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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

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Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256-20@ Voluntary Leaving -Good Cause -Time

1256-20 Voluntary Leaving -Good Cause -Time

(a) Scope. This section relates to whether good cause for leaving the most recent work exists when an individual's leaving of work is due to various time elements which may cause the individual to leave a job, including days of the week, hours, overtime, part-time or full-time work, seasonal employment, and temporary employment. Sections 1256-1, 1256-2, and 1256-3 of these regulations set forth general principles also applicable under this section.

(b)

Good Cause. An individual has voluntarily left the most recent work with good cause if all of the following conditions exist: (1) There was a real, substantial, and compelling reason for leaving work due to those conditions of work that relate to the elements of time considered in this section. (2) The individual informed the employer of the reason for leaving. (3) The individual allowed the employer a reasonable opportunity to adjust the situation.

(1)

There was a real, substantial, and compelling reason for leaving work due to those conditions of work that relate to the elements of time considered in this section.

(2)

The individual informed the employer of the reason for leaving.

(3)

The individual allowed the employer a reasonable opportunity to adjust the situation.

(c)

Elements of Time. An individual who leaves the most recent work due to objections based on an element of time leaves with good cause only if the conditions of subdivision (b) of this section exist and if the leaving is due to any of the following:

(1) Days of the Week. The employer has an unreasonable requirement that an employee work on a particular day, holiday, or number of days in a week. COMMENTS. Paragraph (1) of subdivision (c) refers to a course of conduct on the part of the employer that is unreasonable. An employer's requirement that an employee work on a particular day, holiday, or number of days in a week is reasonable if it is necessary for the conduct of the employer's business and is not unusual, arbitrary, or imposed for the purposes of harassment of the employee. However, satisfaction of the reasonable requirement test by the employer does not disqualify an individual for leaving work without good cause. If the individual meets all of the conditions set forth in subdivision (b), he or she has voluntarily left work with good cause. EXAMPLE 1. Change in Days of Work. A works in a bakery six days a week from Monday through Saturday. A has maintained this schedule for two years. Representatives from A's union and the employer negotiate an agreement requiring the employer to change the shifts of the workers from six days a week to five days a week. As a result of this change A is required to work on Sundays as part of A's five-day shift. A is no longer able to obtain adequate child care services for A's three young children. A objects to this new work schedule and seeks to modify it by discussing the basis for the objection with the employer. Since the employer does not accommodate A's request, A leaves work. A's leaving was with good cause since adequate child care service is a compelling reason for voluntarily leaving work if no reasonable alternative is

possible (see Section 1256-10 of these regulations). (2) Hours. The individual leaves work because of an objection to split shifts, a work schedule that lacks uniformity as to beginning and ending times, or to the number of hours worked each day, week or month. COMMENTS. Paragraph (2) of subdivision (c) refers to an employee's dissatisfaction over the hours of work, whether they involve split shifts, hours that he or she considers either too long or too short, or the total number of hours worked each day, week, or month. It also refers to an employee's dissatisfaction with the hours to the point that it serves as a basis for an employee to leave work. If the individual meets all of the conditions set forth in subdivision (b), he or she has voluntarily left work with good cause. However, mere preference, inconvenience, or slight hardship as a result of a claimant's objection to or insistence upon the hours of work is not a compelling reason for leaving work.

EXAMPLE 2. Split Shifts. B is employed as a service station attendant on a split shift basis and works 7:00 a.m. to 11:00 a.m. and 4:00 p.m. to 8:30 p.m., Monday through Friday. The distance from home to work is 30 miles, which requires a 45-minute commute. Although B attempted to rest between shifts, the employer does not permit resting on the premises. Since there is no other place where B could reasonably have been expected to rest, B voluntarily left work. B's leaving is with good cause because the requirement that the employee be away from home for 15 hours a day is a compelling reason for voluntarily leaving work. (3)

Overtime, Part-time, or Full-time Employment, Seasonal Employment Shift, and Temporary Employment. The individual leaves work because of an objection to or insistence upon working overtime, part-time or full-time, seasonally, a specific shift, or temporarily. COMMENTS. Paragraph (3) of subdivision (c) applies to an individual who voluntarily leaves work either because of an insistence upon working certain periods of time or because of an objection to working certain time

periods and who bases his or her leaving work on that restriction or objection. An individual has left work with good cause only if all of the conditions in subdivision (b) have been met. In those instances of employment that are less than full-time jobs, such as temporary work, or part-time work, an individual has a compelling reason for leaving work if he or she is prevented from seeking other work while working less than full time. Usually an individual working part time has ample opportunity to seek additional work. However, if an undue hardship is created or if other reasons exist that meet all of the conditions set forth in subdivision (b), then the individual has voluntarily left work with good cause (see Sections 1256-1 to 1256-23, inclusive of these regulations for other compelling reasons for leaving work).

