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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 5@ UNEMPLOYMENT COMPENSATION BENEFITS

1256-6 Voluntary Leaving -Good Cause -Conscientious

Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256-6@ Voluntary Leaving -Good Cause -Conscientious Objection

(a)

Scope. This section relates to whether good cause exists to leave most recent work when an individual leaves work due to conscientious objection to the work conditions or work assigned. Sections 1256-1, 1256-2, and 1256-3 of these regulations set forth general principles also applicable under this section.

(b)

Religious, Ethical, or Philosophical Beliefs. If an individual has, or after working for a time newly acquires, a conscientious objection to the work conditions or assigned work based on religious beliefs founded on the tenets or beliefs of a church, sect, denomination, or other religious group, or on ethical or philosophical grounds, an individual's voluntary leaving of the most recent work based on religious beliefs or other grounds is with good cause if all of the following conditions are met: (1) If religious beliefs are involved, the tenets or beliefs of the religious group expressly forbid the adherent from engaging in the assigned work or meeting the work conditions. (2) The conscientious objection is bona fide and not a sham or a means of avoiding work. (3) The individual has, whenever feasible, sought other means, such as transfer to other work to resolve the conscientious objection before voluntarily leaving the work. (4) The work or work conditions have a direct, rather than an indirect or incidental, relationship to the individual's

religious, ethical, or philosophical beliefs. (5) The individual was not aware of the objectionable aspects of the work at the time he or she was hired, or the conscientious objection arose later when the individual first acquired the belief on which the conscientious objection is based. EXAMPLE 1. A objects to liquor based on religious beliefs. A works in a restaurant which serves no intoxicating beverages. The religious beliefs expressly forbid adherents from engaging in work on any premises where liquor is sold. The restaurant applies for and obtains an on-sale liquor license. The restaurant is part of a chain of several restaurants in the area. Other outlets do not serve intoxicating beverages. A requests that the employer transfer A to another restaurant in the chain in which A could work without violating religious beliefs. The employer refuses the transfer, even though the employer has no valid business reason to refuse A's request. A leaves the work due to adherence to the objections to liquor based on religious beliefs. A's leaving is with good cause based on religious beliefs. EXAMPLE 2. On ethical grounds, B is opposed to war and objects to work which directly relates to military activities. B works for an employer not engaged in any war-related activity. The employer decides to start producing bombs and assigns B to this project. B leaves the work due to ethical objections to the project. B's leaving is with good cause based on ethical conscientious objections. EXAMPLE 3. C accepts work with full knowledge that Saturday work is required contrary to C's religious beliefs. After working on Saturdays, for some weeks, C leaves the work due to eventual refusal of the Saturday work. C's leaving is without good cause because C was aware of the Saturday work requirement when C was hired.

(1)

If religious beliefs are involved, the tenets or beliefs of the religious group expressly forbid the adherent from engaging in the assigned work or meeting the work

conditions.

(2)

The conscientious objection is bona fide and not a sham or a means of avoiding work.

(3)

The individual has, whenever feasible, sought other means, such as transfer to other work to resolve the conscientious objection before voluntarily leaving the work.

(4)

The work or work conditions have a direct, rather than an indirect or incidental, relationship to the individual's religious, ethical, or philosophical beliefs.

(5)

The individual was not aware of the objectionable aspects of the work at the time he or she was hired, or the conscientious objection arose later when the individual first acquired the belief on which the conscientious objection is based. **EXAMPLE 1.** A objects to liquor based on religious beliefs. A works in a restaurant which serves no intoxicating beverages. The religious beliefs expressly forbid adherents from engaging in work on any premises where liquor is sold. The restaurant applies for and obtains an on-sale liquor license. The restaurant is part of a chain of several restaurants in the area. Other outlets do not serve intoxicating beverages. A requests that the employer transfer A to another restaurant in the chain in which A could work without violating religious beliefs. The employer refuses the transfer, even though the employer has no valid business reason to refuse A's request. A leaves the work due to adherence to the objections to liquor based on religious beliefs. A's leaving is with good cause based on religious beliefs. **EXAMPLE 2.** On ethical grounds, B is opposed to war and objects to work which directly relates to military activities. B works for an employer not engaged in any war-related activity. The employer decides to start producing bombs and assigns B to this project. B leaves the work due to ethical objections to the project. B's leaving is

with good cause based on ethical conscientious objections. EXAMPLE 3. C accepts work with full knowledge that Saturday work is required contrary to C's religious beliefs. After working on Saturdays, for some weeks, C leaves the work due to eventual refusal of the Saturday work. C's leaving is without good cause because C was aware of the Saturday work requirement when C was hired.