

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA L OCKER
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL 16A-UI-11670-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/24/16
Claimant: Appellant (1)**

Iowa Code § 96.5(1)j – Voluntary Leaving (Temporary Assignment)

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 21, 2016, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 10, 2016. Claimant participated. Employer participated through (representative) Rhonda Hefter de Santisteban, Human Resources Manager and Hannah Shoemaker, Placement Coordinator. Employer's exhibit 1 was entered and received into the record.

ISSUE:

The issue is whether 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 last assigned to work at Professional Management Inc. as a collection agent full-time beginning on May 9, 2016 through October 5, 2016 when she voluntarily quit work by failing to seek additional work assignments from the employer. When she was hired the claimant was given and signed the employer's policy that put her on notice that she was required to seek another job assignment from them within three working days of the end of any assignment.

On September, 30 Ms. Shoemaker called the claimant and told her that due to low call volume the claimant's assignment was ending. The claimant told Ms. Shoemaker that she thought her assignment would probably end and that she had been applying for different jobs. The claimant did not ask Ms. Shoemaker if there was any additional work or assignments for her through the employer. The claimant went in to pick up her personal belongings on Monday, October 30. At that time she did not ask Ms. Shoemaker for any other jobs or assignments. The claimant did not seek any additional work assignments from the employer within three days of being notified that her assignment had ended.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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.

Iowa Admin. Code r. 871-24.26(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 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. In this case, the claimant gave the employer no notice of her availability and based on her conversation with Ms. Shoemaker the employer assumed claimant was looking for work elsewhere. There is no requirement that the employer offer the claimant work only that the claimant specifically ask for additional work. The claimant had been given the written notice that she seek reassignment within three days of the end of her assignment. Under these circumstances, the claimant is considered to have voluntarily quit the employment. Benefits are denied.

DECISION:

The October 21, 2016, (reference 03) decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as the claimant works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs