

Membership Matters

Quarterly News from The 501 Alliance

March 2020

Annual Meeting Postponed Until August

Due to the concern of spreading the COVID-19 virus, in addition to executive orders from Governor Whitmer limiting the gathering of people and the need to employ social distancing, we have decided to postpone the annual meeting that normally takes place in May of each year to Friday, August 14, 2020. It will still be held at the University Club of Michigan State University in Lansing and a complimentary lunch will be provided immediately following the meeting.

Topics of discussion at the meeting include the results from the annual audit, a review of last year's claim activity, director nomination voting and the scholarship winner will be invited to attend. We will also be asking the members in attendance to ratify two amendments to the By-Laws. The first amendment would decrease the required number of directors on the board and the second amendment would reduce the percentage of directors who need to be agency employees or agency board members. The second amendment would also allow members to nominate an authorized representative to become a director on the board. Additional information on the suggested changes to the By-Laws will be provided in the annual report.

We will be posting the annual report on our website once it becomes available in the last week of April. If you have any questions about the report or attending the annual meeting, please contact the Administrator at 800-968-9675.

New Director Elected to the Board

Mr. Harry Pianko was elected to become a director on the board at the February board meeting. Mr. Pianko is the Chief Financial Officer of Peckham, Inc. in Lansing. He has a strong financial background and a variety of experience, as he has worked at both non-profit and for-profit organizations. He was also recognized by *Crain's Detroit Business* 40 Under 40 Class in 2011.

Mr. Pianko is replacing Mitch Tomlinson who was the President and CEO of Peckham, Inc. Mr. Tomlinson was first elected to the board in 1992 and he served on a number of committees within the organization. We would like to thank him for all of his contributions and we wish him well in his retirement.

For a listing of all of the directors on the board, please visit our website at 501alliance.org. If you're interested in becoming a director, contact the Administrator at 800-968-9675.

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How Would You Rule?

Background

The claimant left work voluntarily citing dissatisfaction with the working conditions. He was allowed benefits upon a finding he quit with good cause. The employer appealed and a hearing was scheduled before an Administrative Law Judge (ALJ).

At the Hearing

Claimant's Evidence: The claimant testified he left voluntarily because he felt harassed due to his gender, religion and national origin. He testified he believed that due to his religion, he was given work assignments others were not required to perform. He testified that after a coworker asked for his country of origin and he answered, she told him not to run a cleaning machine into a wall. He also testified to several incidents with female coworkers who he alleged tickled him, called him "dear," asked him if he was "Mr. Right" and otherwise made him feel uncomfortable. He testified the stress from the incidents caused him health issues but he did not visit a doctor.

Employer's Evidence: The employer testified the claimant offered his resignation due to health concerns. He was offered a leave of absence but failed to respond to the offer. The claimant had reported that he believed one work assignment was given to him due to his religion but the work assignment was clearly within his customary job responsibilities. Months later, the claimant reported some concerns regarding his coworkers' behavior. The employer investigated and informed the claimant that they believed the behavior was not intentionally harassing and the conflicts were due to perception issues. Subsequently, the employer informed him they had trained his coworkers about cultural differences. He reported no other problems. Just prior to quitting, he requested part-time work due to his health. He was offered a part-time position with the same manager and pay but different duties and significantly less contact with his coworkers but he refused.

The Hearing Decision

The ALJ found the claimant quit without good cause and the decision allowing benefits was reversed. The ALJ found the claimant's reason for leaving was not good cause because he failed to prove he was being treated differently due to his religion or national origin and because he failed to take advantage of the options offered by his employer before quitting. The claimant disagreed and appealed, arguing the only option available to him was not reasonable because he would work with the same supervisor and the working conditions were intolerable for him because he experienced health issues due to the working conditions.

The Board of Review Decision

The Board of Review affirmed the ALJ's decision and found it was fully supported by the hearing record. The claimant failed to prove the working conditions were objectively intolerable, he failed to prove his work caused his health problems and he failed to prove he had no option other than leaving work. The disqualification remained in effect.

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How Would You Rule Continued...

Takeaways:

1. The claimant's perception of the working conditions is relevant in voluntary quit cases but must be objectively assessed. In this case, the claimant's belief that the working conditions were intolerable was not objectively verifiable.
2. Efforts you make to address the claimant's concerns are relevant and should be presented at a hearing. In this case, the employer offered the claimant a transfer as he requested and also offered a leave of absence to accommodate his health concerns.