

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY A BUMSTED**  
Claimant

**APPEAL NO. 11A-UI-09737-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES  
OF IOWA LLC**  
Employer

**OC: 06/12/11  
Claimant: Respondent (5)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 12, 2011 (reference 01) decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call on August 17, 2011. Claimant participated. Employer participated through Human Resources Generalist Rochelle Jordan and Operations Manager Staci Schaffer.

**ISSUE:**

The issue is whether claimant quit the employment without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a customer service representative and was separated from employment on June 20, 2011. The program she was assigned to work on ended June 24, 2011 and Schaffer advised that team that they would be transferring to another program that had a weekend schedule commitment. She had worked Saturdays on another program assignment for about a month, so she was able to arrange temporary child care for those days. Most recently she had been working Monday-through-Friday shifts. She had issues with her child care arrangements because it would involve a separate sitter at extra cost and the family member they had used before was no longer available. Her boyfriend also works weekends, so she was responsible for child care on the weekends. She had been earning about \$16.00 per hour (\$9.00 per hour plus commission) and the new assignment was to pay \$9.00 per hour, plus bonus in a different structure. No other work was available and the employer did not advise the claimant to wait to resign to give them time to see if alternate arrangements were available.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

871 IAC 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.

In general, a substantial pay reduction of 25 to 35 percent or a similar reduction of working hours creates good cause attributable to the employer for a resignation. *Dehmel v. EAB*, 433 N.W.2d 700 (Iowa 1988). A claimant is not generally required to give notice of his intention to quit due to an intolerable, detrimental or unsafe working environment if employer had or should have had reasonable knowledge of the condition. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Inasmuch as the claimant would suffer a likely reduction in wages, at least initially because of the bonus structure is different than the earlier commission structure, and she would have been required to work at least one day of the weekend indefinitely, the change of the original terms of hire is considered substantial. Thus, the separation was with good cause attributable to the employer. Benefits are allowed.

**DECISION:**

The July 12, 2011 (reference 01) decision is modified without change in effect. The claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw