



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 1, 2022

Favorable Testimony
HB901 Unemployment Insurance - Disqualification Exceptions - COVID-19 Vaccination

Chair Wilson, Vice Chair Crosby and committee members,

HB901 is a bill that simply allows for employees to receive unemployment benefits if they lost their job because they were not given an option by their employer to have an exemption from a health care mandate put on them as a condition of employment. These were employees who had already been working their jobs through the first year and a half of the covid lockdowns, providing valuable services in the community, often at the risk of their own health and safety.

Those who lost their jobs because of the mandates exercised their right of self-determination in refusing to take, what is still classified by the Food and Drug Administration (FDA), as having only “Emergency Use Authorization”. None of the vaccines available in the U.S. are approved for normal use outside of the EUA, which means they have not gone through the normal testing processes that every other drug on the market must go through before it’s available for public use. These constituents have had personal negative experiences with vaccines, have existing health issues that dictate drug caution, have had family or friends who have had negative results from the vaccines, or have religious values that are challenged by these mandates.

The Maryland Department of Labor’s web site states that “Unemployment benefits may be available if you:

- are unemployed through no fault of your own
- earned a certain minimum amount in wages before you were unemployed; AND
- are able to work, available to work, and actively seeking work.

These employees meet these criteria. They were employed and working until their employer forced them into an action that their health or religious circumstances could not permit. They were given no alternative.

Quoting from the Maryland Department of Labor’s website, Section 8, to establish good cause for quitting, “the claimant must show that the cause for leaving is directly attributable to, arising from or connected with the conditions of the employment or the actions of the employer”. An example is given, “The claimant worked for the employer for one day. He quit because he was required to use an extension ladder numerous times a day to disconnect cable television wiring from telephone

poles. He did not know that lifting ladders would be part of his job. He is incapable of lifting objects because he has torn rotator cuffs in his shoulders. The employer told him that they could not supply special equipment to assist him.” His quitting is considered “good cause” and would be eligible for unemployment benefits. The circumstances are similar in nature. These employees were working. A new requirement of a vaccine that threatened their health was put upon them. They were given no special considerations. Their job loss should be considered as having good cause.

In the circumstances where constituents had religious objection, they should also have been accommodated, and where they were not their civil rights were violated. According to Title VII of the Civil Right Act, “The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.” “It shall be an unlawful employment practice for an employer - to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.”

In May of 2021 Maryland’s unemployment was 6.1%, and still higher than the national average. According the US Census Bureau’s Pulse Survey, the category of “non-Hispanic Black adults” were more represented among the unvaccinated than any other group. So the likely hood is that those impacted the most were in the minority communities in Maryland, and those would be the folks most impacted by job loss due to vaccine mandates.

Maryland must help everyone negatively impacted by these mandates get the unemployment benefits which they earned, paid into, and are currently being denied.

I respectfully ask for a favorable report on HB901 Unemployment Insurance – Disqualification Exceptions – COVID–19 Vaccination.

Respectfully,

A handwritten signature in black ink, appearing to read 'D Cox', written in a cursive style.

Delegate Dan Cox, District 4
Frederick and Carroll Counties