

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

GREG R RUOPP
1316 – 10TH ST
NEVADA IA 50201

MANPOWER INC OF DES MOINES
C/o TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166-6864

MANPOWER INC OF DES MOINES
517 – 5TH AVE
DES MOINES IA 50309

Appeal Number: 04A-UI-08311-CT
OC: 06/27/04 R: 02
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment

STATEMENT OF THE CASE:

Manpower, Inc. of Des Moines filed an appeal from a representative's decision dated July 22, 2004, reference 01, which held that no disqualification would be imposed regarding Greg Ruopp's separation from employment. After due notice was issued, a hearing was held by telephone on August 25, 2004. Mr. Ruopp participated personally. The employer participated by Erin Pritchard, Staffing Specialist.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Ruopp initially began working for Manpower on April 13,

2003. He reactivated his status on June 3, 2004 and was assigned to work for Option Technologies on June 9 and June 13. He completed work on both days. On June 14, he reported to the Manpower office to turn in his time card. At that time, he advised the receptionist that he was available for work that week. Mr. Ruopp did not have contact with Manpower again until July 26 when he again reported that he was available for work.

Mr. Ruopp signed a document on April 13, 2003 advising him that he had to seek reassignment within three working days following the end of an assignment. The document contains information on other Manpower policies as well.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Ruopp was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed is not required to continue seeking work through the temporary placement firm unless the requirements of Iowa Code Section 96.5(1)j have been satisfied. This section requires that the temporary worker be given written notice that he has three days in which to seek reassignment after the end of an assignment. The law requires that the notice be separate from any other terms of employment. The employer's notice to Mr. Ruopp did not satisfy the requirements of Section 96.5(1)j because it contained other policies aside from the three-day reporting requirement. Moreover, the document had been signed by Mr. Ruopp over one year before he again worked for Manpower.

Even if the administrative law judge were to conclude that the employer's notice satisfied legal requirements, it would still be concluded that there is no basis for disqualification. Mr. Ruopp was in contact with Manpower the day after his assignment ended and gave notice of his continued availability. It would be concluded, therefore, that he substantially complied with the requirement that he seek reassignment within three working days after the end of his last assignment. Therefore, no disqualification would be imposed.

DECISION:

The representative's decision dated July 22, 2004, reference 01, is hereby affirmed. Mr. Ruopp was separated from Manpower for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/b