

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN K HRODEY
Claimant

APPEAL NO: 09A-UI-19649-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

COVENANT MEDICAL CENTER
Employer

OC: 11/27/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated December 24, 2009, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on November 20, 2009, and benefits are allowed. A telephone hearing was held on February 10, 2010. The claimant participated. Missy Santrum, HR Director, participated for the employer. Employer Exhibits One thru Five was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer on January 8, 2001, and became a full-time case management RN in January 2002. The employer notified the claimant on October 30, 2009 that it was eliminating her job, and it offered four other jobs she could work in order to continue employment. The employer gave the claimant a deadline to accept the job offer(s) by November 9.

On November 9, the claimant rejected the employer job offer and gave notice she was quitting employment. The claimant did not believe the jobs were commensurate to her skill and experience level as an RN case manager, and they paid less on a sliding scale from the \$31.43 per hour rate she currently was earning (same rate for six months, then \$30.48; 12 months - \$29.53; and 18 months - \$28.57). In addition, the claimant had been working day-shift hours and the other jobs were pm work with weekends. The claimant last worked on November 20, 2009.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer effective November 20, 2009 due to a substantial change in her job position.

The employer eliminated the claimant's position and offered jobs that all constitute substantial changes that claimant rejected and constitute good cause for quitting. While the claimant's subjective position is that the jobs were a "demotion" as to her skill and experience, the jobs are a demotion based on long-term pay reduction. The jobs changed the claimant's hours/work shift from days, and required more weekends that also are part of the good cause for quitting.

DECISION:

The department decision dated December 24, 2009, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on November 20, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs