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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

1256-7 Voluntary Leaving -Good Cause -Disciplinary Action

Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256-7@ Voluntary Leaving -Good Cause-Disciplinary Action by Employer

(a)

Scope. This section relates to whether good cause exists for leaving most recent work when an individual leaves work due to disciplinary action by the employer. Sections 1256-1, 1256-2, and 1256-3 of these regulations set forth general principles also applicable under this section.

(b)

Reasonable Employer Rule. The employer has protectable interests and the right to take reasonable corrective disciplinary action against employee infractions of employer-promulgated reasonable rules, or reasonable employer expectations which relate to standards of behavior, performance, and care which are: (1) Work-connected or related to the employee's duties and obligations to the employer's interests, which include economic interests, day-to-day business operations, business good will and reputation. (2) Reasonable when measured against local customs or practices in similar businesses or industries.

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Work-connected or related to the employee's duties and obligations to the employer's interests, which include economic interests, day-to-day business operations, business good will and reputation.

(2)

Reasonable when measured against local customs or practices in similar businesses or industries.

(c)

Disciplinary Action by Employer. Employer discipline commonly takes the form of reprimand, criticism, changes in working hours, reduction in wages, reassignment or transfer, restitution for employee-caused losses due to culpable negligence or willful dishonesty, or threats of firing.

(d)

Unreasonable Employer Disciplinary Action as Good Cause for Leaving Work. If the employee leaves the work in response to corrective disciplinary action by the employer, the leaving is with good cause if the employee prior to leaving did everything that could be reasonably expected of a person genuinely desirous of preserving the employment relationship, and the employer's disciplinary action is unreasonable because any of the following conditions exists: (1) The employer disciplined the employee for an act or conduct that was not work-connected or detrimental to the employer's interests. (2) The employer disciplined the employee for violating an employer rule of which the employee had no actual or constructive knowledge. (3) The substance of the disciplinary action or the manner in which it was administered was excessive or unreasonable under the circumstances. (4) The employer's disciplinary action violated the employee's constitutional guarantees. (5) The employer disciplined the employee for failure to comply with requirements which imposed new or unreasonable burdens on the employee or which would require a violation of law. (6) The employer's disciplinary action imposed an undue risk of injury or illness upon the employee (see Section 1256-15 of these regulations). (7) The employer engaged in a pattern of hostility or abuse towards the employee. (8) The employer demanded restitution for

shortages, breakages, or loss of equipment which was either of minor consequence or the result of an isolated incident of mere inefficiency, inability or incapacity, inadvertence or error, or ordinary negligence, and not due to the gross negligence or willful act of the claimant, or the amount of restitution required to be paid at any one time is unreasonable in view of the claimant's financial circumstances. (9) The employer's disciplinary action did not timely follow the employee's act or omission. Failure to act promptly may condone or excuse the offense.

(1)

The employer disciplined the employee for an act or conduct that was not work-connected or detrimental to the employer's interests.

(2)

The employer disciplined the employee for violating an employer rule of which the employee had no actual or constructive knowledge.

(3)

The substance of the disciplinary action or the manner in which it was administered was excessive or unreasonable under the circumstances.

(4)

The employer's disciplinary action violated the employee's constitutional guarantees.

(5)

The employer disciplined the employee for failure to comply with requirements which imposed new or unreasonable burdens on the employee or which would require a violation of law.

(6)

The employer's disciplinary action imposed an undue risk of injury or illness upon the employee (see Section 1256-15 of these regulations).

(7)

The employer engaged in a pattern of hostility or abuse towards the employee.

(8)

The employer demanded restitution for shortages, breakages, or loss of equipment which was either of minor consequence or the result of an isolated incident of mere inefficiency, inability or incapacity, inadvertence or error, or ordinary negligence, and not due to the gross negligence or willful act of the claimant, or the amount of restitution required to be paid at any one time is unreasonable in view of the claimant's financial circumstances.

(9)

The employer's disciplinary action did not timely follow the employee's act or omission. Failure to act promptly may condone or excuse the offense.