

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

KRISTIE J DURR
Claimant

APPEAL NO: 18A-UI-06873-JET

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTERSTATE POWER SYSTEMS INC
Employer

OC: 05/27/18
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 21, 2018, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 12, 2018. The claimant participated in the hearing. Katie Hermann, Human Resources Generalist, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time parts person for Interstate Power Systems from July 1, 2016 to May 17, 2018. She resigned her position after changes were made to her hours and duties by the employer.

The employer changed the claimant's role, responsibilities and duties by moving her from the warehouse to the front counter May 14, 2018. The claimant's duties were significantly different at the front counter and her hours were changed from 7:30 a.m. to 4:00 p.m. to 9:00 a.m. to 6:00 p.m. The employer did not provide the claimant with a reason for the changes or why her overtime was cut when another employee was allowed to continue working overtime. The claimant's supervisor told her the changes were permanent. The claimant emailed human resources and the branch manager in an effort to gain answers to her questions but did not receive a response. Consequently, she resigned her position May 17, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The employer significantly changed the claimant's hours as well as her duties and responsibilities when it moved her from the warehouse to the front counter. An employee must give prior notice to the employer before quitting due to a change in the contract of hire. *Cobb v. Employment Appeal Board*, 506 N.W.2 445 (Iowa 1993). The claimant attempted to give notice to the employer stating she was quitting due to the changes in her hours and duties but the employer failed to respond to her many emails. The claimant quit her job because the employer changed her hours and duties. A change in one's hours or shifts is a substantial change in one's contract for hire. The employer substantially changed the claimant's contract of hire and therefore, the separation was not voluntary. The claimant is qualified to receive unemployment insurance benefits provided she is otherwise eligible.

DECISION:

The June 21, 2018, reference 02, decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs