

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CINDY L SCHAFF**  
Claimant

**APPEAL NO. 07A-UI-05821-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**C & A INDUSTRIES**  
**AUREAS FINANCE & ACCOUNTING**  
Employer

**OC: 05/06/07 R: 02**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 30, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 27, 2007. Claimant participated. Employer participated through Christine Walker and Kristi Epperson.

**ISSUE:**

The issue is whether claimant quit the employment without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed in a temporary assignment from August 7, 2006 until December 8, 2006 when the work at Hamilton Jeffers ended. She was notified by her supervisor in advance on December 5 and was offered more work. Claimant replied that she was “not afraid to have a few days off around Christmas” and declined the assignment. Claimant declined other offers on December 6 and 21, 2006 in the \$12 to \$13.50 per hour range. She did not receive messages from employer on December 11, 2006 and January 8, 2007. Her average weekly wage during this period (original claim date January 1, 2006) was \$891.92 or the equivalent of \$22.30 per hour. More recently, as of the May 6, 2007 original claim date her average weekly wage fell to \$409.80 because of the change of quarters in the benefit year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with good cause attributable to the employer.

Iowa Code § 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.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code § 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code § 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this

circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of the temporary assignment. In this case, the employer had notice of the claimant's availability because they notified her of the end of the assignment. Benefits are allowed.

The issue of the claimant restricting her availability from December 8 through Christmas 2006 is not remanded since she did not file weekly claims during that period. The issue of the work refusals is not remanded because the wages offered clearly did not meet the minimum wage required based upon her average weekly wage at the time. As of this claim year, that required minimum wage offer amount is greatly reduced.

**DECISION:**

The May 30, 2007, reference 01, decision is reversed. The claimant's separation from employment was attributable to the employer. The claimant had adequate contact with the employer about her availability as required by statute. Benefits are allowed, provided the claimant is otherwise eligible.

NOTE TO BOTH PARTIES: It would behoove you to read the information about availability and offers and refusals of work in the "Facts About Unemployment" publication available at the local IWD office or online.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/css