

October 26, 2021

The Honorable Jennifer Berrier
Pennsylvania Department of Labor & Industry
1700 Labor and Industry Building
Harrisburg, PA 17121

Dear Secretary Berrier:

I write on behalf of the PA Chamber of Business and Industry to urge the Department of Labor & Industry to clarify its position with respect to unemployment compensation (UC) claimants whose separation from employment was based on a refusal to comply with a lawful workplace vaccination or testing policy.

Employers have the right and responsibility to enforce health and safety measures to safeguard their workforce and customers. Employees let go for knowingly violating such measures without good cause have historically not been eligible for UC – they are *not* out of work through no fault of their own, a key UC eligibility prerequisite.

An employee who refuses without good cause to comply with a vaccine or testing requirement, whether required by law, lawful employer policy, or both, should generally not be eligible for UC and any ambiguity to this question is problematic for multiple reasons:

- First and foremost, it is contrary to the collective goal of encouraging vaccination, our best hope to end the pandemic;
- It will exacerbate an already serious labor shortage;
- It encourages unwarranted claims and fosters an environment in which illegitimate claimants are incentivized to simply file a claim and hope the lack of clarity works in their favor;
- It slows the claims process, adding to the existing backlog and holding up benefits for legitimate claimants;
- It discourages employers from taking the time to contest illegitimate claims; and
- It further depletes an already strained UC system, which harms employers, who fund the program, and legitimate claimants.

We appreciate that determining UC eligibility must often be handled on a case-by-case basis and there will be certain considerations related to vaccines (e.g., refusal based on a medical or religious reason) that can be outlined in more detailed guidance. And of course, parties always have the right to appeal decisions.

However, it is appropriate and important, for the reasons outlined, for the Department to clearly state that an individual whose separation from employment was based on a willful refusal to comply with a lawful workplace vaccination or testing policy, without good cause, is generally not eligible for UC.

Thank you for considering our views on this important matter.

Sincerely,



Gene Barr
President and CEO