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## Limiting Availability to Less Than Full-Time Work

### Background

A patient care technician (employee) requested a reduced work schedule. After working full time for more than two years, she wanted to complete her nursing degree and reduced her schedule to 16 hours a week. The employer was able to accommodate her request and changed her status to part time. After several months, because the employee was having attendance issues, the employer adjusted her hours to per diem. This meant that the employee was not guaranteed a set amount of hours.

### Process

The former employee (claimant) filed an unemployment claim because the employer reduced her hours from part time to per diem. The claimant remained available to work sixteen hours per week while she was in school. The claimant contended she should be eligible for partial benefits because the employer's decrease in her hours resulted in a significant loss of wages. Although the employer reduced the claimant's hours to work as-needed, the claimant was the moving party when she requested the initial reduction from full time to part time status. Therefore, the claims examiner ruled that she was ineligible for benefits because she was not available for full time work due to her own personal circumstances. The claimant disagreed with the determination and filed an appeal.

The claimant and employer witness for Princeton Claims Management appeared for the hearing. Both parties agreed with the facts concerning the claimant's change in status. The claimant argued she had a compelling reason for reducing her hours and should be able to supplement her salary with partial unemployment benefits. The employer agreed that the claimant had a good personal reason for reducing her hours, but argued it should not have to increase her wages with unemployment benefits while current full time work was available for her.

### Judgment

The examiner acknowledged that the claimant reduced her hours for a compelling personal reason, but ruled that because she was limiting her availability to part time work, she "did not meet the criteria of being available for the same conditions of work on which her claim (full time) was based." Therefore, the claimant was held ineligible for unemployment benefits because she was unavailable for full time work in accordance with N.J.S.A. 43:21-2.1.

*This case illustrates that when an unemployment claim is based on full time work and a claimant limits her availability to less than full time work, even if it is for a compelling reason, she is ineligible for UI benefits.*

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