

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAMILA J REYNOLDS
Claimant

APPEAL NO. 14A-UI-09250-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 08/17/14
Claimant: Appellant (2)

871 IAC 24.26(19) – Voluntary Quit Spot or Casual Labor
Iowa Code § 96.5(1)j – Voluntary Leaving – Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from the September 8 2014, reference 2, decision that denied benefits. After due notice was issued, a hearing was held on September 25, 2014. The claimant participated. The employer did not participate.

ISSUE:

The issue is whether claimant voluntarily quit her work from a temporary employment firm or whether the claimant completed her spot labor assignment.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: As the claimant was the only participant in the hearing, all findings of fact are gleaned through claimant's testimony. The claimant was employed through the employer performing various temporary work from June 28, 2014 through August 18, 2014. Claimant was assigned work, but told on August 18 that her work was no longer required. Claimant was not told to be in contact with her employer when finished with an assignment. The assignment started on June 18, 2014. The claimant thought she had been dismissed by Team Staffing on August 18, 2014.

The company the claimant was assigned to hires temporary workers on ongoing bases and used temporary employees rather than hiring permanent employees. The number of temporary employees depends upon the needs of employer. It is not related to specific seasons, projects, absences, labor market shortages, or temporary skills. The claimant performed mail sorting for the company she was assigned .

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not voluntarily quit her employment.

There are two possible sections of Iowa law that may be applicable to this claim. The first governs some employees of temporary agencies.¹

The purpose of the Iowa Code 96.5-1-j 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. Before applying the statute, an examination of the facts is required to determine if the employer and the claimant meet the definitions under the statute. The employer to be covered must be a "temporary employment firm." 96.5-1-j(2). A temporary employment firm is defined as a person engaged in the business of hiring temporary employees. "Temporary employees" are defined as: "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." 96.5-1-j(1).

The second governs spot or casual temporary labor.²

¹ 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.

² 871 IAC 24.26(19) provides:

The law requires an employee who is covered by the requirement "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." Iowa Code 6.5-1-j. The claimant did not receive this document.

The claimant is a temporary employee and is required to notify the temporary agency within three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant gave the employer notice of his availability and did seek work from employer. Therefore, the claimant is considered to have quit the employment with good cause attributable to the employer. Benefits are allowed.

DECISION:

The September 8, 2014, reference 02, decision is reversed. The claimant is eligible to receive unemployment insurance benefits, provided the claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can

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.