

# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*

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## A NURSE QUILTS DUE TO WORKING CONDITIONS AND IS ELIGIBLE FOR UI BENEFITS

### Background

A Registered Nurse (RN) worked on a hospital medical surgical unit for approximately three years when she left the job. The RN was usually responsible for taking care of six patients on her shift, but it could be slightly more or less depending on the census. On the day in question, the RN was asked to take an additional four patients because her co-worker was leaving for the day and needed her assignments covered. The RN was already taking care of six patients and did not think it was safe to care for additional patients. She complained to the charge nurse and refused the assignment because she felt it compromised patient care. The charge nurse called the unit manager to inform her of the situation and it was decided by management to reduce the RN's patient care to eight patients for the shift. The RN was not happy with the unit manager's decision and a verbal altercation ensued. Since the nurse felt it was unsafe to take care of eight patients and she took reasonable steps to resolve the situation she decided to leave the job due to unsafe working conditions.

### Process

The RN (claimant) filed an unemployment insurance (UI) claim contending that her assignment was unsafe, and she therefore had good cause for leaving the job. She further contended she tried to resolve the situation with management to no avail. The DOL deputy determined that she did not have good cause for leaving because it was an isolated incident, and the employer tried its best to resolve the situation. The RN disagreed and filed an appeal to the Appeal Tribunal arguing that this was not an isolated incident and caring for more than 6 patients was unsafe and constituted "good cause" for leaving work under NJ's UI Law.

The appellant claimant and an employer witness with a representative from PCM appeared before an Appeal Tribunal examiner. The claimant testified that she did not want to endanger the health of her patients, so she refused an assignment because it exceeded the standard nurse-to-patient ratio. While the deputy deemed this an isolated incident, the RN testified that it happened all the time and she refused to jeopardize her license or her patients' safety because of the employer's failure to hire more nurses. The employer testified that they would never ask her to risk the health of her patients – this was a one-time incident, and they were trying to recruit more nurses. Further they testified she violated policy when she abandoned her patients and should be disqualified for work connected misconduct. While both parties agreed that the RN left the job, they disagreed about her entitlement for UI. The RN argued she left due to unsafe working conditions, which should hold her eligible while the employer contended, she abandoned her patients and should be disqualified for misconduct – a willful violation of the employer's interests.

### Judgment

In the Appeal Tribunal's Decision, the examiner opined that the RN made every possible attempt to adjust her grievance with the employer, who did not make sufficient efforts to diffuse the situation and made it uncomfortable for the RN to continue to do her job safely. The examiner further opined that no employee should have to work in an unsafe environment. Hence, since the RN followed the chain of command in attempting to resolve her concerns and nothing was done, she is eligible for UI benefits, as she left the job for "good cause attributable to the work" under N.J.S.A 43:21-(a). The employer while disappointed with the AT Decision, chose not to appeal the matter further.

*This case is particularly timely because of the controversy around nurse-to-patient ratios coupled with the ongoing nursing shortage. Both hospital administrators and nursing leaders are working collaboratively to address this issue with the shared goal of providing a safe and healthy environment for patients and staff.*

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