

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Unemployment Compensation		
Policy Number: 104.62	Effective Date: 7/10/2018	Page Number: 1 of 3
Authority: Commissioner	Originating Division: Administration & Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary:

The Georgia Department of Corrections (GDC) will coordinate unemployment benefit matters with the Georgia Department of Labor (GDOL) through the Corrections Human Resources Management (CHRM) office and local Human Resources (HR) offices.

II. Authority:

O.C.G.A. § 34-8-190(c).

III. Definitions:

Unemployment Compensation - Temporary income payments to replace a portion of wages to separated employees who become unemployed through no fault of their own and are able and available to work.

IV. Statement of Policy and Applicable Procedures:

- A. Appointing authorities must ensure that Attachment 1, Separation Notice form (GDOL-800) is completed for each employee who leaves employment with GDC, except in cases of death. There is a PDF version also available at: <http://www.GDOL.state.ga.us/pdf/forms/GDOL800.pdf>.
- B. The local HR representative is responsible for completing the Separation Notice on behalf of an Appointing Authority and must ensure the form is complete. Reference Attachment 2 of this policy for instructions about completing a Separation Notice.
- C. The following guidelines apply to completing the Reason for Separation section of the Separation Notice. See Attachment 3 for further details.
 1. If an employee has been separated from employment due to termination resulting from attendance, job performance, or misconduct issues, the individual completing the Separation Notice should refer to the language approved by the Office of Legal Services that appears in the employee's adverse action SCRIBE record when completing subsection 4(b) of the form.
 2. If an employee has been separated from employment due to a lack of work, the individual completing the Separation Notice form must contact the CHRM Compliance Unit for further instructions.

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- D. The individual who completes the Separation Notice must ensure that:
1. The employee receives the original;
 2. A copy accompanies the Personnel Action Request to be sent to CHRM; and
 3. A copy is filed in the employee's local HR file.
- E. The GDOL will send the Department a Notice of Claim Filing and Request for Separation Information letter along with attachments whenever a former employee requests unemployment compensation benefits. The individual that completed the original Separation Notice for the former employee must complete the attachments, which will ask questions about the former employee's separation. The information must be returned to the GDOL by the specified deadline.
- F. The GDOL will next send the Claim Examiner's Determination to the Department. If the GDOL grants unemployment benefits to a former employee whose employment was separated due to attendance, job performance, or misconduct issues, the Appointing Authority, through the local HR office, must file a written request for appeal with the GDOL. The request for appeal must state only that the Department wishes to appeal the decision. If there are dates that potential witnesses are unavailable, the written request for appeal must include such dates.
- G. The GDOL will send notice of the scheduled date for the hearing and specify whether the hearing will take place by phone conference or in person.
- H. Individuals with first-hand knowledge of the events that lead to an Appointing Authority's decision to dismiss an employee will be witnesses for the Department in an unemployment hearing. Individuals with first-hand knowledge are those who either saw or heard the events involving the employee that were reported to the Appointing Authority.
- I. The local HR representative must ensure that all witnesses, to include the Appointing Authority, receive notice of the hearing date, time, and location. The local HR representative must also ensure that all documents requested or supporting the Department's decision are presented as evidence. If an employee was separated based on information contained in a classified investigation, the local HR representative must coordinate declassification of such information through the Office of Legal Services. Documents presented as evidence must be submitted to the GDOL and the claimant prior to the hearing.

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- J. If the former employee who filed for unemployment benefits resigned, he or she carries the burden of proving that such resignation was involuntary with good cause. The local HR representative must ensure that a copy of the former employee’s resignation letter is presented as evidence in the hearing. Witnesses for the Department must include anyone with first-hand knowledge about why the employee resigned and anyone who was present when the employee resigned.

- K. If an employee’s dismissal resulted from poor attendance, poor job performance, or misconduct issues, the Department carries the burden of proving that the employee was at fault for the discharge. Witnesses for the Department must include anyone with first-hand knowledge concerning the events that lead to the employee’s discharge. The local HR Representative must also ensure that the former employee’s prior disciplinary record is presented as evidence, if the Appointing Authority considered it to determine that termination was the appropriate sanction.

- L. If an employee was dismissed due to inability to perform assigned duties (e.g. failed BCOT, failed firearms certification, failed physical examination requirements) no further action is required. The Department will not appeal a decision by the GDOL to grant unemployment benefits in these cases.

- M. If the GDOL hearing officer upholds its decision on appeal to grant an individual unemployment benefits, and the Appointing Authority believes that the decision to grant benefits was in error, a further appeal may be made to the Board of Review. The Board of Review will only review testimony already received in the hearing. Approval for further appeal must be obtained from the Department Human Resources Director.

V. Attachments:

- Attachment 1: Separation Notice (GDOL-800)
- Attachment 2: Instructions to Employer for Completion of Separation Notice
- Attachment 3: Employee Separation Reasons

VI. Record Retention of Forms Relevant to This Policy:

Upon completion, Attachment 1 shall be retained permanently in the employee’s personnel file. Attachments 2 and 3 are reference documents only and do not have to be retained. These forms may also be found on Captiva.