

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JACKIE J WALKER**  
Claimant

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**APPEAL NO. 09-UI-07068-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/13/08**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1)(j) – Separation From Temporary Employment

**STATEMENT OF THE CASE:**

Jackie Walker filed a timely appeal from the May 4, 2009, reference 06, decision that denied benefits in connection with a February 13, 2009 separation. After due notice was issued, a hearing was held on June 2, 2009. Ms. Walker participated. Colleen McGuinty, Unemployment Insurance Administrator, represented the employer and presented Abbey Schueller, Accounts Manager.

**ISSUE:**

Whether the claimant's separation from the temporary employment agency was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment agency. Jackie Walker established her employment relationship with Sedona Staffing in January 2009 and worked in two full-time temporary employment work assignments at Web Printing. The first assignment ended on February 5, 2009. Ms. Walker completed that assignment. The second assignment began on February 9 and ended on February 13, 2009. Ms. Walker completed that assignment. There was no further contact between Ms. Walker and the employer until March 11, 2009, when the employer attempted to contact Ms. Walker for a new assignment.

At the beginning of the employment, Ms. Walker had signed an availability statement with the employer. The statement required that Ms. Walker contact the employer no later than three working days after the completion of an assignment to indicate her availability for a new assignment. The availability statement indicated that the employer would otherwise deem Ms. Walker to have voluntarily quit the employment. The end-of-assignment notification policy appeared as a separate document. Ms. Walker signed the policy and received a copy of the policy.

## REASONING AND CONCLUSIONS OF LAW:

The administrative law judge notes that Ms. Walker provided confused testimony that suggests she does not accurately remember the events that followed her second work assignment at Web Printing.

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.

871 IAC 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 weight of the evidence indicates that the employer had an end-of-assignment notification policy that complied with the requirements of Iowa Code section 96.5(1)(j). The weight of the evidence indicates that Ms. Walker signed the policy and received a copy of the policy. The weight of the evidence indicates that Ms. Walker failed to notify the employer within three days of the end of her assignment on February 13, 2009 that the assignment had ended and that she was available for a new assignment.

Based on the evidence in the record and application of the appropriate law, the administrative law judge concludes that Ms. Walker's separation from the temporary employment agency was without good cause attributable to the temporary employment agency. Ms. Walker is disqualified for benefits until she had worked in and been paid wages for insured work equal to 10 times her weekly benefit amount, provided she is otherwise eligible. The employer's account will not be charged.

**DECISION:**

The Agency representative's May 4, 2009, reference 06, decision is affirmed. The claimant's separation from the temporary employment agency was without good cause attributable to the temporary employment agency. The claimant is disqualified for benefits until she had worked in and been paid wages for insured work equal to 10 times her weekly benefit amount, provided she is otherwise eligible. The employer's account will not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs