Jason Habinsky Talks with HR Magazine About Unemployment Benefits, Mandatory Vaccination Policies

By Jason Habinsky | September 1, 2021

RELATED PRACTICES Employment Litigation, Labor and Employment, Litigation

Haynes Boone Partner Jason Habinsky talked with *HR Magazine* about whether employees who refuse to comply with mandatory vaccination policies may be ineligible to receive unemployment benefits.

Below is an excerpt:

Now that the Pfizer-BioNTech vaccine has been fully approved—and as the COVID-19 delta variant continues to spread—more employers may decide to require workers to get vaccinated. Employees who are fired for refusing to get vaccinated may be violating a company policy and ineligible for unemployment benefits... .

In most states, employees are not eligible for unemployment benefits if they are fired for violating a company policy, because it is considered misconduct. So if a company has a vaccination policy and the consequences for violating that policy are clear, Self said, the employee may be ineligible for such benefits unless the worker was exempt from the policy for medical or religious reasons.

Jason Habinsky, an attorney with Haynes Boone in New York City, said refusing to get vaccinated may be akin to failing to adhere to another company safety protocol, such as a training requirement or refusing to take an employer-mandated drug test. However, the unemployment insurance agency likely will consider a totality of factors, he noted, such as whether the employee had a reasonable basis for refusing the vaccination.

The agency may also look at whether the company policy was applied uniformly to similarly situated employees, as well as other extenuating factors, Habinsky said.

To read the full article, click here.

© 2026 Haynes and Boone, LLP