

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's business clients on February 28, 2000. In October 2004, the employer assigned the claimant to a job at ADP. Barkema was the claimant's supervisor at ADP.

On May 9, 2005, ADP was in the final stages of hiring the claimant as a full-time employee. ADP had extended the claimant's temporary assignment to hire her as a full-time employee. A few weeks earlier, an ADP employee began spreading a rumor about the claimant having an affair with an ADP employee. This ADP employee had been a "friend" of the claimant. After the "friend" told the claimant's husband about the alleged affair, the claimant notified the employer on May 10 she was unable to work as scheduled due to a family emergency. After talking to Barkema, the claimant decided she would not push ADP to investigate the source of the rumor. Instead, the claimant decided she would not accept a full-time job with ADP and would end her assignment. ADP had no problems with the claimant leaving.

On May 11, 2005, the claimant contacted the employer. The claimant informed the employer she could not work at ADP any longer because of a conflict she had with an ADP employee. The claimant asked the employer for another job assignment. Since the employer's representative who usually worked with the claimant was not available on May 11, the claimant asked that this representative to return the claimant's call so the claimant could explain in detail the situation at ADP.

When the employer did not return the claimant's call or contact her about another job assignment, the claimant contacted another temporary employment firm for a job. The claimant accepted another job assignment in late May or early June. When this assignment ended, the claimant contacted the employer on July 5 to see if the employer had a job to assign her to. The employer then told claimant the employer would not assign her to another job because she quit without notice at ADP.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant quit a job assignment on May 11, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). Even though the employer paid the claimant's wages when she worked at ADP, the claimant notified her ADP supervisor about problems she experienced with an ADP employee. Since the employer's "on-site" supervisor only delivered weekly checks at ADP, the claimant acted reasonably when she brought work issues to her ADP supervisor's attention. This is especially true when ADP was

only days away from hiring the claimant as a full-time employee. Even if the claimant had told the employer about the problems with the ADP employee prior to May 11, ADP management already knew about the problem. Going to the employer about these problems would not have accomplished anything.

In late April or early May, ADP management heard rumors about the claimant. Even after the claimant reported problems to ADP management, nothing was done to resolve the problems. By May 10, the claimant's spouse received information about the rumor, which resulted in the claimant taking a day off from work.

After the claimant made the decision to leave ADP, ADP management took no action with the employee who created the problems. The claimant then immediately contacted the employer and requested another assignment. Since the employer had previously contacted the claimant when there was an assignment and knew the claimant was available to work, the claimant waited for the employer to contact her again. When the employer did not, she accepted an assignment with another temporary employment firm.

Under these facts, the claimant quit her assignment for reasons that qualify her to receive unemployment insurance benefits. Since ADP management knew about the problem and did nothing to resolve it, notifying the employer about the problem ADP employee prior to May 11 would not have made any difference. The unemployment insurance does not require a claimant to contact the employer every week. The law only requires a claimant to contact a temporary employment under certain conditions within three days of completing a job assignment. Iowa Code §96.5-1-j. As of July 17, 2005, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 26, 2005 decision (reference 02) is affirmed. The claimant voluntarily quit a job assignment for reasons that qualify her to receive unemployment insurance benefits. As of July 17, 2005, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/kjf