

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management

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Employees Must Do What Is “Reasonable and Necessary” to Protect Job

Background

A hospital human resources analyst advised the employer she intended to retire at the end of the month. In her letter of resignation, the employee stated she was leaving to become a full-time grandmother to her grandchildren. She did not provide any other reason for leaving and thanked the employer for the opportunities afforded her during her tenure at the hospital.

Process

The former employee (claimant) filed an unemployment claim and was held disqualified for voluntarily leaving work without good cause. During the fact-finding interview with a deputy, the claimant acknowledged she retired, but contended she had no choice because of a hostile work environment. She alleged she was subjected to inappropriate sexual innuendos and inappropriate racial comments, which were offensive and made her uncomfortable. She further stated she did not address these issues with management because they had not been supportive of her in the past. The deputy held her disqualified for quitting without good cause under N.J.S.A. 43-21(a) and she appealed to the next level.

The claimant and employer witnesses with Princeton Claims Management appeared for the hearing. There was no dispute among the parties that the claimant resigned with notice. The claimant testified that she felt pressured to quit, but acknowledged she did not communicate her distress to her supervisor or anyone else in authority. She felt mistreated by her supervisor and alleged that the work environment was toxic. She cited several examples of inappropriate sexist and racist remarks, but never reported them to the employer. The employer’s witness, the supervisor, testified that she was blindsided by the claimant’s complaints and would certainly have investigated them if they were brought to her attention. In response to the allegation of mistreatment, the supervisor acknowledged the claimant may have misunderstood her at times, but she never intended any disrespect towards her. While the employer empathized with the claimant’s concerns, it cannot help her resolve problems if they don’t know about them. Since the employee failed to take reasonable steps to protect her job and remain employed, the employer argued that she should continue to be disqualified under N.J.S.A. 43-5(a) for quitting without good cause.

Judgment

The Appeal Tribunal examiner duly noted the claimant’s contentions, but opined that since she did not address any of her concerns with management, she did not do what is “reasonable and necessary” in order to remain employed. If the employer is not aware of dissatisfactions, they do not have the opportunity to resolve them. Hence, her reasons for leaving are personal and without good cause and do not justify leaving continuing work to the join the ranks of the unemployed and she is disqualified under N.J.S.A. 43:21-5(a).

This case illustrates that employers are not “mind readers” and cannot resolve problems that are not brought to their attention. Therefore, if an employee leaves work under these circumstances, it is considered personal and without “good cause” in accordance with the NJ UI Law.

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