



# The Georgia Department of Labor: Recommendations for Rebuilding a Troubled Agency to Protect Georgia's Workers

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## TABLE OF CONTENTS

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ENDORSERS.....	i
EXECUTIVE SUMMARY .....	1
1. STAFFING AND BUDGET.....	6
2. UNEMPLOYMENT INSURANCE.....	8
3. ACCESSIBLE GUIDANCE.....	19
4. MISCLASSIFICATION AND TAX FRAUD.....	21
5. FARMWORKERS.....	23
6. MINIMUM WAGE.....	26
ENDNOTES .....	27

## ENDORSERS

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Atlanta-North Georgia Labor Council  
CPD Action  
Coalition of Black Trade Unionists  
Georgia AFL-CIO  
NELP Action  
New Georgia Project Action Fund  
Retail, Wholesale and Department Store Union (RWDSU)  
SPLC Action  
We Vote We Win / Georgia Stand-Up

*Photos: Georgia Unemployed Workers March in Protest Against Labor Commissioner Butler, Governor Kemp, July 23, 2021, [Atlanta CW 69 News at 10](#), Valencia Jones*

## EXECUTIVE SUMMARY

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The Georgia Department of Labor (GDOL), led by the state's elected Labor Commissioner, plays a vital role in protecting Georgia's workers. GDOL provides unemployment insurance (UI) benefits when people are out of work, ensures that employers do not illegally misclassify their workers as independent contractors, and protects the state's farmworkers from mistreatment. During the pandemic, GDOL's role has been crucial as hundreds of thousands of Georgians have been unemployed and needed benefits to survive.

However, as has been reported by the media and documented by recent analyses—including a state audit and a federal human trafficking investigation—GDOL has had substantial difficulty fulfilling its responsibilities. Its performance problems during the pandemic have included the following:

- Failing to deliver unemployment benefits to thousands of eligible Georgians—especially Black workers who lost their jobs at much higher rates during the pandemic and whose applications for unemployment benefits were turned down by GDOL more than twice as often as those of white workers.<sup>1</sup>
- Forcing those who eventually received benefits to endure much longer waits than workers in other states.<sup>2</sup>
- Keeping GDOL's career centers closed for many months and cutting staffing levels over several years, resulting in Georgians being unable to receive assistance either in person or by telephone during the pandemic.<sup>3</sup>
- Operating an outdated technology system and website that make it difficult for workers to access unemployment benefits—and that requires applicants to read English to apply for them, in violation of federal language access requirements.
- Prematurely cutting-off vitally needed unemployment benefits for hundreds of thousands of jobless Georgians just as the COVID-19 Delta variant was surging.<sup>4</sup>
- Not doing enough to crack down on employers that illegally misclassify their workers as independent contractors—cheating the workers, other employers, and taxpayers in the process.
- Failing to protect farmworkers in Georgia from abusive working conditions and unsanitary housing. In fact, GDOL's State Monitor Advocate—the agency's top official responsible for protecting farmworkers in Georgia—has ties to individuals who have been charged in one of the largest farmworker human trafficking cases in U.S. history, and a second former GDOL employee has been indicted in the case.<sup>5</sup>

This report presents recommendations for rebuilding the programs of GDOL so that the agency can more effectively meet its mission of protecting Georgia's workers. We recommend that the agency adopt the following reforms:

## Staffing and Budget

- **Rebuild GDOL with an adequate, substantially larger budget and staffing** to give the agency the capacity to fulfill its mission and address its serious performance problems.
- **Seek \$11 million in available federal funding as well as additional state funding** to improve the unemployment insurance system and restore needed capacity.

## Unemployment Insurance

- **Modernize GDOL's UI infrastructure to enable it to process claims on a timely basis, reduce the agency's excessively high denial rates, and end its discriminatory denials of Black workers' claims that are twice the rate of white workers' denials by:**
  - Applying for available U.S. Department of Labor (USDOL) grants and consulting services to give GDOL's UI program the new systems and staff training needed to address these serious problems.
  - Improving customer service and communication with jobless Georgians who apply for unemployment benefits.
  - Activating a worker-centered UI advisory council.
- **Implement and promote a Work-Sharing or Short-Time Compensation (STC) program to allow employers facing temporary reductions in workforce needs to avoid layoffs by:**
  - Applying for \$3 million in available USDOL funding to implement this pro-business, pro-worker program—one that the legislature has authorized but that GDOL has inexplicably failed to implement.
- **Update GDOL's outdated IT system and difficult-to-access website and online application system by:**
  - Redesigning the systems to be claimant-centric with proper user testing.

- Ensuring its website and online application are mobile optimized and that workers facing technology barriers are offered sufficient alternatives to online access, including opportunities to apply or get assistance in person or by telephone if needed.
- **Improve GDOL’s UI data collection and reporting by:**
  - Collecting better intersectional demographic data.
  - Collecting data and sharing reports on administrative barriers.
- **Protect workers from being unfairly asked to repay thousands of dollars in benefits they received due to innocent mistakes or agency errors by:**
  - Fully implementing USDOL guidance on overpayment waivers by using the agency’s authority to grant “blanket” waivers for common categories of innocent overpayments of the pandemic unemployment programs, and by liberally granting overpayment waivers in individual cases.
  - Ensuring that the overpayment waiver process is easily accessible and understood by workers, and providing workers with proper notice and due process.
- **Expand UI protections for unemployed workers who can only find part-time jobs by:**
  - Updating GDOL’s rules to raise the amount a worker can earn each week without entirely losing their UI benefits from \$150 to \$300—a successful policy that GDOL temporarily adopted during the pandemic.
- **Work with the legislature to strengthen the state’s UI laws by:**
  - Permanently restoring UI to at least 26 weeks—the norm in at least 40 states, including Tennessee, Mississippi, and Texas.
  - Increasing benefit levels, particularly for underpaid workers.
  - Extending UI coverage to gig workers and self-employed workers, as the federal government did temporarily during the pandemic.
  - Expanding “good cause quits.”
  - Enacting a dependent allowance.



## Accessible Guidance

- **Make GDOL's services accessible to the hundreds of thousands of Georgians with limited English proficiency by:**
  - Making GDOL's online unemployment application available in Spanish, Mandarin, Cantonese, Korean, and other languages spoken by significant numbers of Georgia workers.
  - Hiring more interpreters and bilingual staff to provide services by phone and in its Career Centers.
  - Raising the pay offered for bilingual staff to be competitive with the private sector to help the agency better recruit and retain staff.
- **Make GDOL's forms, notices, and other customer service materials broadly accessible** by writing them at an 8<sup>th</sup> grade reading level.

## Misclassification and Tax Fraud

- **Act swiftly to implement the new misclassification law enacted this spring by the legislature** to crack down on corporations that illegally misclassify their employees as independent contractors.
- **Assign dedicated staff** to enforce the new law.
- **Significantly increase the number of GDOL audits of corporations** suspected of misclassification.
- **Establish a misclassification advisory committee** that includes representatives of labor organizations.
- **Establish a multi-agency misclassification task force** that includes the GDOL, the Department of Revenue, the Secretary of State, and the Attorney General to coordinate misclassification enforcement across the state, help GDOL identify employers that are not paying payroll taxes, and suspend the business licenses of repeat violators.

