance Appeals Tribunal nor Board of Review shall have jurisdiction over an appeal of an unemployment insurance tax liability determination.

4. The filing of an appeal shall not stop the accrual of penalty or interest on delinquent reports and taxes.

(b) The protest shall set forth the specific grounds for the protest and shall be filed with the unit in the department which released the determination within fifteen (15) days of the date of mailing of the tax liability determination. An appeal shall be considered timely filed with the department if it is postmarked or hand delivered within fifteen days of the mailing date of the determination of liability. For purpose of these rules, a postal meter mark will not be considered to be a postmark. Determinations which are appealed via alternative means of delivery such as electronically, private courier, or otherwise in parcels lacking physical evidence of delivery by the U.S. Postal Service shall be deemed filed the date the appeal is received by the department pursuant to Official Code of Georgia Annotated Section 50-13-23.

(c) The department shall promptly compile sufficient copies of the record and forward them with the appeal to the Office of State Administrative Hearings (OSAH) where it will be processed in accordance with the Georgia Administrative Procedures Act (O.C.G.A. Section 50-13-1, et seq.).

(d) In preparation for a hearing before the Office of State Administrative Hearings, any interested party shall be allowed to examine or review relevant confidential department records in addition to those filed with the record and appeal to the Office of State Administrative Hearings. A written request for such examination or review must be received by the department reasonably in advance of the scheduled hearing. The request must be consistent with the disclosure provisions of the Employment Security Law at O.C.G.A. Section 34-8-120, et seq.

(4) Appeals from the employer tax liability determination rendered by the Administrative Law Judge shall be made directly to Superior Court and not to the board of review. The decision of the Administrative Law Judge shall become final and binding thirty (30) days from the date the Administrative Law Judge's final order is dated and filed with the Office of State Administrative Hearings unless, prior to the expiration of the thirty (30) day period, a petition for judicial review is filed with the Superior Court as provided by Official Code of Georgia Annotated Section 50-13-19. No stay shall operate after the expiration of the thirty (30) day appeal rights to Superior Court. The Commissioner shall be a party at interest to such decision.

(a) A party at interest who has filed an appeal for judicial review to the Superior Court, may, upon request, be supplied information from the records of the department to the extent necessary for the proper presentation of an appeal to the Superior Court. The request must be consistent with the confidentiality provisions of O.C.G.A. Section 34-8-120, et seq.

(b) Service. A petition for judicial review to Superior Court must join the Commissioner as a party at interest in the action. Timely service may be perfected upon the Commissioner either personally or by mail at the Georgia Department of Labor, 148 International Boulevard, N.E., Atlanta, Georgia 30303-1751. Service by any other means shall not be sufficient.

Cite as Ga. Comp. R. & Regs. R. 300-2-5-.01

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**.**

HISTORY: Original Rule entitled "Maintenance and Inspection" adopted. F. and eff. May 18, 1965.

Repealed: New Rule entitled "Regulations Relating to the Determination of Liability to Employers and Appeals from such Determinations" adopted. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Employer Liability Appeals" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Repealed: New Rule of same title adopted. F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule of same title adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Amended: F. Jan. 9, 1989; eff. Jan. 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Repealed: New Rule entitled "Employer Tax Liability Appeals" adopted. F. Jan. 15, 1998; eff. Feb. 6, 1998, as specified by the Agency.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Oct. 29, 2024; eff. Nov. 18, 2024.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

300-2-5-.02 Benefit Appeals to an Administrative Hearing Officer

(1) The appeal.

(a) Any party of interest dissatisfied with an administrative determination may file in writing a notice of appeal with the department, setting forth the name of the claimant and the social security number contained on the determination and the date of such determination. An appeal may be filed online via internet, by mail, by overnight statutory mail, or by hand delivery to the department.

(b) A determination establishing or denying a right to draw benefits shall be deemed final, unless a written appeal is filed within fifteen (15) days after the determination is handed to or mailed to an interested party. An appeal will be considered timely filed if it is properly filed via the internet (in accordance with instructions provided by the department for such filing), postmarked, or hand delivered within fifteen (15) days of the mailing date of the determination. For purposes of these rules, a postal meter mark will not be considered to be a postmark. Determinations which are appealed via alternative means of delivery such as private courier, or otherwise in parcels

lacking physical evidence of delivery by the U.S. Postal Service shall be deemed filed on the date the appeal is received by the department pursuant to Official Code of Georgia Annotated Section 50-13-23.

(c) An employer who is liable for the payment of unemployment insurance tax, is reimbursable or is a governmental agency; who has paid that individual insured wages for services; and who is entitled to notice of claim filed by that individual as the most recent employer, as defined by O.C.G.A. Section 34-8-43, shall be deemed to be an interested party to the administrative determination of such claim.

(2) The notice of hearing.

(a) Claimant benefit hearings shall be scheduled promptly to be conducted by telephone. The Chief Administrative Hearing Officer shall determine the time, place, and manner in which telephone appeals hearings shall be conducted. Once a hearing has been scheduled, postponement or continuation of the hearing is within the discretion of the Chief Administrative Hearing Officer or their designee or, if the hearing has commenced, the administrative hearing officer presiding over the hearing. In person hearings will only be scheduled when physical impairments of the interested parties and/or witnesses, the complexity or nature of the case and other pertinent factors are shown to the Chief Administrative Hearing Officer or their designee, who shall determine whether the need for an in person hearing has been established, and the time, place, and manner in which any such in person hearing shall be conducted.

(b) Hearings conducted telephonically, except where waiver is given, shall be heard by an administrative hearing officer no earlier than ten (10) days after written notice of the time and place is mailed to the interested parties. In-person appeals, when allowed and except where waiver is given, shall be heard by an administrative hearing officer at the earliest possible date, but no earlier than seven (7) days after written notice of the time and place is mailed to the interested parties.

(c) The notice of hearing shall cite the sections of law pertinent to the appeal and include a general statement of the issues involved.

(3) The hearing.

(a) The administrative hearing officer shall administer the oath to all witnesses prior to accepting testimony and shall conduct the hearing in an orderly manner, maintaining control and preventing any disruption of the hearing process. The administrative hearing officer shall develop the record by conducting appropriate inquiries and shall allow each party an opportunity to examine and cross-examine witnesses on all matters pertinent to the issues. No testimony shall be taken that does not permit the parties of interest an opportunity for cross-examination. Any individual who disrupts the procedures, after warning, may be ejected and denied any further participation in the hearing.

(b) Issuance of subpoenas. Subpoenas to compel the attendance of witnesses and the production of records pertinent to any hearing of an appeal shall be issued by the Chief Administrative Hearing Officer upon request therefor from a party of interest. The Department shall be a party of interest for the purposes of this rule.

1. The Department must receive the request for subpoenas at least five (5) business days prior to the hearing date.

2. The request shall state the reason why the subpoenas are needed.

3. The party requesting the subpoenas shall have the responsibility of serving the subpoenas.

4. Service shall be completed no less than three (3) business days prior to the hearing date for it to be considered timely.

5. The Department shall not be responsible for any fees associated with the production of documents or service of subpoenas.

(c) Witness Fees.

1. In-Person Hearings. A witness fee of $10.00 per day per docket shall be paid to a subpoenaed person in attendance at an in-person hearing; provided, however, that no witness fee shall be paid unless the subpoenaed person makes written request to the Department, on a form established by the Department, within seven (7) days of participation in the hearing. The total witness fees paid to an individual shall not exceed $30.00 per appeal. Witness fees shall not be paid to a party representative or an employee of an employer subpoenaed by that employer.

2. Telephonic Hearings. Witness fees shall only be paid for attendance at in-person hearings.

(d) Appeals involving multi-claimants or a labor dispute may be heard by a three-person tribunal consisting of an administrative hearing officer, as chairman, and two other members appointed by the Commissioner for that purpose, except when the administrative hearing officer is designated to hear the matter alone. When heard by a three-person tribunal, the decision of two-members of the tribunal shall constitute the decision of the tribunal. The other member may file a dissenting report giving reasons for not agreeing with the decision.

(e) Appeals involving multi-claimants or involving a labor dispute may be heard at any place designated by the chairman of the three-person tribunal or the designated administrative hearing officer hearing these appeals.

(4) Form and contents of decision. The administrative hearing officer shall observe the suggestions of the Employment and Training Administration, United States Department of Labor in regard to the form and contents of benefit decisions.

(5) A postponement of the hearing may be granted upon request showing providential cause will prevent the attendance of a party or essential witnesses. A request for postponement must be made at the earliest practical time and must be made in writing. In the absence of very unusual circumstances, a business engagement will not constitute good cause for postponement. Such requests may be granted or denied at the discretion of the Chief Administrative Hearing Officer.

(6) Requests to reopen a hearing. Any interested party, including the department, who fails to appear may request to reopen a hearing within fifteen (15) days after the administrative hearing officer's decision is issued. The petition shall state fully the ground upon which the request to reopen a hearing is sought, giving complete details for the failure to appear as scheduled. A new hearing will then be scheduled to cover the issue of the party's failure to appear as scheduled and may also include the issues raised on the initial appeal. In the absence of very unusual circumstances a business engagement will not constitute good cause to reopen a hearing. The petition to reopen a hearing may be granted upon a showing of providential cause for failure to attend or failure to give timely notice of inability to attend the original hearing.

(7) Correction of error and augmentation of the record. Any interested party, including the department, may request correction of an administrative hearing officer or the board of review decision if the request is made in writing and filed or mailed within fifteen (15) calendar days of the release date of the decision. The administrative hearing officer or the board of review retains jurisdiction to reopen the hearing, amend or correct any decision which is not final, or exercise continuing jurisdiction as provided by the rules pertaining to O.C.G.A. Section 34-8-220 unless the board of review has accepted an appeal. Whenever a request for correction is submitted to the administrative hearing officer or the board of review, a decision will be issued and new appeal rights will be established.

(8) Requests for removal of an administrative hearing officer from a case. A party may request that an administrative hearing officer remove himself or herself from a case on the basis of partiality, interest or prejudice. An administrative hearing officer's employment with the department shall not, by itself, be sufficient cause for removal of an administrative hearing officer from a case. The request for removal must be made in writing prior to the hearing, unless the reason for the request was not or could not have been known prior to the hearing. The request must state specific facts which are alleged to establish cause for removal. If the administrative hearing officer agrees that he or she should be reassigned, another administrative hearing officer will be assigned to the case. However, if the administrative hearing officer finds no reason to remove himself or herself, he or she will rule on the request verbally during the hearing and explain the basis for the ruling. Challenges to the partiality of the administrative hearing officer will not result in a delay of the hearing. Appeals pertaining to the partiality of the administrative hearing officer may be filed consistent with the time limitations for appealing the decision.

Cite as Ga. Comp. R. & Regs. R. 300-2-5-.02

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4), 34-8-70(b), 34-8-222.

HISTORY: Original Rule entitled "Inspection in Certain Plants Governed by American Standards Association and the Underwriters' Laboratories, Inc." adopted. F. and eff. May 18, 1965.

Repealed: New Rule entitled "Regulations Pertaining to Appeals" adopted. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Board of Review Rules Pertaining to Appeals" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Repealed: New Rule of same title adopted. F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule entitled "Board of Review Regulations Relating to Appeals" adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule entitled "Appeals to Appeals Tribunal" adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule entitled "Benefit Appeals to an Administrative Hearing Officer" adopted. F. Jan. 9, 1989; eff. Jan. 29, 1989.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Dec. 9, 2005; eff. Jan. 1, 2006, as specified by the Agency.

Amended: Title changed to "Benefit Appeals to an Administrative Hearing Officer. Amended." F. Sep. 29, 2014; eff. Oct. 19, 2014.

Amended: F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

300-2-5-.04 General Rules for Appeals to an Administrative Hearing Officer and Board of Review Appeals

(1) Attorney fees. Counsel for claimant shall, upon application and approval by the board of review, be authorized to charge and receive from the claimant, for an appearance before either an appeals tribunal or the board of review, a fee in an amount not to exceed $300.00 for each appearance; provided that for an appearance before the board of review which required counsel to travel a distance of more than twenty-five (25) miles, an additional amount may be authorized by the board. Provided, further, that the total allowance authorized on any claim shall not be in excess of fifty percent (50%) of the amount involved in the claim. Only for good cause shown to the satisfaction of the board of review may an allowance in excess of these amounts be approved.

(2) Supplying information from the department. Information from the records of the department to the extent necessary for the proper presentation of a claim before an administrative hearing officer or the board of review shall be available to the interested parties upon request. Any interested party may have access to the information in the records pertinent to the claim or claims to the extent of reviewing the file or files. The department shall release the entire file whenever a case is taken to court, but shall not be compelled to release a copy or permit the copying of any confidential or privileged communications prior to such proceedings in a court of record. Copies may be obtained only as otherwise provided in Section 300-2-6-.02 of these rules.

(3) Representation before appeals tribunals and board of review.

(a) Any individual may appear in person in any proceeding before any appeals tribunal or before the board of review. A partnership may be represented by any member. A corporation or association may be represented by any of its officers or agents. Any party may be represented by counsel or any agent of their choice, as provided in O.C.G.A. Section 34-8-251.

(b) Appearance before the board of review on behalf of the department shall be limited to members of the staff designated by the Commissioner.

(4) Excused for cause. No administrative hearing officer, member of a three-person tribunal or member of the board of review shall participate in a hearing to determine the issues in any appeal in which that individual has an interest in the outcome.

(5) An appeal shall be considered to be timely filed if the appeal is filed on the next day the office of the department is open and the last day for filing the appeal fell on a Saturday, Sunday, official holiday for which the department's offices were closed or the department's office was closed due to a temporary emergency. An appeal shall be considered to be filed on the same date as the postmark cancellation date shown on its envelope, or the actual date of receipt by the department if there is no postmark cancellation date or if the date on the envelope is illegible. A postage meter date shall not be considered for purposes of timeliness. An appeal may be filed in person, electronically, or by mail. For purposes of these rules, a postal meter mark will not be considered to be a postmark.

(6) Ex parte communications. No parties will be permitted to discuss the merits or facts of any pending case with the administrative hearing officer assigned to the case or the board of review either before or after the hearing, prior to the issuance of the decision, unless all other parties to the case have been given notice and opportunity to be present. Any discussions between the parties and the administrative hearing officer or the board of review on procedural issues or inadvertent ex parte information regarding the merits of the case will be reported to the parties at the time of the hearing and made a part of the record. Discussions with department employees who are not designated to represent the department on the issue or who do not provide factual information and are not expected to participate in the hearing of the case, are not ex parte communications and do not need to be made a part of the record.

Cite as Ga. Comp. R. & Regs. R. 300-2-5-.04

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-222**.**

HISTORY: Original Rule entitled "Appeals to the Board of Review" was filed and effective on May 18, 1965 as Rule 300-1-5-.04, by filing of May 20, 1966; effective June 8, 1966, said Rule was renumbered as 300-2-5-.04.

Amended: Rule repealed and a new Rule entitled "Claimant Eligibility Appeals to the Board of Review" adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule entitled "General Rules for Appeals Tribunal and Board of Review Appeals" adopted. Filed October 24, 1983; effective November 13, 1983.

Amended: Filed January 9, 1989; effective January 29, 1989.

Repealed: New Rule entitled "General Rules for Appeals to an Administrative Hearing Officer and Board of Reviews Appeals" adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR

Chapter 300-2. EMPLOYMENT SECURITY LAW

Subject 300-2-7. REQUIREMENTS FOR EMPLOYEES AND EMPLOYERS

300-2-7-.01 Identification of Employees

(1) Each employer shall ascertain the correct name and social security number of each individual employed by such employer for purposes of reporting wages and other information required by the Employment Security Law and these rules.

(2) Each individual shall furnish to every employer with whom they are employed, the individual's social security number and name exactly as it is shown in the current records of the Social Security Administration, including, if available, as it is shown on the individual's Social Security card.

(a) Each individual shall notify every employer with whom they are employed, of any change to such individual's name or social security number in the records of the Social Security Administration as soon as is practicable.

(b) The employer shall take reasonable steps to verify that the name and social security number provided by each employee accurately reflect the current records of the Social Security Administration.

(3) Each employer shall report each individual employee's social security number and name in making any report, including tax and wage reports, required by the department.

(a) No government issued identification number, temporary or permanent, shall be utilized in making any report required by the department, in lieu of a valid social security number.

(b) Reporting of any government issued identification number other than an individual's current valid social security number may result in the report being treated as not filed for purposes of assessing late filing penalties and calculating employer tax rates, as set forth in Rule 300-2-3-.02.

(4) Notwithstanding the requirement to report each employee's valid social security number, an employer may use a department-approved placeholder number when, despite reasonable and timely efforts, the employer has been unable to obtain an employee's social security number by a filing deadline.

(a) The employer shall file a corrected or supplemental report promptly upon obtaining the employee's valid social security number.

(b) The employer shall maintain documentation of reasonable and timely efforts to obtain an employee's valid social security number and shall provide such documentation when requested by the department.

Cite as Ga. Comp. R. & Regs. R. 300-2-7-.01

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-121(b)**.**

HISTORY: Original Rule entitled "Installation of Protective Covering" was filed and effective on May 18, 1965.

Amended: Rule renumbered as 300-3-7.01 and Rule 300-1-7.01, entitled "Identification of Workers," renumbered as 300-2-7-.01. Filed May 20, 1966; effective June 8, 1966.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 16, 1974; effective November 5, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

Amended: Rule repealed and a new Rule entitled "Identification of Employees" adopted. Filed October 24, 1983; effective November 13, 1983.

Repealed: New Rule, same title, adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.

300-2-7-.06 Separation Notices Required from Employers

(1) Purpose and use of the Separation Notice. The Form DOL-800 ("Separation Notice") exists solely to assist the Department in the administration of the unemployment insurance program under the Employment Security Law. The notice is an administrative tool used, when needed, to expedite the processing of unemployment insurance claims. It is not intended to serve, and shall not be used as, a record of employment, a service letter, evidence of the reason for separation in any non-unemployment proceeding, or documentation for any other purpose unrelated to the administration of unemployment insurance benefits.

(2) When a separation notice is required. An employer must give a completed Separation Notice to each worker separated from employment, no matter the reason for the separation. This requirement does not apply when the employer files a mass separation notice on Form DOL-402 or Form DOL-402A.

(3) How to deliver the Separation Notice.

(a) Electronic delivery encouraged. Employers are encouraged to deliver the Separation Notice electronically. Electronic delivery satisfies this Rule if the employer:

1. Sends the completed notice to an email address, employee self-service portal, or other electronic system the employee uses or has been given access to for employment-related communications;

2. Uses a method that produces a record the employer can retain and reproduce; and

3. Signs the notice using any electronic signature that complies with the Georgia Uniform Electronic Transactions Act, including a typed name, a digital signature, or an authenticated entry in the employer's payroll or HR system.

(b) Hard-copy delivery. An employer may deliver a signed paper copy of the Separation Notice to the employee.

(c) Timing. The employer must deliver the Separation Notice, electronically or in hard copy, on the employee's last day of work.

(d) Employee unavailable. If the employee is not available on the last day of work, the employer must, within three (3) days after the separation occurs or becomes known to the employer, send the notice to the employee by:

1. Email or another electronic method the employee uses for employment communications; or

2. U.S. mail to the employee's last known address.

(4) Use of the Separation Notice when filing a claim. A claimant filing for unemployment insurance must provide if requested by the department a copy of the Separation Notice issued by the most recent employer.

(5) Employer response to a claim. If the employer is the most recent employer as defined in the law and these rules, the Department may send the employer a Form DOL-1199FF or Form DOL-403FF, "Notice of Claim Filed and Request for Separation Information".

(a) If the employer already provided a Separation Notice, the employer's response on Form DOL-1199FF or Form DOL-403FF is optional and, if submitted as instructed, is a timely response to the claim.

(b) If the employer did not provide a Separation Notice, the employer must respond to the claimant's statement on Form DOL-1199FF or Form DOL-403FF as instructed on the form to be considered a timely response.

(6) Completeness and signature. A Separation Notice, Form DOL-403FF, or Form DOL-1199FF must be complete and signed, by handwritten or electronic signature, to qualify as a timely response to a claim.

(7) Recordkeeping. An employer that delivers a Separation Notice electronically must retain proof of delivery (such as a transmission log, system record, or read receipt) for at least four (4) years and produce it upon request by the Department.

(8) Scope of the Department's enforcement.

(a) When substantive separation information is necessary to adjudicate a claim, it is obtained directly from the employer through the Form DOL-1199FF or Form DOL-403FF after a claim is filed. The Department therefore enforces the requirements of O.C.G.A. § 34-8-190(c) and this Rule only as necessary to administer the unemployment insurance program.

(b) The Department will not initiate enforcement action based on an employer's failure to issue a Separation Notice where:

1. The employer has timely and completely responded to a Form DOL-1199FF or Form DOL-403FF; or

2. The requested enforcement is sought for a purpose unrelated to the administration of unemployment insurance benefits, including use of the notice as an employment reference, service letter, or evidence in another civil or administrative proceeding.

(c) Nothing in this rule creates a private right of action to compel issuance of a Separation Notice.

Cite as Ga. Comp. R. & Regs. R. 300-2-7-.06

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4), 34-8-70(b), 34-8-190(c).

HISTORY: Original Rule entitled "Applicability of the Act and These Rules and Regulations" adopted. F. and eff. May 18, 1965.

Repealed: New Rule entitled "Partial Unemployment" adopted. F. May 20, 1966; eff. June 8, 1966.

Repealed: New Rule entitled "Notice Required from Employers Furnishing Separation Information" adopted. F. Oct. 16, 1974; eff. Nov. 5, 1974.

Amended: F. Aug. 29, 1975; eff. Sept. 18, 1975.

Amended: F. Nov. 4, 1976; eff. Nov. 24, 1976.

Repealed: New Rule of same title adopted. F. June 29, 1979; eff. July 19, 1979.

Repealed: New Rule entitled "Employer Notice of Refusal of Suitable Work" adopted. F. Oct. 24, 1983; eff. Nov. 13, 1983.

Repealed: New Rule entitled "Notices Required from Employers Furnishing Separation Information" adopted. F. Apr. 5, 1991; eff. Apr. 25, 1991.

Repealed: New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. June 25, 1998; eff. July 15, 1998.

Amended: F. Mar. 20, 2024; eff. Mar. 31, 2024, as specified by the Agency.

Amended: New title, "Separation Notices Required from Employers." F. July 20, 2026; eff. Aug. 9, 2026.

300-2-7-.14 Job Openings, Job Referrals, and Reporting Job Refusals

(1) Purpose and scope. This rule is informational. It explains, for the convenience of claimants and employers, where to direct job-opening listings, job referrals, and reports of refused work that affect a claimant's eligibility for unemployment insurance benefits under the Employment Security Law. This Rule does not govern the operation of the State Employment Service or Wagner-Peyser Act programs, which were transferred from the Georgia Department of Labor to the Technical College System of Georgia and are administered by TCSG and its Office of Workforce Development.

(2) Definitions. For purposes of this Rule:

(a) "Department" or "GDOL" means the Georgia Department of Labor.

(b) "TCSG" means the Technical College System of Georgia, which administers the State Employment Service and Wagner-Peyser Act programs in Georgia.

(c) "WorkSource Georgia" means the public labor exchange system operated by TCSG, or any successor system designated by TCSG.

(3) Listing job openings. An employer with work to offer is encouraged to list the job opening with TCSG through the WorkSource Georgia system or another method designated by TCSG. Listing a job opening with TCSG does not, by itself, satisfy any reporting obligation owed to GDOL under the Employment Security Law or these Rules.

(4) Direct offers of work to a claimant. If an employer has work to offer a specific claimant who has filed a claim for unemployment insurance benefits with GDOL, the employer should communicate the offer directly to the claimant. If the claimant declines or fails to accept the offer, the employer should report the refusal to GDOL and should include:

(a) The claimant's name and the last four digits of the claimant's Social Security number;

(b) The date the offer was made;

(c) The type of work, hours, rate of pay, and location; and

(d) The date and manner in which the claimant declined or failed to accept the offer.

(5) Reporting refusal of a job referral made by TCSG. If TCSG refers a claimant to a suitable job opening and the claimant refuses the referral or fails to apply, GDOL will use information received from TCSG, the employer, or the claimant to determine the claimant's continued eligibility for unemployment insurance benefits. Employers and claimants may report a refused TCSG referral that affects UI eligibility directly to GDOL.

(6) Claimant work-search and registration requirements. A claimant's obligation to register for work and to actively search for suitable work as a condition of UI eligibility is governed by O.C.G.A. § 34-8-195 and Rule 300-2-4-.02. Where those provisions require registration with the State Employment Service, the claimant satisfies the

requirement by registering through WorkSource Georgia or another system designated by TCSG, unless the Commissioner has waived registration for the claimant or class of claimants.

(7) Coordination between GDOL and TCSG. GDOL and TCSG exchange information necessary to administer the unemployment insurance program and Wagner-Peyser Act programs consistent with applicable state and federal law. Nothing in this Rule confers on GDOL any authority over the operation of the State Employment Service or Wagner-Peyser Act programs in Georgia.

Cite as Ga. Comp. R. & Regs. R. 300-2-7-.14

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-190(a)**,** 34-8-195(a)(2)**.**

HISTORY: Original Rule entitled "Registration of Job Opening With State Employment Service" adopted. F. Jun. 25, 1998; eff. July 15, 1998.

Amended: New title, "Job Openings, Job Referrals, and Reporting Job Refusals." F. July 20, 2026; eff. Aug. 9, 2026.

