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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

1256-3 Voluntary Leaving -Good Cause -General Principles

Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256-3@ Voluntary Leaving -Good Cause -General Principles

(a)

Scope. This section relates to general principles of good cause for the voluntary leaving of most recent work, the employee's duty to take affirmative steps to preserve the employment relationship before leaving work, and the manner in which this duty may be negated. For examples of specific circumstances which may constitute good cause for leaving work, see Sections 1256-4 to 1256-23 of these regulations.

(b)

Good Cause for Leaving Work. "Good cause" exists for leaving work, when a substantial motivating factor in causing the claimant to leave work, at the time of leaving, whether or not work connected, is real, substantial, and compelling and would cause a reasonable person genuinely desirous of retaining employment to leave work under the same circumstances. Generally good cause for leaving work is decided on the facts at the time the claimant left work. Unless there is a timely connection between any alleged reason for leaving and the actual leaving, the employee has waived what might otherwise justify termination of the employment relationship and has negated the required causal connection between any given alleged reason for leaving and leaving. The claimant may submit several reasons for leaving work, some of which, when considered individually, do not constitute good cause. However, if one reason which is good cause is a substantial

motivating factor in causing the claimant to leave work, the claimant's leaving is with good cause.

(c)

Duty to Preserve the Employment Relationship. Prior to leaving work, the claimant has a duty to attempt to preserve the employment relationship. Failure to do so negates what would otherwise constitute good cause. This duty may be satisfied by reasonable steps, including, but not limited to, any of the following: (1) Seeking an adjustment of the problem by allowing the employer an opportunity to remedy the situation if the employer can reasonably do so. (2) Seeking a leave of absence or transfer to other employment with the same employer if likely to remedy the problem and if the claimant knew or should have known that a leave or a transfer probably would have been granted had one been requested. (3) Taking steps within his or her own control, such as hiring a sitter for child care to solve a child care problem, or joining a car pool or repairing an automobile or purchasing a replacement vehicle to solve a transportation problem.

COMMENTS. Section 1256.1 of the code relates to terminations of employment which result from absences from work due to incarceration. In such cases, Section 1256.1-1 of these regulations should be consulted in order to establish whether the individual has left work voluntarily without good cause. Pursuant to Section 1256.2 of the code, an individual who terminates employment due to intentional deprivation of equal employment opportunities, unless deprivation is based on a bona fide occupational classification or certain security regulations, is deemed to have left work voluntarily with good cause and is not under a duty to take affirmative steps to preserve the employment relationship prior to leaving work. However, if the deprivation is unintentional, the individual is not exempt from the duty to allow the employer an opportunity to correct the situation prior to leaving

work (see Section 1256.2-1 of these regulations for interpretation).

(1)

Seeking an adjustment of the problem by allowing the employer an opportunity to remedy the situation if the employer can reasonably do so.

(2)

Seeking a leave of absence or transfer to other employment with the same employer if likely to remedy the problem and if the claimant knew or should have known that a leave or a transfer probably would have been granted had one been requested.

(3)

Taking steps within his or her own control, such as hiring a sitter for child care to solve a child care problem, or joining a car pool or repairing an automobile or purchasing a replacement vehicle to solve a transportation problem. COMMENTS. Section 1256.1 of the code relates to terminations of employment which result from absences from work due to incarceration. In such cases, Section 1256.1-1 of these regulations should be consulted in order to establish whether the individual has left work voluntarily without good cause. Pursuant to Section 1256.2 of the code, an individual who terminates employment due to intentional deprivation of equal employment opportunities, unless deprivation is based on a bona fide occupational classification or certain security regulations, is deemed to have left work voluntarily with good cause and is not under a duty to take affirmative steps to preserve the employment relationship prior to leaving work. However, if the deprivation is unintentional, the individual is not exempt from the duty to allow the employer an opportunity to correct the situation prior to leaving work (see Section 1256.2-1 of these regulations for interpretation).