

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF COMMISSIONER

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Decision No.: 3270-C
Date: August 13, 1958

MISCONDUCT - 255.1
Insubordination
Disobedience.

This is a matter before the Commissioner on appeal by the employer from the decision of the Examiner (No. S-6809-6787) dated July 22, 1958.

ISSUES

- (1) Was the claimant discharged for misconduct in connection with her work?
- (2) Has the claimant been available for work during the week or weeks for which she claims benefits?

OPINION AND DECISION

Claimant was discharged for failure to cooperate and perform certain duties assigned to her. The employer in this case was concerned with the unclean conditions prevailing in the rest room used by the claimant and other employees in his cleaning and pressing shop. In order to eliminate this condition, he prepared a rotating schedule and assigned a number of his employees the duty of periodically cleaning this rest room. All of the employees (approximately eighteen in number) were assigned this responsibility with the exception of three counter girls and two pressers whose other duties did not allow time for this additional task. The claimant and two or three other employees refused to accept this responsibility. The claimant contends that she would have been willing if all the others had agreed; but the employer indicated that the claimant and two or three others dismissed at the same time had mutually agreed among themselves to thwart unanimous acceptance. For this reason he explained he found it necessary to discharge and replace these employees.

In view of the size of the establishment, the fact that the duty was only periodic, and the unskilled nature of the claimant's other duties, it appears to this Commission that the employer's request was entirely reasonable and that he had a right to expect the cooperation of his employees in keeping this facility clean.

When an employer assigned an employee a reasonable duty, and the employee, as in this instance, has no good cause for refusing to perform the task, the refusal is tantamount to insubordination which this Commission has repeatedly held to constitute misconduct. (Underscoring supplied)

For the reasons stated the decision of the Examiner is hereby affirmed in part, reversed in part. The claimant is held available for work from June 2, 1958, awarded a waiting-period week and disqualified for nine consecutive weeks for having been discharged for misconduct in connection with her work.