

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD A KONRADY
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 17A-UI-05734-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/24/16
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 31, 2017, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 22, 2017. Claimant participated. Employer participated through risk manager Melissa Lewien. Employer Exhibit 1 was admitted into evidence with no objection.

ISSUE:

Did claimant quit by not reporting for additional work assignments 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: Claimant was employed on a temporary assignment, full-time, as a material handler last assigned at South Shore Enterprises from October 10, 2016, and was separated from the assignment, but not the employment, on April 21, 2017. After claimant's assignment ended, he did not notify the employer his assignment had ended. After claimant's assignment ended, he did not request another assignment from the employer.

On May 3, 2017, the employer received a notification that claimant had filed a claim for benefits. The employer then reached out to South Shore Enterprises to determine if claimant's assignment had ended. On May 11, 2017, South Shore Enterprises notified the employer that claimant's assignment had ended on April 21, 2017.

Claimant has not contacted the employer since his assignment ended. The employer has not heard from claimant since his assignment ended. The employer does not reach out to employees to offer a new assignment, unless they request an assignment.

The employer has a policy requiring employees to contact the employer within three business days after their assignment ends and request a new assignment. Employer Exhibit 1. The document was a separate from any contract of employment and a copy of the signed document

was provided to the temporary employee. Employer Exhibit 1. After the assignment ended, claimant failed to report to the employer within three working days and request further assignment as required by written policy. Employer Exhibit 1.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment without good cause attributable to the employer. Benefits are denied.

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. (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.

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 each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." Iowa Code § 96.5(1)(j)(1) (Emphasis added).

In this case, claimant did not notify the employer of his availability or request another assignment after his assignment ended and, therefore, is considered to have quit the employment. Benefits are denied.

DECISION:

The May 31, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant's separation was not attributable to the employer. Benefits are withheld until such time as he works in and has been paid for wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs