

Guidance Document

Pursuant to Neb. Rev. Stat. §84-901.03

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operation of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedures Act. If you believe that this guidance document imposes additional requirement or penalties on regulated parties, you may request a review of the document.

Unemployment Benefit Eligibility for Individuals Discharged for Refusing to Receive a Vaccination Against COVID-19.

DISCLAIMER:

This Guidance Document is not intended to take the place of the law, but it is intended to provide individuals with a general understanding of the Nebraska Department of Labor's interpretation of the definition of misconduct as used in the Nebraska Employment Security Law (NESL) (*Neb. Rev. Stat. §§48-601 through 48-683*). For additional information, individuals may consult the visit dol.nebraska.gov where information is provided on the Nebraska Employment Security Law (NESL) (*Neb. Rev. Stat. §§48-601 through 48-683*) and portions of the Nebraska Administrative Code related to NESL.

COVID-19 Vaccination Requirements

The Nebraska Department of Labor recognizes that employers may institute COVID-19 vaccination requirements. The Nebraska Department of Labor further recognizes that Nebraskans have individual responsibility and personal freedom of their healthcare decisions and that the decision to receive a COVID-19 vaccination is a personal choice involving medical, religious, and other personal factors. Further, the requirements issued by employers regarding COVID-19 vaccinations may not have existed at the time individual employment was accepted.

Refusal of COVID-19 Vaccination

For all individuals who began work for an employer prior to an employer instituting a COVID-19 vaccine requirement:

- an individual who is **discharged** from employment for refusing to receive a vaccination against COVID-19, shall be deemed to have been discharged for reasons other than misconduct and not be disqualified for unemployment benefits on account of such discharge; and
- impact to an employer's experience account will be determined under *Neb. Rev. Stat. §48-652*.