

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KIM L JOHNSON
Claimant

APPEAL NO. 07O-UI-00448-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 09/24/06 R: 03
Claimant: Respondent (2)

Section 96.5-1-j – Separation from Temporary Employer

STATEMENT OF THE CASE:

Advance Services (employer) appealed a representative's October 27, 2006 decision (reference 03) that concluded Kim Johnson (claimant) was eligible to receive unemployment insurance benefits based on her separation from work. A hearing was held on January 31, 2007, following due notice pursuant to Remand Order of the Employment Appeal Board dated January 10, 2007. The claimant participated personally. The employer participated by Tracy Davis, Office Manager. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether Exhibit D-1 satisfies the requirements of Iowa Code section 96.5(1)j.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: Exhibit D-1 is titled "Advance Services, Inc. Assignment Policy. It notifies the employee that the employee is obligated to call Advance Services within three working days after the assignment ends or the employee will be considered a voluntary quit. The Assignment Policy indicates that the employee has received a copy of the policy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes Exhibit D-1 satisfies the requirements of Iowa Code section 96.5(1)j.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The Assignment Policy informed the claimant that she must notify the employer of the end of her assignment within three working days or be considered to have voluntarily quit. The Assignment Policy also indicates the claimant received a copy of the document. The document is clearly separate from an employment contract. Exhibit D-1 satisfies the requirements of Iowa Code section 96.5-1-j.

DECISION:

The representative's October 27, 2006 decision (reference 03) is remains reversed. Exhibit D-1 satisfies the requirements of Iowa Code section 96.5-1-j.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs