

on March 3, 2005. This employer requires any worker who wishes to be assigned to a job to come in each morning and sign in. Job assignments are not offered to anyone who does not first come into the office on a daily basis. Labor Ready considers each assignment to be a one-day assignment, there are none which are carried over to the next day.

Ms. Sloan last worked for Labor Ready on April 30, 2005, when she was assigned to Veterans Auditorium. She completed the assignment as required.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

Iowa Code Section 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.

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.

Because the employer considers every day to be a separate and discrete assignment, the claimant must be considered to have been classified as working "spot jobs" or "casual labor." Labor Ready does not assign workers long-term and does not require employees to report within three days of the end of the assignment under the provisions of chapter 96.5(1)j of the Iowa Code. The claimant's decision not to report for further work is not a disqualifying event under the provisions of the above Code section.

#### DECISION:

The representative's decision of October 6, 2005, reference 01, is reversed. Barbara Sloan is qualified for benefits provided she is otherwise eligible.

bgh/kjf