

Note to thin-skinned employees: Constructive criticism doesn't qualify you for unemployment

Employees who work under genuinely intolerable conditions can quit their jobs and still collect unemployment compensation. But those situations are rare—and don't provide cover for overly sensitive workers.

Supervisors routinely criticize employees and offer suggestions for improvement. That's normal and doesn't constitute harassment.

Recent case: Monica McDermott worked in HR for Spectrum Living. During her regularly scheduled performance review, McDermott learned that, although she was receiving a satisfactory evaluation, her boss had some suggestions and criticism.

Instead of listening, McDermott became upset. The next day, she demanded a meeting with the company president and again became offended when her supervisor said she had poor communications skills.

McDermott left and never returned. She did, however, file for unemployment compensation, alleging that she had no choice but to quit because her working conditions were so deplorable. She got the benefits, but Spectrum Living appealed.

The court reversed the benefit order. It reasoned that employees who quit have the burden of proving that a supervisor created intolerable and abnormal working conditions. Normal criticism designed to help employees perform better is not what the legislature intended when it said employees who leave work for good cause are eligible for unemployment compensation. (*McDermott v. Board of Review*, No. A-4485-09, Superior Court of New Jersey, Appellate Division, 2011)

Final note: Conduct performance reviews in a calm, rational way. Give the employee a chance to respond, but insist on a professional tone and manner.