

Update: January, 2011

Unemployment Update

Voluntary Quits = Automatic Disqualifications – True?

Many employers assume when an employee quits, they are automatically disqualified from receiving unemployment benefits. While most quits *are* disqualifying, there are a significant number of exceptions. The good news for employers, in order to obtain benefits on a claim involving a voluntary quit, the “burden of proof” is on the former employee, who must prove that he or she voluntarily quit with “good cause” attributable to the employer. The following details what circumstances may and may not typically constitute good cause. Please remember that regulations may vary by state.

Quits Which May Not Constitute Good Cause

- Attend School
- Marriage
- Look for other work, e.g., career change
- Stay at home with children
- Job abandonment – no call no show for three or more days

Quits That May Constitute Good Cause*

Good cause for quitting may exist if an employer substantially breaches the terms of an employment contract or agreement for reasons similar to those listed below. Usually, the change must be deemed detrimental to the claimant's best interests. Disciplinary notices or suspensions in accordance with your rules and policies do not normally provide good cause for quitting.

- Significant reduction in hours or pay
- Changes in duties causing a loss of skills
- Demotion or loss of responsibility
- Changes in worksite resulting in employee hardship, unless it was understood at the time of hire the employee would be required to work at different job sites
- Violations of wage and hour laws such as denial of a lunch break without a written waiver from Department of Labor
- Evidence of harassment or discrimination
- Working conditions detrimental to an individual's health or safety

**Note: “good cause for quitting”, in some situations, may not exist if an employee accepts the changes for a significant period of time.*

Quits That May Constitute Good Cause for Leaving – Personal Reasons

Some states have broader “good cause” definitions, allowing benefits on quits for certain compelling personal reasons where an individual has been left with no reasonable alternative but to discontinue employment.

- Quit for medical reasons, such as following a doctor's advice to move to another climate
- Care for dependent parent or child
- Quit to follow a spouse who transferred elsewhere or is in the military

Experience & Expertise

TALX's experience, expertise, and proven results help employers navigate the uncertainty of the unemployment insurance system. For additional information regarding this article or other proactive unemployment cost management techniques, please visit our corporate blog at <http://blog.talx.com> or contact Pete Krieshok at 314-214-7325 or by e-mail at pkrieshok@talx.com.