

Jason Habinsky Talks With CBS News About Vaccine-Related Employer Policies, Unemployment Benefits

October 14, 2021 Jason Habinsky

PRACTICES Labor and Employment

Haynes Boone Partner [Jason Habinsky](#) was quoted in a *CBS News* article about how a violation of a company's COVID-19 vaccination policy in most cases disqualifies fired workers from receiving unemployment assistance.

Below is an excerpt:

Vaccine mandates are quickly becoming the norm at companies large and small across the U.S., as employers take steps to ensure their workplaces are safe and their workers are protected against COVID-19.

Workers typically qualify for unemployment benefits if they are terminated through no fault of their own. But experts say they forfeit these benefits if they leave a position on their own volition or if they are terminated for cause, such as because they failed to comply with company policy, for example.

You're Disqualified

"Generally if you do something bad, commit misconduct, violate company policy, then you are disqualified from receiving unemployment benefits," said Jason Habinsky, chair of New York-based law firm Haynes Boone's labor and employment practice. "If you leave on your own or are terminated for a reason, you're not eligible."

Similarly, violating a company's COVID-19 vaccination policy in most cases disqualifies a worker from receiving assistance.

"In the case of not complying with a vaccine mandate, that is like failing to comply with any other employer-related policy. Generally, that is a reason an agency would deny unemployment insurance benefits," Habinsky added.

Few Caveats, Exceptions

A worker who was denied unemployment benefits after being terminated for forgoing the vaccine might successfully challenge the denial if their employer did not have an official vaccination policy in place, or failed to enforce it uniformly.

"Agencies will look at a totality of factors and very often look to find reasons supporting payment of unemployment benefits, including did the employer actually have a policy, did the employee know about the policy, is the employer applying the policy uniformly to all employees or was this person just cherry-picked to enforce policy. All of those reasons could move the needle in the other direction," Habinsky said.

To read the full article, click [here](#).