

Perspective

September, 2021

COVID-19 Vaccine Mandates: Policies, Procedures, and Unemployment

It can be difficult to write policies and procedures for your employees. Whether it is uniform standards, safety protocols, or social media policies, you have to balance what's best for your customers, your employees, and your organization's reputation. While some may seem silly ("pieces of flair" from the movie Office Space anyone?), most policies are there to protect your bottom line in some way.

While you may be used to writing or updating the standard policies, there is a new one in town: **COVID-19 vaccine mandates**. If your organization is considering or has decided to mandate COVID-19 vaccinations, you can start working on your policy by answering these questions:

01

Will you be terminating existing employees if they refuse the vaccine?

02

How do you make exceptions when needed?

03

What if people quit on their own because of the mandate?

According to a recent [Qualtrics](#) poll, 60% of employees surveyed supported their employers requiring vaccinations for in-person work — a number they think will continue to grow. However, 23% would strongly consider leaving their company if there were a vaccine mandate. In other words, some of your employees will likely **refuse and either quit, or you might be forced to let them go**.

If your employees quit or are terminated due to a vaccination requirement and file for unemployment benefits, will the state actually award the benefits? If they do, you could be facing higher unemployment taxes in the future.

Just like so many things related to the pandemic, this issue is uncharted territory for workers, employers, and the state workforce agencies. It is too early to know how each individual state will determine benefit eligibility/ineligibility on such separations until they start making their way through the unemployment process. But it is critical to remember that all such separations, as with any separation reason, will be judged individually on their own merits, based on each state's existing statutes, rules, and regulations.

Don't feel alone. There are many people and organizations in your same shoes right now. Let's start by positioning your company to potentially win these types of unemployment cases.

BEFORE SEPARATION - STARTING NOW

Plan for success. Before communicating any type of policy, rule, or mandate, give careful consideration to all of the following:



Understand Your Employer Rights - As an employer, you may be within your rights as a company to establish policies around the vaccine, especially if you are in an industry such as healthcare, senior living, education, etc. where the risk of transmission may be high. And now with the federal government mandate being proposed, more employers are moving in this direction.



Create a Policy - Establish a policy that is very clear and communicated to the entire organization. The consequences of non-compliance should be laid out just as any other policy like attendance or the code of conduct.

60% OF EMPLOYEES SURVEYED SUPPORTED THEIR EMPLOYERS REQUIRING VACCINATIONS FOR IN-PERSON WORK



Develop a Communication Plan - Create a consistent, transparent communication plan and be available to listen to any concerns. Communication should go through multiple delivery channels such as emails, town halls, and your Intranet. If needed or as may be required, make sure information is available in multiple languages.



Give Advanced Notice - Early notification and providing employees with ample time to complete their vaccination will also show your willingness to help them understand the requirements and your reasons for it.



Get Acknowledgement - You should make sure all of your employees acknowledge and sign they have read and understand your vaccine policy.



Offer Incentives - Encourage vaccinations by offering time off, financial incentives, or even hosting vaccination events to demonstrate that you are trying to take away barriers related to availability.



Be Consistent - Enforce the policy consistently throughout the organization, this is key!



Create a Tracking System - If you are making your requirement dependent on state or local municipality mandates, establish a tracking system and have very clear documentation and proof of how you are enforcing these requirements at any given time.



Manage Vaccine Exemptions - Ensure your policy accounts for:

- Federal anti-discrimination laws as laid out by the Equal Employment Opportunity Commission (EEOC) in their [COVID-19 guidance](#).
- Religious and Medical Exemption requests: Review these [resources](#) from SHRM to help you navigate the complexity of exemptions. Here is a sample [Request for Accommodation](#) you can provide to applicable employees.

AFTER SEPARATION - BEING PREPARED

As with all types of separation, the key is to document, document, document. Since these types of separations are new, it is uncertain what the states will consider when making their decision. Being prepared with facts for all possible inquiries could be crucial.



Consistent Identification - Ensuring these separations are properly identified along with the facts surrounding them will be important for state agencies to make the most informed decisions possible. If you are a client of the Equifax Workforce Solutions Unemployment Cost Management service, there are two ways to code these separations.

- “Voluntary - Dissatisfied with Company Policies” - If the employee elects to quit in lieu of being vaccinated.
- “Involuntary - Discharged for COVID Vaccine Refusal” - If the worker is being involuntarily terminated because of your policy OR if the worker quits in lieu of being discharged.
- If you do not work with an unemployment provider, be sure to specifically identify that the individual was separated due to refusal to receive or provide documentation of a COVID-19 vaccine.



Responses to Unemployment Claims Inquiries - If an employee quits or is terminated, be sure to include with your response:

- A copy of the vaccine policy that states all employees have to be vaccinated to continue employment.
- A copy of your communication that states a specific date as to when all employees were to be vaccinated.
- The signed acknowledgement of the vaccine policy that shows understanding that choosing to remain unvaccinated will result in termination.

23% WOULD STRONGLY CONSIDER LEAVING THEIR COMPANY IF THERE WERE A VACCINE MANDATE

As with any policy, consistency is key. Only time will tell how the states will rule on separations due to vaccine mandates, and it will be up to you as an employer to decide whether to fight these claims if granted or not.

If your organization is struggling with unemployment claims and you'd like to learn more about how you can manage your unemployment costs, reach out to our [Unemployment Cost Management](#) subject matter experts from Equifax Workforce Solutions. For even more insights, subscribe to [The Workforce Wise™ blog](#) for updates, best practices, and tips.