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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 1256-13@ Voluntary Leaving -Good Cause -Equipment

1256-13 Voluntary Leaving -Good Cause -Equipment

(a) Scope. This section relates to whether good cause exists for leaving the most recent work when an individual's leaving of work is due to the lack of equipment necessary to do the work, or the improper, inadequate, or defective nature of such equipment, or the employer's requirements that the employee furnish certain equipment. Sections 1256-1, 1256-2, and 1256-3 of these regulations set forth general principles also applicable under this section.

(b)

Lack of Equipment. An employee who leaves the most recent work due to the lack of equipment necessary to do the work has voluntarily left with good cause if the following conditions are met: (1) It is the employer's duty to furnish the equipment. (2) He or she complained to the employer of the lack of necessary equipment and the employer took no steps to remedy the situation.

(1)

It is the employer's duty to furnish the equipment.

(2)

He or she complained to the employer of the lack of necessary equipment and the employer took no steps to remedy the situation.

(c)

Improper, Inadequate, or Defective Equipment. An employee who leaves the most

recent work because the employer has furnished improper, inadequate, or defective equipment which causes an undue risk of injury or illness to the employee, or because the employee is subjected to reprimands for improper work due to such equipment, or because the employee's piece-rate remuneration is reduced due to reduced production caused by such equipment, voluntarily leaves with good cause if the employee prior to leaving took reasonable steps to complain to the employer concerning the equipment and the employer took no steps to remedy the situation. As used in this section, "undue risk of injury or illness" means a reasonably foreseeable and substantial probability of incurring any injury or illness which would require hospitalization or the services of a physician for proper medical care, or would cause any degree of permanent disability, and which meets any one of the following conditions: (1) The risk on the particular job is more hazardous than normal for the occupation or industry. (2) The risk is more hazardous for the claimant than for other employees in like work due to circumstances peculiar to the claimant. (3) The claimant establishes that he or she has a reasonable basis to believe that the working conditions would cause a reasonably foreseeable and substantial probability of incurring an injury or illness which would require hospitalization or the services of a physician for proper medical care, or would cause a degree of permanent disability, even though the risk is normal for the occupation or industry, excluding conditions inherent in the nature of the work which the claimant must accept. EXAMPLE 1. A truck driver had complained repeatedly to the employer that the assigned truck was defective. The employer did not remedy the defects. The truck's emergency brake was disconnected, the foot brake was inadequate, and the battery was so low that the motor would start only by hand cranking. While the employee was cranking the motor, the truck slipped over the rear wheel block and crashed into a

nearby building. The employee returned the truck to the employer's terminal, waited two hours for supervision without success, and left the work. The employee's leaving was with good cause due to dangerously defective equipment which the employer chose to ignore despite the employee's complaints.

COMMENTS. Under this subdivision, mere inconvenience or extra work due to inadequate equipment is not a justification for leaving. For example, a typist leaves without good cause if the leaving of work is due to preference for an electric rather than a manual typewriter. Similarly, a messenger leaves without good cause if the leaving is because a bicycle rather than a motor scooter is furnished to do the work.

(1)

The risk on the particular job is more hazardous than normal for the occupation or industry.

(2)

The risk is more hazardous for the claimant than for other employees in like work due to circumstances peculiar to the claimant.

(3)

The claimant establishes that he or she has a reasonable basis to believe that the working conditions would cause a reasonably foreseeable and substantial probability of incurring an injury or illness which would require hospitalization or the services of a physician for proper medical care, or would cause a degree of permanent disability, even though the risk is normal for the occupation or industry, excluding conditions inherent in the nature of the work which the claimant must accept. EXAMPLE 1. A truck driver had complained repeatedly to the employer that the assigned truck was defective. The employer did not remedy the defects. The truck's emergency brake was disconnected, the foot brake was inadequate, and the battery was so low that the motor

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(d)

Employee Required to Furnish Equipment. An employer's requirement that the employee furnish tools or equipment is reasonable if this is customary in the occupation or industry or is required pursuant to a collective bargaining agreement with a union. If an employer reasonably requires that an employee furnish tools and equipment to do the work, the employee who leaves the work because he or she is unwilling to furnish the tools or equipment has voluntarily left the work without good cause. In many areas the rental of tools or equipment at a reasonable rate from commercial rental facilities is available to an employee as a temporary step to preserve the employment relationship. If an employee is unable for reasons beyond the employee's control to furnish tools or equipment as reasonably required, a leaving of work for these reasons is with good cause under either of the following circumstances:(1) Prior to leaving, the employee has requested, and the employer has refused, a transfer to other suitable work which is available. (2) Prior to leaving, the employee has requested the employer who

has the necessary tools to furnish these tools on a short-term basis until the requesting employee can obtain his or her own tools and the employer has refused.

(1)

Prior to leaving, the employee has requested, and the employer has refused, a transfer to other suitable work which is available.

(2)

Prior to leaving, the employee has requested the employer who has the necessary tools to furnish these tools on a short-term basis until the requesting employee can obtain his or her own tools and the employer has refused.