

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEE T GIVHAN

Claimant

APPEAL NO. 13A-UI-01776-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 12/30/12

Claimant: Appellant (1)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Lee Givhan, filed an appeal from a decision dated February 6, 2013, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 12, 2013. The claimant participated on his own behalf. The employer, QPS, participated by Human Resource Supervisor and Placement Coordinator Elaine Pruett. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Lee Givhan was employed by QPS from August 15 until December 18, 2012. He had one assignment at Heniz during that time. When he was hired the claimant signed a "reassignment policy" which notified him he must contact the agency within three working days of the end of each assignment to request more work. Failure to do so would be considered a voluntary quit.

Mr. Givhan was notified on December 13, 2012, the assignment was over. He did not contact the agency on Friday, December 14, Monday December 17 or Tuesday December 18, 2012. Mr. Givhan stated he was interviewing for a job the morning of Monday, December 17, 2012, but did not provide an explanation as to why he did not call QPS that afternoon or on Tuesday. He stated he felt it was the employer's obligation to contact him if it had any work it wanted him to do.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was properly notified in writing of his obligation to contact the temporary agency within three working days of the end of each assignment. In spite of being notified of this he elected not to contact QPS on December 14, 17 or 18, 2012, because he felt he was too busy looking for other work or that the employer should contact him if work was available. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of February 6, 2013, reference 01, is affirmed. Lee Givhan is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs