IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

MARTIN L NIKKEL Claimant **VERMEER MANUFACTURING COMPANY** Employer	**APPEAL NO. 17A-UI-07827-B2T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 07/09/17** **Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 26, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 18, 2017. Claimant participated. Employer participated by Laura Briggs, Justin Stursma, Garry Van Dyke, and Jim Roozenboom.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 6, 2017. Claimant voluntarily quit on that date because he was not comfortable with new metrics put in place dictating pace of work to be performed in claimant's position, and claimant was also not comfortable that his safety concerns were not being adequately addressed by employer.

In 2016 employer switched from paper to digital tracking of picking items for orders. Employer then started keeping track digitally of the rate at which each of the materials handlers filled orders. After months of calculating, employer set an average rate of picks per hour and recently requested that materials handlers picked items at that rate. Claimant was successfully picking items at the required rate.

Claimant thought the new metrics were unfair – especially to the older workers. Additionally claimant believed the new metrics encouraged workers to move at a dangerously quick rate around the plant. Handlers would fill totes of items and place them on carts that would be taken where needed. At points within the facility there were blind corners, where handlers couldn't see one another as they went through intersections. Claimant brought forth a number of suggestions intended to increase safety in the plant. A few of them were being implemented – although months after they were suggested, but others were not implemented. Employer stated that there is a process where suggestions go through a committee where the effectiveness and reasonableness of the implementation is calculated.

Claimant was asked how many people had been injured in cart accidents, and he responded that only one person had been injured so far. Employer had the person testify who claimant stated had been injured in a cart accident, and employer's witness denied that he'd ever been injured.

REASONING AND CONCLUSIONS OF LAW:

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.

An objective reasonable belief standard is the proper inquiry that a court is to use in determining whether an employee had "good cause" to voluntarily leave his position for purposes of entitlement to unemployment compensation benefits. Under Iowa law, an individual who has left work voluntarily without good cause attributable to an employer is disqualified for unemployment compensation benefits. Iowa Code § 96.5(1), Iowa Admin. Code r. 345-4.26(3). Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2.

In the matter at hand, claimant states that dangerous safety concerns and harassment of employees through the implementation of the new metrics constitute "good cause" for claimant to have voluntarily quit his employment. Regarding the safety standards, claimant has not shown that there is a need for the implementation of more rigorous safety equipment and standards around blind corners through multiple injuries caused without these enhanced standards and equipment. There was only one person claimant stated had been injured as a result of the unsafe procedures, and that person testified that he'd never been injured.

Claimant also stated that faulty equipment could lead to injuries, but did not prove up that argument either. Although claimant needn't show that people had been injured or killed in order to show that a situation is inherently dangerous and thus needs to be remedied, employer stated that the matters had been looked into and some of claimant's suggestions implemented.

Regarding the harassment of employees through the implementation of the new metrics necessary on the picking of parts, employer stated that they'd made the metrics to be those of an average worker, not the best and most active pickers in the plant. Using this logic, only those who filled orders below average would be asked to pick up their pace. Claimant argues that this is a disadvantage to older workers, but that argument has flaws. Whereas an older worker may not move quite as fast as a younger worker, that older worker has more experience, and should know exactly where to go to get the parts required to fill his basket and cart.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he believed that employer was not addressing unsafe activities within the plant and that workers were harassed through the implementation of the new metrics.

DECISION:

The decision of the representative dated July 26, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett
Administrative Law Judge

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Decision Dated and Mailed

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