

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA K GOETTIG
Claimant

APPEAL NO. 10A-UI-11460-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OSCEOLA COUNTY
Employer

**OC: 07/11/10
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated August 9, 2010, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 30, 2010. The claimant participated. The claimant was represented by her union representative, Scott Utek. The employer participated by Bill Imhoff, chairman of the emergency management board. The record consists of the testimony of Debra Goettig and the testimony of Bill Imhoff.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was employed as the emergency management coordinator for Osceola County, Iowa. She was hired on January 2002. The terms of hire were a full-time position with health insurance benefits. The claimant left a job in Indiana to take this job.

In January or February 2010, the Emergency Management Board decided to reduce to the position to part time. The claimant would only be given 16 hours of work per week at \$10.00 per hour. In addition, she would not be given health insurance benefits. These changes would take place on July 1, 2010, which was the start of the fiscal year. The reason for this change was budget constraints. The claimant was offered the part time position, but she declined, given the changes to her compensation. The claimant's last day of work was June 30, 2010.

REASONING AND CONCLUSIONS OF LAW:

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 evidence in this case is uncontroverted that the employer made substantial changes in the claimant's contract of hire. She was hired in January 2002 as a full-time employee with health benefits. She was also able to participate in the IPERS. The employer decided to reduce her hours to 16 hours per week and pay her only \$10.00 per hour. In addition, the employer eliminated her health insurance benefits. The claimant did not acquiesce in this change. She worked through June 30, 2010, which was the end of the fiscal year. The changes were to take place on July 1, 2010. The claimant had good cause attributable to the employer for leaving her job. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's decision dated August 9, 2010, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw