

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EMILY PROTSMAN
Claimant

APPEAL NO: 15A-UI-06830-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 05/17/15
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving
Section 96.5(1)j – Voluntary Leaving (Temporary Employment)

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 10, 2015, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 21, 2015. The claimant participated in the hearing. Sarah Fiedler, Human Resources Generalist, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment and whether the claimant sought reassignment from the employer.

FINDINGS OF FACT:

The claimant was employed as a full-time production worker for Team Staffing Solutions last assigned at Plastic Products Company from February 15, 2015 to February 22, 2015. She left before completing her assignment due to safety concerns but did seek reassignment from the employer within three working days of the end of her assignment.

On February 18, 2015, the claimant contacted the employer to report she had not been properly trained on her new assignment and had serious safety concerns as a result because she was required to work with extremely hot plastic. She was originally told she would be trained on her new assignment from 9:00 p.m. to 11:00 p.m. and then start working at what she had been trained on until 7:00 a.m. but instead she was directed to begin as a production worker immediately without any training. She requested another assignment from the employer and was told the employer was going to talk to Plastic Products Company human resources director about the training and call the claimant back. The employer did not call the claimant back and the claimant called the employer back the next day and was told she would be reassigned. She has called the employer nearly every Monday since then but has not been reassigned to date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer and did seek reassignment from the employer.

Iowa Code § 96.5-1 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.

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. 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 employer has not established misconduct on the part of the claimant as defined by Iowa law. The claimant voluntarily left her assignment due to lack of training and the accompanying safety concerns. She has established good cause for leaving her assignment. The remaining issue is whether the claimant sought reassignment from the employer. While the employer's policy requires employees to seek reassignment from the employer within three working days after the end of the assignment, the purpose of the statute is to provide notice to the temporary employment firm that the claimant is able and available for work. In this case, the claimant sought reassignment by asking the employer about additional assignments the day she contacted the employer about the lack of training and called again for another assignment the following day. Consequently, the claimant has met the requirements of the rule.

DECISION:

The June 10, 2015, reference 03, decision is reversed. The claimant's separation from employment was attributable to the employer and she sought reassignment from the employer. Benefits are allowed provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

je/mak