## Farmworkers

- **Finally take seriously GDOL's responsibility for protecting Georgia's farmworkers.**
- **Launch an effective program for inspecting all farmworker housing in Georgia** before it is occupied by migrant farmworkers; require employers to upgrade substandard housing; and forbid farmworkers from being housed in unsanitary housing.

- **Train GDOL staff, with the assistance of legal services providers in the state, to identify, document, and report substandard housing and employment law violations** by employers, as required by law.
- **Appoint an impartial State Monitor Advocate for farmworkers**, as required by federal law.
- **Seek additional funding and staffing for GDOL's farmworker program** to give it the capacity needed to carry out these functions.
- **Survey agricultural employers about their prevailing working conditions** in order to have benchmarks for enforcing the requirement that H-2A employers comply with prevailing industry labor standards.
- **Accept complaints filed by advocacy organizations that do not identify specific workers** since farmworkers who rely on their employers for housing and work are usually too afraid to file complaints on their own.

## Minimum Wage

- **Work with the legislature to update Georgia's minimum wage law** and enforcement systems.
- **Raise the minimum wage to \$15 an hour** gradually over several years and extend its coverage to all employers in the state.
- **End racist exemptions** that exclude domestic workers and farmworkers from minimum wage protections, and that deny tipped workers the full minimum wage.
- **Strengthen the law's enforcement provisions** to give GDOL and workers new tools for fighting wage theft.



## 1. STAFFING AND BUDGET

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**PROBLEM: GDOL is not adequately funded and staffed to meet the needs of Georgia’s workers and employers.**

GDOL is charged with the critical responsibility of delivering unemployment benefits when needed to the state’s workforce, as well as with enforcing other key protections, such as fighting misclassification and protecting farmworkers. However, current budget allocations and department staffing levels do not adequately equip the agency to perform these functions—as has been vividly demonstrated by the agency’s performance problems during the pandemic. As discussed below, a 2022 state audit found that the agency’s understaffing is a major factor in its inability to deliver unemployment benefits and other services to the state’s workers in a timely and reliable manner.

Despite its well-documented pandemic challenges and the performance problems—including an unprecedented demand for unemployment and reemployment services due to the public health and economic crisis, delays in processing unemployment insurance claims and appeals, a lack of publicly available data provided by GDOL, understaffing, and an underinvestment in technology infrastructure—GDOL has shown little indication that it is applying for the millions of dollars in federal grants available from USDOL, which could enable it to address its performance problems and better meet the needs of Georgia’s workers.

Moreover, in Georgia’s 2023 state budget, most state agencies received funding that restored their budget allocations to pre-pandemic levels. The current Labor Commissioner, however, did not seek to restore GDOL’s funding, and the state’s 2023 budget continued its inadequate pre-pandemic level of funding and staffing.<sup>6</sup>

**Sandra Williams, Deputy Political Director  
Retail, Wholesale and Department Store Union (RWDSU)**

“During the Great Recession of 2007-2009 when thousands of Georgians were laid off and needed unemployment benefits, the Georgia Department of Labor was woefully unable to do its job and deliver benefits in a reliable and timely way. In the years since then, it’s only gotten worse. The legislature slashed benefits and agency staffing, and the agency didn’t update its systems. As a result, during the pandemic, jobless workers faced closed offices, unanswered phones, long delays, and unfair denials of urgently needed benefits. With the possibility of another recession around the corner, it’s urgent that the next leader of the department rebuild its programs to deliver the services Georgia’s workers need.”



As a result, GDOL's budget remains far below pre-pandemic levels and has not recovered from the series of budget cuts it has suffered since the Great Recession. That's far below what the agency requires to allow it to employ and retain a workforce large enough to address GDOL's serious performance problems described below—which include unresponsive customer service, long delays in processing unemployment claims, failure to audit companies suspected of misclassifying workers, failure to inspect farmworker housing, and failure to monitor and report farmworker employment abuses. Today, the agency has approximately half of the staffing level it maintained in 2010<sup>7</sup>—even while the state's workforce has grown substantially since then.

**SOLUTION: To give the agency the capacity required to fulfill its mission and address the performance problems it has experienced in recent years, GDOL needs to be modernized with an adequate, substantially larger budget and staffing level. GDOL should:**

- **Seek to restore GDOL's past level of state funding** to give it the capacity it needs to fill vacancies, hire additional staff, and support agency staff retention with competitive salaries and benefits to enable it to perform effectively on an ongoing basis.
- **Apply for the \$11 million in available federal funding** to improve the performance of the agency's UI program, as discussed in greater detail below.



## 2. UNEMPLOYMENT INSURANCE

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**PROBLEM: GDOL has failed to deliver unemployment benefits to Georgia’s workers when they need them. Because of staffing cuts and limited phone system capacity, only 4% of calls to GDOL were answered during the pandemic. Once workers filed for unemployment benefits, GDOL failed to process unemployment claims and appeals in a timely and fair manner, falling far short of federal standards. And when it finally processed claims for workers who lost their jobs, GDOL denied them at a higher rate than other states—and discriminatorily denied Black workers’ claims twice as often as those of white workers.**

The pandemic exposed how GDOL’s unemployment insurance infrastructure is in disrepair and Georgia’s workers paid the price, particularly Black workers. Despite the strenuous efforts of agency staff, longstanding and often ignored systemic issues made GDOL ill-equipped to meet the needs of jobless workers. With an antiquated computer system, outdated administrative practices, and long-standing access and eligibility barriers effectively keeping workers from accessing benefits, GDOL was unable to keep up with the surge in unemployment claims and to timely and accurately process claims and payments. For the millions of Georgians who found themselves unemployed, this meant weeks or months (and for some even years) waiting for GDOL to determine their eligibility, process their claims or appeals, and pay their benefits. All the while, rent and other bills continued to be due, and workers and their families were left with no support.

***Inadequate Customer Service.*** According to a February 2022 state audit, GDOL utterly failed to provide even basic customer service and assistance to jobless Georgians seeking to file unemployment claims during the pandemic. Specifically, the audit found: “GDOL was unable to adequately respond to claimants’ customer service needs. Claimant inquiries to GDOL increased significantly during the pandemic, and many claimants’ attempts were unsuccessful.... [O]nly 4% of calls were answered; most were not connected due to limited phone system capacity.”<sup>8</sup> According to the audit, the key causes for these low connection rates were: (1) the unprecedented spike in unemployment during the pandemic; (2) GDOL’s limited automation of its claim processes; and (3) GDOL’s slashing of the staffing for its unemployment insurance services. As *Axios* summarized the audit’s findings:

“... from 2013 to 2019, the number of staffers who handle the unemployment insurance program decreased by 32%.... The Great Resignation during the pandemic only exacerbated the state government’s systemic issues attracting and maintaining workers. In 2021, the state’s turnover rate hit a record 23%.”<sup>9</sup>

In fact, the agency employs less than half of the staff that it did during the Great Recession (2,219 in 2010 and only 1,066 in 2020).<sup>10</sup> GDOL has refused to answer Open Records Requests asking the agency to report how many employees it has staffing key unemployment insurance system functions such as answering telephone inquiries, handling hearings and appeals, staffing career

centers, and providing reemployment services, claiming that such questions are too vague to answer.

**Andy Wyrosdick, formerly unemployed worker**  
**Douglasville, Georgia**

“I work as an electrician on commercial and industrial construction projects around the state. When the pandemic hit, all construction shut down and I was out of work from March until August of 2020. I applied for unemployment, and I received benefits for two weeks. But then they stopped, and my account was locked. I called and emailed but I just couldn’t get through to the Department of Labor. Eventually I went back to work, but those five months without a paycheck and with no unemployment were really hard for my family. Eventually just this year I was finally able to get through to the department. They told me it was too late to do anything about my benefits or to appeal. The Commissioner of Labor really needs to fix these problems. As someone who rarely uses unemployment, it would be nice to know that when I do need it, someone actually cares.”

***Slow Claims Processing.*** GDOL was far too slow in processing unemployment insurance claims and paying benefits, denying workers urgently needed support.

To comply with federal standards, an eligible worker should receive their first unemployment insurance payment within 21 days,<sup>11</sup> and states are required to meet this 21-day standard for at least 87% of total claims. Throughout the pandemic, Georgia utterly failed to meet this standard. In November 2021, nearly half of claimants waited more than 21 days to receive their first payment, and roughly 20% of claimants were waiting more than 70 days.<sup>12</sup>

Georgians were similarly forced to wait far longer than the national average when they appealed denials of unemployment benefits. According to data from The Century Foundation, as of August 2021, Georgians were waiting, on average, an entire year for a decision on their appeal, well above the national 110-day average.<sup>13</sup> Indeed, Georgia was ranked second to last for appeal aging with only Alabama having a longer average appeal time at 566 days.

***High Denial Rates—Especially for Black Workers Whose Claims Were Denied at Twice the Rate of White Workers.*** When GDOL does finally process a claim and make a determination, far too often it is a denial. Between March 2020 and March 2021, 27.2% of Georgians who applied for UI were denied—a rate more than a third higher than the national denial rate of 19.9%.<sup>14</sup>

Especially troubling, GDOL denies Black workers' unemployment claims at a much a higher rate than it denies white workers' claims. A *Bloomberg News* analysis found that during the pandemic, for workers who applied for state UI and who had worked enough to potentially qualify, 53% of Black workers' claims were rejected compared to 24% of white workers' claims.<sup>15</sup>

**Joy Flowers, formerly unemployed worker**  
**Lawrenceville, Georgia**

"I was laid off from my job in early 2021 and applied for unemployment. The Georgia Department of Labor turned down my application, telling me that I had quit my job rather than being laid off. That wasn't true. But there I was, left without any unemployment benefits at the height of the pandemic. It was a really hard time for me. I couldn't pay my rent. I couldn't afford food. I almost ended up evicted and homeless. I had to borrow and scrounge money from friends and family to scrape by—and I'm still struggling to pay that back. I emailed and wrote the agency repeatedly explaining that they had made a mistake—but I never got a response. I eventually found a new job, but it didn't provide me full-time hours so I still struggled to pay my bills. With the help of a lawyer, I filed an appeal of the denial of my unemployment benefits in March 2021. But the Department of Labor delayed the appeal hearing until January 2022—and then the Labor Department denied my benefits again. As someone who has worked hard for years and needed unemployment during the pandemic, the Georgia Department of Labor really failed me. I hope someone can fix their programs so that others who need help don't get treated the way I was."

To make matters worse, an analysis by the Southern Poverty Law Center found that Georgia workers who are denied UI benefits by GDOL have only a one in four chance of winning their appeal, compared to a one in two chance for employers.<sup>16</sup>

**SOLUTION: To deliver UI services in a timely, reliable, and fair manner, GDOL needs to invest in a combination of system improvements and increased staffing. GDOL should:**

- **Apply for the \$11 million in U.S. Department of Labor funding and services that are available to GDOL for improving its UI programs.** While many factors and systemic failures contributed to GDOL's failure to ensure timely payment of benefits to workers, a primary factor is the continued underfunding and understaffing of the agency. During the pandemic Congress appropriated billions to the U.S. Department of Labor, much of which is being provided directly to states by USDOL to improve state UI programs. Currently, GDOL



could be eligible to receive approximately \$11 million in increased USDOL funding—an amount nearly twice the size of GDOL’s roughly \$6 million 2023 budget.<sup>17</sup>

First, GDOL is eligible to receive \$5.3 million in funding together with rapid response consulting services from USDOL “Tiger Teams” to help GDOL review its current processes, identify areas for improvement, and develop a set of recommendations to be implemented with the accompanying funding. States including Virginia and Kansas are already receiving help under that program. GDOL should take full advantage of these resources by applying for Tiger Team support and additional grants from USDOL. These resources should be used to improve GDOL’s UI program, removing access barriers that disproportionately affect Black workers and shut them out of the unemployment insurance system.

Second, GDOL is eligible to receive \$3.2 million to implement and promote a Short-Time Compensation program—a proven pro-business and pro-worker strategy for reducing layoffs during recessions. As discussed below, the Georgia legislature has authorized GDOL to implement such a program—yet the agency has failed to do so.

These available grants and services would enable GDOL to address the serious performance problems of its UI program. The agency should apply for them immediately.

- **Seek increased state funding to increase agency staffing.** Despite the well-documented delays and challenges at GDOL, the agency has not sought any allocation of additional state funds to enable it to fill vacancies, hire additional staff, and improve staff recruitment and retention. GDOL should seek increased state funding right away—as other state agencies have. With GDOL’s ever-growing appeals backlog, it is particularly urgent that the agency expand its appeals staff, including administrative hearing officers.
- **Improve communications with Georgia workers.** GDOL must invest in overhauling its communication to workers to ensure they receive clear and timely notice and guidance regarding their UI claims. Clear communication to workers on the status of their claims—including clarity regarding information that GDOL may need from the worker to process their claim—could resolve many issues that impede workers’ access to timely benefits. GDOL should partner with relevant experts, including workers, legal services providers, and community-based organizations that serve Georgia’s historically marginalized communities to rethink and redesign their communications to provide clear communication in plain language at an 8<sup>th</sup> grade reading level. There should also be an up-to-date and easily accessible claim tracker where claimants can get updated information on the status of their claim and any actions needed.
- **Activate a worker-centered unemployment insurance advisory council.** GDOL has utterly failed to listen to workers concerning the ways the system is failing them. To truly improve the system, workers, particularly Black workers who are most impacted and who face the biggest barriers to access, and the advocates who represent them, need to be involved in developing solutions. Current law authorizes the Labor Commissioner to



appoint members to an advisory council to advise the Commissioner on unemployment insurance issues. Now is the time to activate that council to improve the system and prepare Georgia for the next wave of the pandemic or recession.

- **Plan for worker needs during future pandemic waves.** GDOL's career centers were closed for nearly two years during the pandemic, leaving workers without anywhere to go to receive support in navigating the unemployment insurance system and accessing reemployment services. This is particularly troubling for Georgians on the wrong side of the digital divide who lack access to reliable internet service or home computers. GDOL must develop realistic plans for ensuring that, if it is ever forced to close the career centers again, that it truly has adequate telephone and online capacity so that jobless workers can still obtain the resources they need to access unemployment benefits and find new jobs.

**PROBLEM: Despite receiving legislative authorization in 2020, GDOL has refused to implement a Short-Time Compensation (STC) program, also known as work-sharing, thus denying Georgia employers and workers this important tool for averting layoffs and costing the state millions of dollars in lost federal funding.**

In Georgia, when employers must cut back on their operations, the UI system does not currently provide them a means of avoiding layoffs. More than 26 other states, including Florida, Arizona, Missouri, and Virginia, have adopted an unemployment insurance program known as Short-Time Compensation that helps their employers avert layoffs. While the Georgia legislature in 2020 authorized GDOL to do the same, inexplicably the agency has failed to implement the program.

#### **SOLUTION:**

- **Immediately implement the STC program that the legislature authorized in 2020.** STC is a UI program that provides an alternative to layoffs for employers that are experiencing a reduction in available work. It allows employers to avoid layoffs by instead reducing employees' hours across the board. Employees whose hours are reduced are able to collect UI benefits to replace a portion of their lost wages. STC is entirely voluntary for the participating employers, and it benefits both employers and employees. The Georgia legislature authorized Georgia to participate in STC in 2020, but the agency has failed to implement the program.<sup>18</sup> Moreover, there are currently \$3.2 million in USDOL grant funds available for Georgia to implement and promote an STC program.<sup>19</sup> GDOL should immediately implement STC and apply for this available funding. With another recession possible in the near term, it is urgent that GDOL get the program up and operating quickly.

## **PROBLEM: GDOL's unemployment technology system is outdated and not worker centered.**

GDOL's information technology system was not built to handle the volume of unemployment insurance claims it received during the pandemic recession. Its current system problems are the result of disinvestment and a failure to modernize and adapt to the use of mobile applications, particularly by underpaid workers and workers of color.

## **SOLUTION:**

- **Modernize GDOL's IT system.** Updating GDOL's information technology system and workforce is critical for improving the agency's ability to deliver timely, reliable, and equitable access to essential UI benefits for Georgia workers when they need them. GDOL should modernize its system and do so in a way that prioritizes the needs of marginalized workers. This means building an accessible system that is easy to navigate and understand, and that is mobile-optimized—since more and more workers, and especially underpaid workers, access services chiefly on mobile devices. At the same time, workers who do face insurmountable technology barriers should still be provided options to complete their application and other forms by paper, in person, or by telephone if need be. And as discussed in more detail below, both the online systems and in-person and telephone assistance must be accessible to workers with limited English proficiency.

**Sharon Shelton Corpening, formerly unemployed worker and Senior Media Relations Manager, Center for Popular Democracy**

“When I lost my contract job, I couldn't get through to the Georgia Department of Labor or get a straight answer to simple questions. I got my benefits after a month. But then weeks later, they stopped suddenly! It was the beginning of a series of starts and stops—in part because the Department of Labor wouldn't staff up or beef up its IT technical infrastructure to handle this. The pandemic exposed the agency's serious dysfunction. It needs a complete overhaul to be ready to serve Georgians during the next economic crisis. As taxpayers and voters, we deserve better.”

## **PROBLEM: Inadequate data collection and reporting.**

GDOL is unable to fully understand the breadth and depth of its problems as its current data collection is insufficient and is not easily accessible by the public. GDOL is required to collect and

report to USDOL data that is supposed to measure the performance of Georgia's UI administration in processing initial claims, continuing claims, and in timeliness and accuracy of payments. However, the usability of this data is extremely limited because of how it is collected. Current data reporting does not allow for the public to see the intersections of race, ethnicity, and gender. This means that while we can look at the number of women or Black workers who received UI, we cannot know how many Black women received UI. This makes it impossible to accurately direct proper interventions to the right demographics.

Current public data also does not capture how accessible unemployment insurance is to Georgia's workers overall. For example, GDOL does not publicly report the average wait times workers spend on the phone waiting for customer service, delays in getting replies to emails and voicemails, or average time claimants spend verifying their identity. This makes it impossible to truly know and measure how successfully GDOL is serving Georgia's workers.

### SOLUTIONS:

- **Collect and report better intersectional demographic data.** GDOL cannot effectively address the systemic problems plaguing the Georgia UI system without access to reliable data on key issues. By collecting better data, GDOL will have the ability to identify and fix the problems that interfere with unemployment insurance's intended purpose to provide a lifeline to workers and their families during periods of unemployment. Information should also be collected uniformly across reports. This is especially important for demographic information like age, sex, race, and ethnicity. It would also be useful to be able to further break down the claims by industry. All of this can help GDOL understand what and where resources should be directed for targeted interventions.
- **Collect data and share reports on administrative barriers.** GDOL should begin to collect better worker-centered data and issue public reports in real time on the data. Specifically, to the extent it does not already, GDOL should monitor call times, the number of dropped calls, and the overall experience of claimants who interact with the agency at every touch point, and this data must be made publicly available in a timely manner. The public should have full, open, and timely access to data to be able to identify issues and offer solutions in real time.

### PROBLEM: Workers are being unfairly asked to repay thousands of dollars in benefits they received due to innocent mistakes or agency errors.

Even before the pandemic, GDOL put too much emphasis on monitoring for fraud by individual claimants even though individual claimant fraud is very rare. Instead, when workers receive overpayments of unemployment benefits, far more often it is because confusing instructions led an applicant to answer a question incorrectly causing the agency to mistakenly overpay the worker—or because of errors made by the agency in calculating benefit amounts. In reality, during the

pandemic, when GDOL for the first time was confronted with widespread fraud by international and national organized crime rings that used stolen identity information to wrongfully claim UI benefits, the agency was unprepared. GDOL's new efforts to crack down on organized crime and the use of stolen identities to access benefits are now wrongly sweeping up Georgia workers, many of whom innocently make mistakes in applying for UI under the complex and highly technical UI rules. Jobless workers who make honest mistakes under the confusing UI system—or who provide accurate information and are mistakenly overpaid by the agency—should not be treated like criminals or forced to reimburse the agency for such innocent overpayments. Repaying thousands of dollars in mistakenly overpaid benefits results in extreme hardship for underpaid workers and their families and undermines the agency's goal of helping workers move on after periods of unemployment. Rather, the agency should exercise the authority it has under federal and state law to grant overpayment waivers promptly and liberally to these workers.

## SOLUTIONS:

- **Use the agency's authority to grant the "blanket waivers" authorized by USDOL for the federal pandemic unemployment programs, and to liberally grant overpayment waivers in individual cases that fall outside of the scenarios for the blanket waivers and for regular state UI overpayments.** Federal law has long authorized and encouraged states to waive non-fraudulent overpayments. In addition, USDOL recently clarified and expanded states' authority to waive overpayments for the federal pandemic unemployment programs, including allowing states to grant "blanket waivers" in certain instances, meaning the state may waive several overpayments all at once without doing an individual determination on a case-by-case basis.<sup>20</sup> Such waivers of overpayments made under the federal pandemic unemployment programs do not result in any cost to state UI programs—since the agency would need to reimburse any repaid funds to the federal government anyway. To date, however, GDOL has not used this authority to issue any blanket waivers.

On March 31, 2022, GDOL did amend its overpayment waiver rule for regular state UI benefits and made a variety of positive changes in it.<sup>21</sup> However, it still has not adequately publicized the fact that workers who received overpayments may apply for waivers. GDOL must use its authority to grant overpayment waivers to the maximum extent authorized by federal and state law.

- **Educate workers on the availability of the new waiver rule, and provide fair notice and due process.** GDOL should ensure that workers know about the option of waivers for overpayments, and give them a fair ability to contest any overpayment determination by: (1) providing clear notice to any worker suspected of receiving an overpayment or potentially engaging in fraud, including specific information about the act or omission the agency believes to be fraudulent; (2) informing them of the availability of waivers for non-fraudulent overpayments; (3) holding the worker harmless while they appeal an overpayment or fraud determination; and (4) providing the worker with a fair process for contesting the determination in a timely manner.

**PROBLEM: Georgia’s unemployment insurance laws do not provide adequate benefits, especially for underpaid workers.**

A serious problem with Georgia’s unemployment system is that the benefits it provides jobless workers are stingier than those in many other states and aren’t nearly enough to enable workers to meet their basic needs during periods of unemployment. Georgia’s unemployment benefits are shorter in duration, lower in amount, and subject to a variety of limiting rules that combine to deny many workers they support they need. That leaves both workers and the state’s economy vulnerable—since unemployment benefits play a crucial role in boosting consumer spending during recessions, which is crucial for small businesses. With the highest inflation in 40 years further eroding Georgia’s already meager benefits, and economists forecasting a possible recession on the horizon when more workers could lose their jobs, it is urgent to fix these problems now.

**SOLUTION: GDOL should use its administrative authority to strengthen the state’s unemployment insurance rules by:**

- **Strengthening protections for part-time workers.** During recessions, many workers who lose their jobs can only find new part-time jobs. But under Georgia’s unemployment rules, if they take a part-time job that pays more than \$150 a week—a very low threshold—all earnings over this \$150 “earnings disregard” reduce their unemployment benefit that week by an equal amount. The result is that unemployed workers who can only find new part-time jobs struggle to make ends meet. Many states have solved this problem by allowing such workers to earn more each week before their UI benefits phase out. Georgia law allows GDOL to raise the earnings disregard by regulation up to \$300<sup>22</sup>—and GDOL temporarily raised it to \$300 during the pandemic.<sup>23</sup> GDOL should use its authority to immediately restore the earnings disregard to \$300 to help part-time workers.

**Miriam Gutman, Staff Attorney**  
**Southern Poverty Law Center**

“By almost every measure, the Georgia Department of Labor just isn’t doing its job of delivering the unemployment benefits that Georgians need when they’re out of work. The agency’s problems range from poor communication and unanswered phones, to unacceptable delays in processing claims, to disturbingly higher denial rates for Black workers, and a complete failure to provide meaningful access for Georgians with limited English language proficiency. The next leader of the Labor Department needs to rebuild these systems to begin providing reliable, timely customer service for working Georgians when they need it.”



**SOLUTION: GDOL should work with the legislature to strengthen the state’s unemployment insurance laws by:**

- **Permanently restoring UI to at least 26 weeks.** Forty states guarantee unemployed workers up to 26 weeks (or more) of unemployment benefits. Those include Tennessee, Mississippi, and Texas.<sup>24</sup> Georgia, on the other hand, slashed its benefit duration after the Great Recession—down to a sliding scale maximum of 14 to 20 weeks depending on the state’s unemployment rate. During the pandemic, Georgia temporarily restored that maximum back to 26 weeks. To always provide adequate unemployment benefits for Georgia workers, particularly during the next recession, GDOL should work with the legislature to make that long overdue restoration permanent.
- **Increasing benefit levels, particularly for underpaid workers.** Georgia’s current unemployment benefit levels are insufficient for workers to afford basic necessities, particularly for underpaid workers and workers of color who, due to systemic racism, have been segregated into low-paying occupations and have less savings on which to draw. Georgia’s maximum unemployment benefit (which only higher paid workers receive) is just \$365 per week—and has declined in real value this year as inflation has risen. Weekly unemployment benefits, on average, only replace around 40% of a Georgia worker’s pre-layoff wages. A better formula would replace at least 85% of wages for the lowest-paid earners and gradually decrease to replace 50% of wages for the highest earners—up to a maximum benefit amount which is indexed to the state’s average weekly wage so benefits keep up with growth in average wages.
- **Expanding coverage for gig workers and self-employed workers.** During the pandemic, the federal government adopted a temporary pandemic UI program that covered workers in the gig economy and self-employed workers who are generally shut out of the regular state UI program. But that pandemic program has ended and, unless the state acts to replace it, those workers will continue to have no support during periods of unemployment, including when the next recession hits. GDOL should work with the legislature to adopt a permanent UI expansion that includes those workers. For gig workers, other states are ensuring UI coverage by determining that gig workers are properly classified as employees eligible for unemployment benefits under state UI laws—and requiring the giant gig companies that employ them to pay UI taxes the way all other employers do. As for self-employed workers and others such as undocumented workers who are completely shut out of the UI system, states are exploring creating Excluded Workers’ Funds to provide benefits for such workers and their families when they lose their jobs. Georgia should adopt both of these promising models.
- **Expanding “good cause quits.”** Unlike many states, Georgia doesn’t currently allow workers who must quit their job for certain compelling reasons—including illness or disability of a family member, loss of childcare, or because they lack access to transportation—to receive unemployment benefits. During the pandemic, federal law temporarily made workers in Georgia eligible for UI under some of these circumstances—such as when they quit their jobs because they were sick or had to care for a sick or

quarantining family member. With these pandemic rules now ended, it's crucial that Georgia update its laws to allow workers who quit for such good reasons to receive UI.

- **Enacting a dependent allowance.** A large share of workers who lose their jobs are supporting children or other dependents, which makes getting by on Georgia's low unemployment benefits even harder. Many states address this problem with a "dependent allowance," under which jobless workers receive additional benefits for each dependent. GDOL should work with the legislature to adopt a dependent allowance of \$35 per dependent per week in 2023, and prevent it from eroding in the future by indexing its value so that it keeps pace with average wage growth in future years.<sup>25</sup>



### 3. ACCESSIBLE GUIDANCE

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**PROBLEM: GDOL’s online UI application is not accessible in Spanish or other languages that many Georgia workers speak, nor are other GDOL services being adequately provided to workers with limited English proficiency, in violation of Title VI of the federal Civil Rights Act.**

GDOL’s programs are not adequately accessible to the growing number of working Georgians with limited English proficiency. This is a violation of Title VI of the federal Civil Rights Act of 1964, which requires that federally funded programs, such as unemployment insurance, be made accessible to persons with limited English language proficiency.

GDOL’s Career Centers were closed throughout the pandemic, preventing non-English speakers from receiving in-person assistance. Non-English speakers cannot readily obtain assistance by telephone because as few as 4% of phone calls to GDOL were answered at all during the pandemic—making it nearly impossible for anyone, regardless of language proficiency, to receive phone assistance.

Even worse, while GDOL’s overall website has a function for translating pages into languages other than English, GDOL’s online application system for unemployment benefits does not offer translation and is available only in English.

Other unemployment guidance is similarly inadequate. For example, GDOL’s recent guidance to workers on their right to apply for an overpayment waiver simply told workers who needed translation or interpretation to email the overpayment unit or contact a career center (with instructions provided only in English).

In addition to the difficulty of communicating with GDOL in languages other than English, many individuals with limited English proficiency have needed assistance in filing weekly claims online. In fact, many are forced to pay people for assistance in filing those claims due to the language barrier—sometimes paying large amounts for little or no help.

The lack of in-person or telephone services and an English-only online UI application process combine to deny non-English speakers access to unemployment benefits in Georgia, in violation of federal law.

Finally, GDOL reports that it has no staff at all that speak Chinese, Mandarin, or Korean—the primary languages spoken by many of Georgia’s nearly half a million Asian American residents.

**SOLUTION: GDOL should make its services accessible to the hundreds of thousands of Georgians with limited English proficiency by:**

- **Making its online unemployment application process available in Spanish, Mandarin, Cantonese, Korean, and other languages** spoken by significant numbers of Georgia workers—as well as other critical forms and notices. GDOL must provide non-machine translation of all its critical forms and notices and directly send the translated forms and notices to the worker. Workers should not have to navigate an English-only website to find the properly translated form in their language.
- **Hiring more interpreters and bilingual staff**, including staff that speak Chinese, Mandarin, and Korean, to provide services by phone and in its Career Centers.
- **Raising the pay offered for bilingual staff to be competitive with the private sector** to enable the agency to recruit and retain such employees.

**PROBLEM: GDOL’s customer service materials are complex and written at an 11<sup>th</sup> grade level.**

The state’s 2022 audit of GDOL found that the agency’s unemployment insurance handbook is 60 pages long and written at an 11<sup>th</sup> grade level. Claimants are told to access the handbook *online*, which is not helpful for those without internet access or limited data on their cell phones. GDOL points to the handbook as the means by which it informs unemployed workers seeking benefits that they must certify for each week that they continue to be unemployed and are looking for work, as well as report any weekly earnings.

**SOLUTION:**

GDOL should write its worker-facing materials at an 8<sup>th</sup> grade level—and make them readily available to workers in all languages. Materials should also be checked for readability and reviewed by workers to ensure they are easily understandable.



#### 4. MISCLASSIFICATION AND TAX FRAUD

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**PROBLEM: GDOL has failed to crack down on corporations that illegally misclassify their employees as independent contractors.**

Corporations that illegally misclassify their employees as independent contractors are lawbreakers that are cheating Georgia’s workers, law-abiding employers, and taxpayers. Misclassification illegally denies workers pay protections like the minimum wage and overtime, workers’ compensation when they’re injured, and unemployment insurance when they are out of work. Misclassification is also a form of tax evasion—since corporations that misclassify their workers evade paying legally required state and federal payroll taxes. This robs Social Security, Medicare, and the state unemployment system of the funding they need, hurts law-abiding employers by putting them at an unfair disadvantage, and forces misclassified employees to shoulder higher payroll taxes.

GDOL has long had authority to go after corporations that misclassify their workers, which in Georgia is a violation of the state’s unemployment insurance laws. However, under its current leadership, GDOL has rarely done so, arguing that they lacked adequate staffing to enforce the law.

Fortunately, in 2022 the Georgia legislature passed bipartisan legislation, H.B. 389, to crack down on misclassification. The new law provides clear criteria for proper worker classification, establishes penalties for violators, and gives GDOL new authority to prosecute corporations that cheat their workers in this way.<sup>26</sup>





**SOLUTION: GDOL should crack down on lawbreaking corporations that misclassify their workers by:**

- **Acting swiftly to implement the new law on misclassification by assigning dedicated staff** to enforce it. Such work may eventually become self-funding as the new law provides that penalties paid by lawbreaking corporations shall be used to fund GDOL enforcement operations.
- **Publishing guidance for employers and workers and establishing a web portal** that allows workers with information about misclassification to file anonymous complaints with the agency.
- **Significantly increasing the number of GDOL audits of corporations suspected of misclassification.**
- **Establishing an advisory committee** that includes representatives of labor organizations in sectors where misclassification is common to provide feedback and information to the agency.
- **Establishing a multi-agency misclassification task force** that includes the GDOL, the Department of Revenue, the Secretary of State, and the Attorney General, to coordinate misclassification enforcement across the state.
- **Negotiating data-sharing with the Department of Revenue** to help GDOL identify employers that are not paying payroll taxes.
- **Working with the Secretary of State** to allocate more resources to investigating unlicensed contractors and to suspend the licenses of repeat violators.

**Brett Hulme, Political & Communications Director  
Southeastern Carpenters Regional Council**

“We applaud the 2022 Georgia legislature for its bipartisan support in passing HB 389, which addresses worker misclassification where W2 workers are illegally misclassified as independent contractors. HB 389 helps both workers and businesses that play by the rules—and helps government collect taxes that are owed. The Georgia Department of Labor should immediately begin enforcing HB 389 to protect the 276,350 Georgia workers that the department’s own audits show are currently misclassified each year. Immediate enforcement will also reduce the \$275 million in uncollected taxes that the same audits show misclassifying employers are evading each year.”

## 5. FARMWORKERS

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**PROBLEM: GDOL is not doing its job to ensure that Georgia farmworkers have safe housing and are protected from employment law violations.**

An ongoing and widely publicized prosecution by the U.S. Attorney's Office for the Southern District of Georgia has documented the shocking and abusive treatment too many farmworkers in Georgia face—and how little GDOL is doing to address it. The case, one of the largest farmworker human trafficking cases in U.S. history, has exposed how hundreds of Georgia farmworkers have been subjected to brutal and inhumane working and living conditions, including forced labor, illegally low wages, and injury and death on the job. It also described how farmworkers are forced into inadequate, overcrowded, unsanitary housing with raw sewage leaks and little access to food or safe drinking water.<sup>27</sup>

GDOL is the state agency responsible for ensuring that the thousands of farmworkers who live and work in Georgia each year have decent housing and are treated fairly on the job. Unfortunately, the agency is not carrying out these legally mandated responsibilities. In fact, one former GDOL official has already been indicted as complicit in the human trafficking ring, and a second GDOL employee—the current State Monitor Advocate, GDOL's top official charged with protecting farmworkers in Georgia—has ties to other individuals who are involved. He is the brother of the central figure who is being criminally charged in the case, and his nephew is also being investigated. As *USA Today* reported about the two GDOL officials, “both men had responsibilities directly tied to protecting H-2A farmworkers, including inspecting migrant housing and... overseeing the migrant and seasonal farmworker complaint system.”<sup>28</sup>

The fact that GDOL employees responsible for protecting farmworkers are being prosecuted for abusing farmworkers or have ties with those who are highlights how the agency's farmworker protection program is deeply broken.

Much of the housing that growers provide to migrant farmworkers in Georgia is grossly substandard, overcrowded, and does not meet housing code or sanitary standards. GDOL should launch a new program to inspect all farmworker housing in Georgia before it may be occupied by migrant farmworkers.

In addition, GDOL's State Monitor Advocate for farmworkers is supposed to troubleshoot employment law violations affecting farmworkers and manage a joint state-federal complaint system to help workers file complaints when they are mistreated on the job. However, GDOL's agricultural services outreach workers rarely report potential violations of federal or state law—despite a federal mandate to document suspected violations. As the deeply troubling trafficking case has illustrated, much of the problem lies with the fact that GDOL's State Monitor Advocate and GDOL farmworker staff are closely aligned with employers and are not independent enough to serve as effective watchdogs.

Furthermore, agricultural employers hiring workers through the H-2A guestworker program frequently discriminate against U.S. workers who are interested in those jobs, and frequently provide poor working conditions—despite federal law that prohibits such discrimination against U.S. workers and requires H-2A employers to meet prevailing labor standards. However, GDOL does little to enforce these legally mandated protections and labor standards.

GDOL's farmworker program is in urgent need of a complete overhaul. As Georgia Congressman Rick Allen commented on the revelations of the trafficking case:

"The details of this investigation are both appalling and deeply disturbing. It is clear that the Georgia Department of Labor failed to enforce basic H-2A compliance measures intended to protect seasonal workers, who serve as a vital link in our nationwide food supply chain.... I have long advocated for policies that safeguard the dignity of seasonal farmworkers, and I support proactive measures to ensure these programs, managed by the states, are operated in full compliance with federal statute."<sup>29</sup>

**Solimar Mercado-Spencer, Director of Farmworker Rights Division  
Georgia Legal Services Program**

"As a farmworker advocate, I am shocked, demoralized, and disappointed to learn that officials from the Georgia Department of Labor, who are responsible for ensuring the decent treatment of farmworkers in Georgia, have instead been implicated in a labor trafficking scheme based on exploiting the same workers they were charged to protect. With news reports now saying that the department's State Monitor Advocate for farmworkers—whose close family members have been indicted in relation to the labor trafficking scheme—will be retiring, the department should overhaul its farmworker program. Key steps should include consulting with farmworker service providers and advocates to appoint an independent, farmworker-oriented State Monitor Advocate, and adopting reforms like those outlined in this report for ensuring that the agency fulfills its duties with respect to Georgia farmworkers."

**SOLUTION: GDOL should overhaul its farmworker program to begin protecting Georgia's farmworkers by:**

- **Launching a serious program to inspect all farmworker housing in Georgia before it is occupied**, to require employers to upgrade substandard housing, and to forbid farmworkers from being housed in unsanitary housing.

- **Training GDOL staff, with the assistance of legal services providers in the state, to identify, document, and report substandard housing and employment law violations by employers, as required by law.**
- **Appointing a new and impartial State Monitor Advocate for farmworkers, as required by federal law.**
- **Surveying agricultural employers about their prevailing working conditions** in order to have benchmarks for enforcing the requirement that H-2A employers comply with prevailing industry labor standards.
- **Accepting complaints filed by advocacy organizations that do not identify specific workers.** Because of farmworkers' vulnerability and natural fear of retaliation, in most cases they are too afraid to file complaints while they are still employed.
- **Seeking additional funding and staffing for GDOL's farmworker program** to have the capacity needed to carry out these functions.



## 6. MINIMUM WAGE

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**PROBLEM: At just \$5.15 an hour, Georgia’s statutory minimum wage is far too low and covers too few workers to be effective at improving wages for underpaid workers.**

GDOL is charged with implementing Georgia’s minimum wage law. But with a statutory wage level of just \$5.15 an hour—which has not been raised in more than 20 years—the law is woefully out of date. Moreover, unlike most states’ minimum wage laws, Georgia’s minimum wage excludes most workers in the state.<sup>30</sup> As a result, it is of little use in protecting the more than 1.8 million working Georgians—36% of the state’s overall workforce, and nearly 50% of Black workers—who today struggle on less than \$15 an hour.<sup>31</sup>

In Florida, by contrast, the state minimum wage applies to nearly all workers. It will reach \$11 an hour in 2022, and Florida is raising it to \$15 by 2026. Those raises are helping Florida workers keep up with today’s rapidly rising living costs caused by the highest inflation in 40 years. But in Georgia, no similar relief is on the horizon for the state’s workers, who are being squeezed between low pay and rising prices.

**SOLUTION: GDOL should work with the legislature to update Georgia’s minimum wage to make it relevant by:**

- **Raising the Georgia minimum wage to \$15 an hour** over several years.
- **Updating the coverage of Georgia’s minimum wage** law to reach all workers.
- **Ending racist exemptions** that currently deny tipped workers the full minimum wage and that exclude domestic workers and farmworkers altogether.
- **Strengthening the law’s enforcement provisions** to give GDOL and workers new tools for fighting wage theft.



## ENDNOTES

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<sup>1</sup> Bloomberg, “Georgia Shows Just How Broken American Unemployment Benefits Are: An analysis of more than 2 million claims shows Black workers who lost jobs during the pandemic were more likely to be denied help than White people,” (Nov. 21, 2021), available at <https://www.bloomberg.com/graphics/2021-georgia-unemployment-bias/>

<sup>2</sup> Ga. Dep’t of Audits & Accounts, “GDOL’s Unemployment Insurance Pandemic Response Many factors contributed to payment delays,” Report No. 21-15 (Feb. 2022), available at <https://www.audits.ga.gov/ReportSearch/download/27851>; Ga. Public Broadcasting, “Lawsuit: Georgia Dept. Of Labor Provided Slow Payments, Bad Service,” (June 23, 2021), available at <https://www.gpb.org/news/2021/06/23/lawsuit-georgia-dept-of-labor-provided-slow-payments-bad-service>

<sup>3</sup> Ga. Dep’t of Audits & Accounts, Report No. 21-15.

<sup>4</sup> Ga. Public Broadcasting, “Lawsuit: Georgia Dept. Of Labor Provided Slow Payments, Bad Service.”

<sup>5</sup> USA Today, “Georgia officials’ ties to human trafficking case expose problems in visa program, farm labor advocates say” (May 5, 2022), available at <https://www.msn.com/en-us/news/us/georgia-officials-e2-80-99-ties-to-human-trafficking-case-expose-problems-in-visa-program-farm-labor-advocates-say/ar-AAWV6ph?ocid=uxbndlbing>

<sup>6</sup> Ga. Budget & Policy Initiative, “Overview of Georgia’s 2023 Fiscal Year Budget” (Jan. 21, 2022), available at <https://gbpi.org/overview-of-georgias-2023-fiscal-year-budget/>

<sup>7</sup> Ga. House Appropriations Hearing (Jan. 21, 2021), available at [https://www.youtube.com/watch?v=EvCa4S8uAK8&list=PLIgKJe7\\_xdLV\\_T8UkoYPYEmdWjOBYZDEq&index=29](https://www.youtube.com/watch?v=EvCa4S8uAK8&list=PLIgKJe7_xdLV_T8UkoYPYEmdWjOBYZDEq&index=29)

<sup>8</sup> Ga. Dep’t of Audits & Accounts, Report 21-15, “GDOL’s Unemployment Insurance Pandemic Response: Many factors contributed to payment delay” (Feb. 2022), Exec. Summary, available at: <https://www.audits.ga.gov/ReportSearch/download/27851>

<sup>9</sup> Axios Atlanta, “Georgia left thousands waiting for COVID unemployment aid” (Mar. 7, 2022), available at

<https://www.axios.com/local/atlanta/2022/03/07/georgia-covid-unemployment-aid-wait>; Axios Atlanta, “Kemp proposes \$5,000 pay raise as employee turnover hits record high” (Jan. 7, 2022), available at

<https://www.axios.com/local/atlanta/2022/01/08/kemp-proposes-5000-pay-raise-georgia>

<sup>10</sup> Ga Budget & Policy Institute, “Delayed and Denied: Modernization Needed at Georgia DOL to Support Georgia Workers and Economy” (Feb. 26, 2021), available at [https://gbpi.org/delayed-and-denied-modernization-needed-at-georgia-dol-to-support-georgia-workers-and-economy/#\\_ednref3](https://gbpi.org/delayed-and-denied-modernization-needed-at-georgia-dol-to-support-georgia-workers-and-economy/#_ednref3)

<sup>11</sup> Within 14 days if a waiting week is required.

<sup>12</sup> US DOL Data:

<https://oui.doleta.gov/unemploy/btq.asp> (run a report for Georgia on “All First Payment Timeliness” from Jan. 2020 to Jan. 2022; see also The Century Foundation UI Dashboard: <https://tcf.org/content/data/unemployment-insurance-data-dashboard/>

<sup>13</sup> The Century Foundation Dashboard: “Appeals Aging”

<sup>14</sup> Analysis of Household Pulse Survey data (2021, February), U.S. Census Bureau.

<sup>15</sup> Bloomberg, “Georgia Shows Just How Broken American Unemployment Benefits Are,” *supra*.

<sup>16</sup> Southern Poverty Law Center Action, Georgia’s Unemployment Performance, 2020-2021, p. 10.

<sup>17</sup> As explained by the Georgia Budget & Policy Institute, “the governor’s FY 2023 budget request would transfer out a significant share of DOL program services to the state’s Technical College System (TCSG) and therefore reduce its spending to \$6.1 million in the new fiscal year.” Ga. Budget & Policy Inst., “Overview: 2023 Fiscal Year Budget for the Georgia Department of Labor” (Feb. 24, 2022), Available at <https://gbpi.org/overview-2023-fiscal-year-budget-for-the-georgia-department-of-labor/>

<sup>18</sup> Ga. Budget & Policy Institute, “Delayed and Denied: Modernization Needed at Georgia DOL to

Support Georgia Workers and Economy” (March 2021), p.4, available at <https://gbpi.org/wp-content/uploads/2021/03/20210226-delayed-denied-3.pdf>

<sup>19</sup> U.S. Dep’t of Labor, Employ. & Training Admin., Unemployment Insurance Program Letter No. 22-20 (May 10, 2020), available at [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=6220](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6220)

<sup>20</sup> National Employment Law Project, “Understanding And Improving Overpayment Waivers For Federal And State Unemployment Insurance Benefits” (Feb. 24, 2022), available at <https://www.nelp.org/publication/understanding-and-improving-overpayment-waivers-for-federal-and-state-unemployment-insurance-benefits/>

<sup>21</sup> GDOL Rules, Ch. 300-2-4-.08, Overpayments (amended March 31, 2022), available <https://dol.georgia.gov/blog-post/2022-04-04/notice-amended-rules-march-31-2022>

<sup>22</sup> O.C.G.A. 34-8-193(e) (2020).

<sup>23</sup> Ga. Dep’t of Labor, Emergency Rules adopted 03-26-20, Rule 300-2-4-0.10-.12 Deductible Earnings, available at <https://dol.georgia.gov/blog-post/2020-03-26/emergency-rules-adopted-03-26-20>

<sup>24</sup> Center on Budget & Policy Priorities, “Policy Basics: How Many Weeks of Unemployment Compensation Are Available?” (May 9, 2022), available at <https://www.cbpp.org/research/economy/how-many-weeks-of-unemployment-compensation-are-available>

<sup>25</sup> For further background on all of these recommendations, see Bivens, Josh, Melissa

Boteach, Rachel Deutsch, Francisco Diez, Rebecca Dixon, Brian Galle, Alix Gould-Werth, Nicole Marquez, Lily Roberts, Heidi Shierholz, and William Spriggs. 2021. Reforming Unemployment Insurance: Stabilizing a System in Crisis and Laying the Foundation for Equity. A joint report of the Center for American Progress, Center for Popular Democracy, Economic Policy Institute, Groundwork Collaborative, National Employment Law Project, National Women’s Law Center, and Washington Center for Equitable Growth. June 2021, available at

<sup>26</sup> Ga. H.B. 389 of 2022, available at <https://legiscan.com/GA/bill/HB389/2021>

<sup>27</sup> Atl. Journal-Constitution, “‘This has been happening for a long time’: Modern-day slavery uncovered in South Georgia” (Dec. 3, 2021), available at <https://www.ajc.com/news/this-has-been-happening-for-a-long-time-modern-day-slavery-uncovered-in-ga/SHBHTDDTTBG3BCPSVCB3GQ66BQ/ga/SHBHTDDTTBG3BCPSVCB3GQ66BQ/>

<sup>28</sup> USA Today, “Georgia officials’ ties to human trafficking case expose problems in visa program, farm labor advocates say” (May 5, 2022), available at <https://www.msn.com/en-us/news/us/georgia-officials-e2-80-99-ties-to-human-trafficking-case-expose-problems-in-visa-program-farm-labor-advocates-say/ar-AAWV6ph?ocid=uxbndlbing>

<sup>29</sup> Ibid.

<sup>30</sup> O.C.G.A. 34-4-3.

<sup>31</sup> Oxfam, “The Crisis of Low Wages in the U.S.: Who Makes Less Than \$15 an Hour” (2022), available at [https://webassets.oxfamamerica.org/media/documents/low\\_wage\\_report\\_2022\\_final.pdf?gl=1\\*1em7nj4\\*ga\\*MjExODUzMjgyMy4xNjUyODUxMjY4\\*ga\\_R58YETD6XK\\*MTY1Mjg1MTI2Ni4xLjEuMTY1Mjg1MTQyNy41OQ..](https://webassets.oxfamamerica.org/media/documents/low_wage_report_2022_final.pdf?gl=1*1em7nj4*ga*MjExODUzMjgyMy4xNjUyODUxMjY4*ga_R58YETD6XK*MTY1Mjg1MTI2Ni4xLjEuMTY1Mjg1MTQyNy41OQ..)