

Employee passed on second-chance offer? That may rule out unemployment benefits

Employees who quit their jobs aren't usually entitled to unemployment benefits. However, discharged workers often are.

Sending an employee home following a dispute or workplace error with instructions to think about the event doesn't count as a discharge—it's a second chance.

Failing to return to work afterward then becomes a resignation, thus disqualifying the employee from receiving unemployment benefits.

Recent case: Jodi worked as a dispatcher. She often received calls from drivers on weekends and at night on her personal phone. She was paid for the time spent responding.

Early one morning, her boyfriend picked up her phone to respond to a call. He sent back a text that contained a profanity and complained about the early call. A second driver received a similar response a short time later.

Jodi was called into a meeting the next day and shown the texts. Her boss told her to go home, talk to her boyfriend about the inappropriateness of the texts and call back at the end of the day to decide what to do.

She never called and the employer decided she had quit.

Jodi filed for unemployment, arguing she had been fired.

Her request for benefits was denied; the hearing officer and the Unemployment Compensation Review Board both concluded she had quit. She appealed.

Now the Commonwealth Court of Pennsylvania has also concluded she quit. (*Fowler v. Unemployment Compensation Board of Review*, Commonwealth Court of Pennsylvania, 2018)