

COVID-19 Vaccine Mandates and Unemployment and Sickness Benefits Under the Railroad Unemployment Insurance Act (RUIA)

(NOVEMBER 22, 2021)

The RUIA provides for payment of unemployment insurance (UI) benefits to eligible employees for days of unemployment and for the payment of sickness insurance (SI) benefits for days of sickness. Provided below are some frequently asked questions regarding those situations in which an employer's vaccine mandate has adversely affected an employment situation. Please note that the answers to these questions are based on the assumption that the employee meets all necessary eligibility requirements. Instructions on filing for benefits are provided following the questions and answers.

Suspended or Furloughed Due to Rules Violations

- Q:** If my employer furloughs me, am I eligible to receive UI benefits under the RUIA?
A: Yes. *An employee furloughed by his employer is eligible for UI benefits.*
- Q:** If my employer offers me the option to go on voluntary furlough, will I be eligible to receive UI benefits under the RUIA?
A: No. *In order to be eligible for UI benefits, an employee must not have left work voluntarily.*
- Q:** I have been furloughed, suspended or terminated because I refused to comply with my employer's vaccine mandate. Am I eligible for UI benefits?
A: Yes. *In this case, the employee has not voluntarily left work and may be eligible for UI benefits.*
- Q:** If I was disciplined for failure to comply with my employer's vaccine mandate before being suspended or terminated, does it affect my eligibility for UI benefits?
A: No. *Having been disciplined for not complying with an employer's vaccine mandate will not prevent eligibility for UI benefits.*
- Q:** I attempted to comply with my carrier's vaccine mandate, but failed to meet the deadline due to the 14-day waiting period following the final dose and have consequently been furloughed or suspended. Am I eligible for UI benefits?
A: Yes. *The employee may be eligible for UI benefits since (s)he did not voluntarily leave work.*
- Q:** What if I have the option to accept a voluntary furlough under a negotiated agreement with my rail employer and rail union?
A: *If your employer and union have negotiated a special COVID-19 relief plan that you are eligible to join that delineates rights of furloughed employees, you may be eligible for UI benefits.*
- Q:** How does the RRB determine whether employees will be eligible for UI under a negotiated plan?
A: *The RRB will consider an employee to be eligible for UI while the employee is furloughed under a negotiated plan if the negotiated plan is the only alternative to an employer-imposed furlough. In other words, where an employee chooses to participate in a COVID-19 negotiated plan that includes a period of furlough, rather than be subject to an employer-imposed furlough, the furlough under the*

negotiated plan will be considered to be an involuntary furlough for purposes of determining eligibility for UI benefits. Whether a negotiated plan may allow for UI eligibility for employees is fact-specific and determined by the RRB. If you are involved in negotiating a plan and would like to submit it for review, please send it to: LAWGroupMailbox@rrb.gov. Please remember, even if a negotiated plan may allow for UI benefits, the employee must still meet all other eligibility requirements for UI benefits, including not using any paid vacation days or personal days for the period claimed.

Religious and Other Accommodations

8. **Q:** If I have requested a religious or moral accommodation request from my carrier and have been placed on unpaid leave of absence, am I eligible for UI benefits?
A: *Yes. The employee in this case has not voluntarily left employment and may be eligible for UI benefits.*
9. **Q:** What if I have requested religious or moral accommodation request from my carrier and have been placed on paid leave, am I still eligible for UI benefits?
A: *No. If an employee is getting full paid leave from his/her employer, the employee is ineligible for RUIA benefits. However if the employer is paying benefits under an approved supplemental plan, the employee may still be eligible for RUIA benefits. See your employer's HR representative if you are unsure if your paid leave is from an approved supplemental plan.*
10. **Q:** I have been placed on an unpaid leave after being granted a medical accommodation request from my employer, but I have no medical evidence of an inability to work. Am I eligible for SI benefits?
A: *No. An employee must provide medical evidence of inability to work from an accepted medical provider to be eligible for SI benefits. In this case, the employee should apply for UI benefits.*
11. **Q:** My employer denied my request for religious or moral accommodation from the vaccine mandate and as a result, I have been suspended or furloughed. Am I still eligible for UI benefits?
A: *Yes. In this case, the employee has not voluntarily left employment and may be eligible for UI benefits.*
12. **Q:** My employer denied my request for medical accommodation request from the vaccine mandate and as a result, I have been suspended or furloughed. Am I still eligible for UI benefits?
A: *Yes. The employee has not voluntarily left employment and may be eligible for UI benefits. However if the employee is or becomes unable to work due to a diagnosed medical issue, the employee instead becomes eligible for SI benefits. An employee must provide medical evidence of inability to work from an accepted medical provider to be eligible for SI benefits.*
13. **Q:** If I decide to self-quarantine due to concerns about possible exposure to COVID-19, but am not experiencing any symptoms and have not been told by my employer to refrain from reporting for work, am I eligible for UI benefits?
A: *No. Among the eligibility requirements for UI benefits, an employee must be available for work. An employee who opts to self-quarantine is not available for work. However if the employee later becomes unable to work due to a diagnosed medical issue, the employee may then be eligible for SI benefits. An employee must provide medical evidence of inability to work from an accepted medical provider to be eligible for SI benefits.*

Medical Leave/Medical Diagnosis

14. **Q:** If I test positive for COVID-19 am I eligible for SI benefits?

A: *Yes. If you test positive for COVID-19, you are eligible for SI benefits. Documentation of the positive test should be submitted with your SI application/claim and SI benefits will be payable until your doctor releases you to return to work.*

15. **Q:** If my employer instructs me to quarantine and not to report for work due to exposure or possible exposure to COVID-19, will I be eligible for benefits?

A: *Yes. An employee who is quarantined is not available for work, and therefore not eligible for UI. However, if due to exposure or potential exposure to COVID-19, the employee is instructed to quarantine, the employee would be eligible for SI benefits. A copy of the instruction from the employer will serve as proof of the medical restriction. If the employee does not have a copy of the instruction from his/her employer, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing the direction received from the employer.*

16. **Q:** If I report for work but am sent home by my employer because of possible exposure to COVID-19 through a coworker, but I am experiencing no symptoms, will I be eligible for benefits?

A: *Yes. See the answer to Question 15.*

17. **Q:** If I am experiencing symptoms of COVID-19 and I am subject to instructions from a health care provider or public health official to quarantine, am I eligible for SI benefits during the period of the quarantine?

A: *Yes. An employee unable to work due to sickness is eligible for SI benefits. A copy of the quarantine instruction will be acceptable proof. If the employee does not have a copy of the instruction, or if the instruction was not written, the employee may submit a completed [RRB Form G-93](#) describing his or her symptoms, and the instruction. The completed RRB Form G-93 will only be sufficient proof for one claim period. After the initial claim period, the employee will need to provide a copy of the quarantine instruction.*

Filing Applications/Claims for Benefits during the National Emergency due to the COVID-19 Virus

- Railroad employees should sign up for online access through **myRRB** at RRB.gov. Employees can **file for unemployment benefits** as well as **complete claims for both sickness and unemployment benefits** online.
 - Employees can create a **myRRB** account by visiting <https://rrb.gov/Benefits/myRRB> and clicking on the button labeled “Sign in with LOGIN.GOV”.
 - Establishing a myRRB account gives workers a head start in the event that RRB unemployment or sickness benefits are needed by railroad workers in the case of carrier furloughs or illness. A **myRRB** account permits users to have instant access to: Apply for unemployment benefits, claim unemployment benefits, view Railroad Unemployment Insurance Act account info, claim sickness benefits, and view service and compensation.
 - The following information is needed to create a **myRRB** account through login.gov:
 - A current, state-issued ID;
 - An email address;
 - Enabling two-step authentication;
 - Providing basic information such as name, address, and phone number;
 - Social Security Number (SSN);
 - Address verification.
 - Once the user’s personal information is verified, login.gov will provide a personal key that will be needed to gain access and make changes to the account. This key should be written down and stored in a safe place.
- Employees who need to apply for **sickness benefits** can **print the necessary forms**. The **Application for Sickness Benefits (Form SI-1a)** must be submitted with the first claim. *In lieu of* the **Statement of Sickness (Form SI-1b)**, employees may submit a copy of the quarantine instruction or a completed **RRB Form G-93** describing the quarantine instruction. The documents should be mailed as directed below, or as noted, may also be faxed.
 - If mailed, the completed forms should be mailed to:
U.S. Railroad Retirement Board
PO Box 10695
Chicago, IL 60610-0695
 - Due to the unique circumstances we are faced with, the RRB will accept sickness applications via fax, which will be reviewed on Tuesdays and Thursdays. The fax number is: 312-751-7185.

*****IMPORTANT NOTE*****

Employees who are filing or claiming via paper forms through the mail and are experiencing significant delays should contact the RRB by phone at 877-772-5772 or by using the public e-mail address SicknessandUnemploymentbenefits@rrb.gov. Please note: Do not include personally identifiable information, such as an SSN, as this e-mail box is not secure.