

Workers who won't move likely will be awarded unemployment



Certain positions at my company are being moved out of state. Rumors are going around that if we don't agree to relocate, it will be considered a voluntary resignation without any severance or chance at unemployment. Many of us have been here more than 10 years and deserve at least a little cushion. Can they force us to resign and be left with nothing? What does the law say about this?

Arizona is an at-will state, which means that an employer can terminate an employee for any reason or no reason as long as it is not an illegal reason, such as one that is discriminatory or in retaliation for protected activity.

An employer can make a business decision to restructure and relocate certain positions. Employees without an em-

ployment contract — even those who are long term — do not have a right to continued employment. In addition, employers are not required to offer employees severance. When severance is offered, the amount is often tied to length of service and usually the employer requires that employees sign a release of all claims.

Employees who are laid off through no fault of their own can file a claim for unemployment insurance. If you file for unemployment and your employer objects on the basis that the company offered you a job in another state that you declined, you can show that you declined for good cause or a “compelling personal reason” and benefits should be granted. Having to move to another state likely will meet that test, especially if you have family or other close personal ties in Arizona.

The maximum that can be awarded is \$240 per week, for 26 weeks. To receive benefits, you must show that you are able and available to work, and you must file reports showing that you are actively seeking work. Also, vacation or severance pay received will delay the start of unemployment benefits.

*Send your questions to
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