

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHIRLEY J FRAISE
Claimant

KELLY SERVICES USA LLC
Employer

APPEAL NO. 16R-UI-11163-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/31/16 R: 03
Claimant: Appellant (1)**

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 August 25, 2016, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 1, 2016. Claimant participated personally. Employer participated by Jennifer Petsche.

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 heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant worked a few assignments for employer. Upon original hire in January of 2016, claimant was given a document informing her that unemployment benefits could be put at risk if claimant was not in touch with employer within three days of the ending of any placement informing employer that she was seeking additional placements. Claimant stated that she no longer wanted to have temporary assignments upon the ending of the AEGON assignment and no longer wanted to go through Kelly.

Claimant's assignment with AEGON ended on August 8, 2016. Employer was notified by AEGON of the ending of the assignment on August 18, 2016. To this date, employer has not been notified by claimant.

Claimant stated that the paperwork took hours to fill out upon her original hire even though she was told it would only be a few minutes. Additionally claimant said that she had her 15 year old child in her car. Claimant also stated that although she signed the document, that no Kelly employee explained the document to her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without 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. (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." (Emphasis supplied.)

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

DECISION:

The August 25, 2016, (reference 03) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time

as she works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs