



# New York School Bus Contractors Association, Inc.

Promoting safe, reliable, and cost-effective student transportation.

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## Memorandum

To: NYSBCA Members

From: Tammy Mortier, NYSBCA Executive Director

Date: December 7, 2021

Subject: Unemployment Denied for Unvaccinated or Refusal to Test

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NYSBCA has received confirmation that if an employee refuses to get vaccinated or tested, then they become ineligible to collect unemployment benefits under the New York State Department of Labor (NYS DOL) policy.

From *NYS DOL website*: <https://dol.ny.gov/unemployment-insurance-top-frequently-asked-questions>

### If a worker refuses to get vaccinated, will they be eligible for UI benefits?

Like all UI claims, eligibility will depend on the circumstances as each claim is unique and reviewed on a case-by-case basis. **Workers in a healthcare facility, nursing home, or school who voluntarily quit or are terminated for refusing an employer-mandated vaccination will be ineligible for UI absent a valid request for accommodation because these are workplaces where an employer has a compelling interest in such a mandate, especially if they already require other immunizations. Similarly, a public employee who works in a public setting and is subject to a local government mandate to submit proof of vaccination or negative testing may be disqualified from the receipt of UI if they refuse to get vaccinated or tested.** In contrast, a worker who refuses an employer's directive to get vaccinated may be eligible for UI in some cases, if that person's work has no public exposure and the worker has a compelling reason for refusing to comply with the directive.

### UNEMPLOYMENT INSURANCE FREQUENTLY ASKED QUESTIONS

Who qualifies to COLLECT unemployment insurance? According to the Department of Labor, you're eligible for UI benefits if you:

1. Lose your job through no fault of your own.
2. Meet the work and wage requirements established by your state, as well as any additional state requirements.

What qualifies to be DENIED unemployment insurance?

1. If you quit your job without "good cause."
2. If you were discharged for misconduct or lack of compliance with employer policies.

Can you collect unemployment if you're fired for refusing the COVID-19 vaccine or testing?

1. **NO**, you will be denied UI. You were discharged for refusing the vaccine mandate and testing, that would be considered being fired "for cause."