

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LOWELL WILLIAMS**  
Claimant

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**APPEAL NO. 15A-UI-07306-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/27/14  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 16, 2015, reference 08, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 30, 2015. Claimant participated. Employer participated by Deb Miller and Nancy Martens. Employer's Exhibits One through Three were admitted into evidence.

**ISSUE:**

Did the claimant quit by not reporting for an additional work assignment within three business days of the end of the last assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned at Norwestco from February 23, 2015, and was separated from the assignment, but not the employment, on April 21, 2015. On that date the claimant notified the employer that the assignment had ended.

Employer does have a document it has employees sign upon hire. Said policy asks employees to notify employer upon three days of completing an assignment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was 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.

Iowa Admin. Code r. 871-24.26(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 section 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 section 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 and seeking work at the end of the temporary assignment. Claimant signed off on an Employee Agreement at the time of his original employment on or about January 28, 2014. Said agreement states, "I understand I must notify Aventure Staffing & Professional Services, LLC / All In a Day Staffing within three(3) days of completion of each employment assignment. My failure to report indicates that I am not available for work and will be deemed a voluntary quit. This will lead to inactivation and unemployment ineligibility." As indicated above, Iowa Code § 96.5(1)j states that there are requirements employer must fulfill in its notification. Said requirements include a seeking of reassignment. Employer does not include a seeking of reassignment requirement in the document it has each of its employees sign upon hire, but then seeks to deny unemployment to those who only contact employer at the end of an assignment but do not specifically request reassignment.

If the employer were to specifically state the necessity to request reassignment on its notice attempting to comply with Iowa Code § 96.5(1)j, the administrative law judge would look at the matter differently. In this matter employer did not specifically ask the claimant to request a reassignment, but when the claimant reported in and did not specifically request a reassignment employer argues that claimant did not comply with requirements. The administrative law judge cannot support this view. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The June 16, 2015, (reference 08) decision is reversed. The claimant's separation from employment was attributable to the employer as the employer did not provide instruction about what to do at the end of the assignment according to Iowa Code § 96.5(1)j. Benefits are allowed, provided the claimant is otherwise eligible. Claimant is obligated to be available for work *and* make an earnest and active (*at least two job contacts per week*) search for work during each week he claims unemployment insurance benefits.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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