EXAMPLE 3. Part-time Employment Restriction. Over the years C had been employed as a sugar beet thinner for several different labor contractors and farmers and had developed a back injury as a result of that work. On the advice of C's physician, C secured work as an irrigator for two days a week for 10 hours each day. However, due to changes in the weather, the employer needed additional help to irrigate the fields. The employer needed three irrigators, who could work full-time on a rotating shift to cover the full 24-hour period per day, 7 days a week. The employer was pleased with C's work, and offered C additional hours. C informed the employer that working additional hours would aggravate C's back injury, but that C still wanted to maintain C's part-time hours of employment even if C had to work a different shift. Since this plan was not suitable to the nature of the employer's labor needs, the employer denied C's request. C left the employment. C's leaving is with good cause for health reasons.

EXAMPLE 4. Part-time Employment Restriction. D was employed as a practical nurse in a rest home and worked there on a part-time basis. D's hours were increased and for about a year D generally worked full time, approximately forty hours each week.

Subsequently, D's hours were reduced to two days per week, eight hours each day, at the same rate of pay. D objected to this new schedule and offered to work vacation relief. Since this plan was not suitable to the employer, the employer denied D's offer. D left the employment. D's leaving is without good cause since D could look for full-time work and there was no undue hardship.

(1)

Days of the Week. The employer has an unreasonable requirement that an employee work on a particular day, holiday, or number of days in a week. COMMENTS.

Paragraph (1) of subdivision (c) refers to a course of conduct on the part of the employer that is unreasonable. An employer's requirement that an employee work on a particular day, holiday, or number of days in a week is reasonable if it is necessary for the conduct of the employer's business and is not unusual, arbitrary, or imposed for the purposes of harassment of the employee. However, satisfaction of the reasonable requirement test by the employer does not disqualify an individual for leaving work without good cause. If the individual meets all of the conditions set forth in subdivision (b), he or she has voluntarily left work with good cause. EXAMPLE 1. Change in Days of Work. A works in a bakery six days a week from Monday through Saturday. A has maintained this schedule for two years. Representatives from A's union and the employer negotiate an agreement requiring the employer to change the shifts of the workers from six days a week to five days a week. As a result of this change A is required to work on Sundays as part of A's five-day shift. A is no longer able to obtain adequate child care services for A's three young children. A objects to this new work schedule and seeks to modify it by discussing the basis for the objection with the employer. Since the employer does not accommodate A's request, A leaves work. A's leaving was with good cause since adequate child care service is a compelling reason for voluntarily leaving work if no reasonable alternative is possible (see Section

1256-10 of these regulations).

(2)

Hours. The individual leaves work because of an objection to split shifts, a work schedule that lacks uniformity as to beginning and ending times, or to the number of hours worked each day, week or month. COMMENTS. Paragraph (2) of subdivision (c) refers to an employee's dissatisfaction over the hours of work, whether they involve split shifts, hours that he or she considers either too long or too short, or the total number of hours worked each day, week, or month. It also refers to an employee's dissatisfaction with the hours to the point that it serves as a basis for an employee to leave work. If the individual meets all of the conditions set forth in subdivision (b), he or she has voluntarily left work with good cause. However, mere preference, inconvenience, or slight hardship as a result of a claimant's objection to or insistence upon the hours of work is not a compelling reason for leaving work. EXAMPLE 2. Split Shifts. B is employed as a service station attendant on a split shift basis and works 7:00 a.m. to 11:00 a.m. and 4:00 p.m. to 8:30 p.m., Monday through Friday. The distance from home to work is 30 miles, which requires a 45-minute commute. Although B attempted to rest between shifts, the employer does not permit resting on the premises. Since there is no other place where B could reasonably have been expected to rest, B voluntarily left work. B's leaving is with good cause because the requirement that the employee be away from home for 15 hours a day is a compelling reason for voluntarily leaving work.

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