

When offering part-time job, clearly explain: Hours may vary from time to time

When you are offering an applicant a part-time position with variable hours, be sure you make the terms clear.

Don't, for example, tell her that she will regularly work 30 hours per week if you know the hours will be more varied.

If you create an expectation and then reduce her hours, she may be able to quit and file a claim for unemployment compensation benefits. Instead, explain that hours are not guaranteed and are likely to vary from week to week.

Recent case: When Ann was hired to work in a grocery store bakery department, she was informed that the job was part-time and that the maximum hours per week she was likely to work would be 30. She was also told that she would work fewer hours some weeks, depending on bakery orders.

All went fine at first, with Ann averaging 28 hours over her first 11 weeks of employment. She had a low of 21 hours per week and a high of 37. Then, her supervisor informed her she was scheduled for just 10 hours the next week.

She tendered her resignation and applied for unemployment benefits, alleging that she had suffered a reduction in hours, which compelled her to quit. The grocer contested the benefits.

The court said if Ann had been hired for 30 hours per week with no understanding that the hours would vary, she would have had a claim.

But that wasn't the case. Ann's supervisor had clearly explained up front that the number of hours she worked would depend on the number of orders the bakery department received. Her unemployment benefits claim was denied. (*Majerus v. Spartannash Associates*, Court of Appeals of Minnesota, 2017)