



New Hampshire Employment Security

Frequently Asked Questions (FAQs)

Unemployment Insurance Eligibility for Noncompliance with Employer Vaccine Mandates

The following FAQs are intended to help employers and employees address issues surrounding unemployment benefits in light of potential vaccine mandates issued by employers. While it is important to remember that each claim is unique and is decided on an individualized basis, the goal in providing this document is to provide more information and ultimately more predictability.

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1. Am I eligible for unemployment benefits if I am fired for not complying with my employer's vaccine mandate or if I quit in response to my employer's vaccine mandate?

It depends. NHES looks at whether the employer's policy is reasonable and whether the mandate is intended to serve a legitimate business interest of the employer.

2. My employer requires unvaccinated employees to undergo regular COVID testing and/or a mask mandate to comply with their workplace protocols. If I quit or am fired for refusing to comply, will I be eligible for benefits?

NO. Generally, employees that quit or are fired for refusing to comply with reasonable alternatives to a vaccination mandate, such as a facemask requirement, would not be eligible for unemployment benefits.

3. I work in a health care facility and/or work in close contact with elderly and vulnerable people and refuse to comply with my employer's vaccine mandate. Their policy states that anyone who works in direct contact with patients or vulnerable individuals must be vaccinated and they do not provide reasonable alternatives such as testing or masking. If I quit or am fired for noncompliance, am I eligible for unemployment benefits?

NO. Generally, it is reasonable for an employer to require employees who work with vulnerable people to be vaccinated. However, the department would still review whether the employer's policy was applied reasonably, and considered requests for medical or religious accommodations.

4. If I quit or I am terminated for noncompliance with a vaccine mandate imposed by my employer, and no reasonable alternative was offered, such as having to wear a mask, and my employment is not directly related to working with vulnerable individuals or in health care, am I eligible for unemployment benefits?

Most likely. Employees that quit or are fired for refusing to comply with a vaccine requirement in this instance would likely be found eligible for unemployment benefits. Simply requiring a vaccination without any alternatives may not be deemed reasonable for all employees in all industries.