300-2-7-.15 Display of Posters for Information of Employees

(1) Purpose. This rule implements O.C.G.A. §§ 34-8-70 and 34-8-190 by requiring liable employers to inform their employees of their rights under the Employment Security Law. This rule permits electronic notice in defined circumstances while preserving physical posting as the default at traditional worksites.

(2) Definitions. For purposes of this rule:

(a) "Required Notice" means each printed statement, poster, or notice issued by the Commissioner or the Department concerning employee rights under the Employment Security Law, including the current edition of the Department's "Notice to Employees" (DOL-810) and any successor form.

(b) "Worksite" means a physical location owned, leased, or controlled by the employer where one or more employees regularly perform work.

(c) "Remote employee" means an employee who customarily performs work for the employer at a location not owned, leased, or controlled by the employer.

(d) "Electronic posting" means continuous display of the Required Notice through an electronic system the employer customarily uses to communicate with employees, such as an intranet, employee self-service portal, shared drive, or comparable platform.

(e) "Direct electronic delivery" means transmission of the Required Notice to an employee through an electronic method the employer customarily uses to communicate individually with that employee, such as work email, an employee self-service portal account, or an onboarding system, in a format the employee can retain, view, and print.

(3) Liable employers must provide notice. An employer that is or has been liable for unemployment insurance contributions under the Employment Security Law must provide the Required Notice to its employees in accordance with paragraphs (4) through (6). The current Required Notice may be downloaded from the Department's website.

(4) Physical posting at worksites. The employer must post the Required Notice in a conspicuous place at each worksite, in an area readily accessible to all employees who report to that worksite, for example, near a time clock, in a break room, or in another location customarily used to display employee notices. The Required Notice must be legible, current, and unobstructed.

(5) Electronic posting, supplemental. At any worksite where the employer maintains physical posting under paragraph (4), the employer is encouraged to also provide the Required Notice by electronic posting. Electronic posting under this paragraph supplements, but does not replace, physical posting.

(6) Electronic posting, as a substitute.

(a) Electronic posting may substitute for physical posting only where:

1. The employer has no worksite as defined in this Rule and all of the employer's Georgia employees are remote employees; or

2. The Required Notice is being provided to remote employees who do not regularly report to a worksite, in which case physical posting is still required at any worksite where non-remote employees report.

(b) When electronic posting is used as a substitute under this paragraph, the employer must:

1. Ensure the Required Notice is continuously available, not behind a one-time prompt or transient message;

2. Affirmatively inform each affected employee of the electronic location of the Required Notice and how to access it; and

3. Ensure all affected employees are able to access the Required Notice readily, without having to request permission.

(7) Hire-time delivery to remote employees, safe harbor. Compliance with this paragraph is in lieu of, and not in addition to, the substitute-posting obligations in paragraph (6) for the remote employee to whom the Required Notice has been delivered. An employer satisfies this rule with respect to a remote employee if, at or before the time the remote employee begins work, the employer:

(a) Provides the Required Notice to the employee by direct electronic delivery, or by hard copy included in the employee's onboarding materials;

(b) Obtains a written or electronic acknowledgment that the employee has received the Required Notice, or retains a system record demonstrating delivery; and

(c) Thereafter maintains the Required Notice in a location accessible to the employee that satisfies paragraph (6)(c) and notifies the employee of any updated edition of the Required Notice issued by the Commissioner within thirty (30) days after the update is published.

(8) Employers not liable for contributions. An employer that is not liable, or has ceased to be liable, for unemployment insurance contributions under the Employment Security Law shall not display the Required Notice and shall remove any previously displayed Required Notice.

(9) Recordkeeping. An employer that relies on electronic posting under paragraph (5) or (6) or hire-time delivery under paragraph (7) should retain reasonable evidence of compliance, such as a screenshot of the posting location, a system delivery log, the employee's acknowledgment of receipt, or a dated communication notifying employees of the location or update of the Required Notice.

Cite as Ga. Comp. R. & Regs. R. 300-2-7-.15

AUTHORITY: O.C.G.A. §§ 34-2-6(a)(4)**,** 34-8-70(b)**,** 34-8-190(b)**.**

HISTORY: Original Rule entitled "Display of Posters for Information of Employees" adopted. F. Jun. 25, 1998; eff. July 15, 1998.

Amended: F. July 20, 2026; eff. Aug. 9, 2026.