

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LUKE T ALEXANDER**  
Claimant

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**APPEAL 16A-UI-13718-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/20/16  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 22, 2106, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 19, 2017. Claimant participated. Employer participated through Julie Coughlin, Manager and Emily Martin, Secretary.

**ISSUE:**

Did the claimant make a timely request for an additional job assignment?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was assigned to work full-time at General Mills on the second shift. The claimant had been assigned to General Mills off and on since July 2015. His last assignment began on March 6, 2016. On November 19, 2016, Dan Hurt the claimant's onsite supervisor told him that he was laid off as the plant was going to shut down for the week of Thanksgiving beginning on November 20, 2016. The claimant had been through numerous layoffs from the General Mills plant and the employer had always called him when there was work available for him again. When Mr. Hurt told the claimant that he was being laid off from General Mills, he did not offer him any other work at any other assignment.

The claimant took the layoff, filed for unemployment insurance benefits and waited to hear back from the employer as to when he could return to work.

The claimant did not call the employer again to ask for additional work until December 20, 2016. He returned to work at General Mills on January 4, 2017.

The claimant did not recall signing any notification that he was required to return to the employer and ask for an additional job assignment within three business days of the end of any assignment. In the past, the claimant had always been called by the employer when it was time to return to work.

## 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 and adequately notified employer of his availability for additional assignments.

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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

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

(b) "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.

Since employer provided no evidence that it presented claimant with a written copy of the reporting policy, claimant's recollection that he did not receive notice of the reporting policy is credible. Without that, claimant was not required to report for additional work. Additionally, the employer notified the claimant that he was laid off and their past actions led him to believe that he would be called when it was time to return to work. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The December 22, 2016, (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 his availability as required by statute. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs