

Electronic Alert

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Employees Who Are Fired for Refusing COVID-19 Vaccine May Not be Eligible for Jobless Benefits

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As a general rule, jobless benefits are available to unemployed Oregon workers who are laid off or who have good cause to quit their jobs. Workers are generally not eligible for jobless benefits if they are terminated from their job due to misconduct. Misconduct can arise when an employee refuses to adhere to an employer's reasonable workplace policy.

Is an employer's vaccine mandate a reasonable workplace policy? An official with the Oregon Employment Department signaled last week that in the context of a global pandemic, a vaccine mandate could be considered a reasonable policy, and employees may be ineligible for jobless benefits if they are fired for refusing the COVID-19 vaccine, unless they can establish a medical or religious exemption.

The official said determining whether a vaccine policy is reasonable is a fact-specific inquiry, and the department will determine each jobless claim stemming from termination for failure to be vaccinated on a case-by-case basis.

Jobless claims are one of many complex and dynamic issues that stem from COVID-19 vaccine mandates. Employers who are considering a COVID-19 vaccine mandate should consult with counsel to ensure their policy is in compliance with state and federal law.

For questions about vaccine mandates or for any other questions relating to COVID-19 in the workplace, contact Sarah Hale at 503-276-2111 or shale@barran.com.

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