

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUDITH A PULS Claimant	APPEAL NO. 06A-UI-11794-AT
VOLT TECHNICAL RESOURCES Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 10/22/06 R: 04 Claimant: Respondent (1)

Section 96.5-1-j – Temporary Assignments

STATEMENT OF THE CASE:

Volt Technical Resources filed a timely appeal from an unemployment insurance decision dated November 30, 2006, reference 02, that allowed benefits to Judith A. Puls. After due notice was issued, a telephone hearing was held December 26, 2006, with Ms. Puls participating. The employer did not respond to the hearing notice.

ISSUE:

Did the claimant leave employment with a temporary employment firm without good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Judith A. Puls was employed by Volt Technical Resources on assignment with John Deere in Dubuque, Iowa, ending during the week of April 23, 2006. Volt did not provide a separate written statement to Ms. Puls requiring her to contact the temporary employment firm within three working days after the end of her assignment. By the time the assignment ended, Ms. Puls had already accepted employment with the Milwaukee Brewers baseball team. She filed a claim for unemployment insurance benefits in October 2006 after the end of the baseball season. She has been classified as being on temporary layoff and the agency has waived the work search requirement.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant's separation from employment with Volt Technical Resources was a disqualifying event. It was not.

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 general rule in Iowa is that an individual who is hired on a temporary basis is not disqualified for unemployment insurance benefits if the individual works until the end of the temporary assignment. The individual's election not to seek new assignment is not considered a voluntary separation of employment. See 871 IAC 24.26(19). An exception to the general rule has been made for temporary employment firms, provided they follow the requirements of Iowa Code section 96.5-1-j, set forth above.

The evidence in this record establishes that Volt Technical Resources has not met the requirements of the statute. In particular, it did not provide the claimant with a separate written statement requiring the claimant to contact the firm within three working days after the end of her assignment. The company cannot claim the protection of the statute if it does not meet the statute's requirements. No disqualification may be imposed.

DECISION:

The unemployment insurance decision dated November 30, 2006, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs