

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT A LARSON
Claimant

EXPRESS SERVICES INC
Employer

APPEAL 18A-UI-00129-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/03/17
Claimant: Respondent (1R)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from the December 26, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on January 26, 2018. Claimant participated. Employer participated through office manager Nicole Shanks.

ISSUE:

Did 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 employed as a part-time packager assigned at Michael's Bakery from August 29 through August 31, 2017. He could not complete the month-long assignment because of issues related to his children. He is limited to first shift work because of his child care provider. His claim lists two dependents, but does not indicate their ages. Shanks called claimant on August 31 about the end of the assignment. She left voice mail about what was going on. He called back and said he could not report. The next communication was on September 5 when she called him again about his availability for work. He stopped in on September 6. She was out of the office on break so he left. She left him a voice mail and he never called back. She called him on September 27 and did not get a return call from the voice mail. There was other communication about potential work on October 27, November 15, and December 28, 2017. The employer does not have a specific, stand-alone policy about reporting after the end of an assignment. Claimant last received a handbook in 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was with good cause attributable to the employer.

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. (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.

Since the employer did not provide instruction about what to do at the end of the assignment according to the specific requirements of Iowa Code section 96.5(1)j, the separation is not disqualifying.

DECISION:

The December 26, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

REMAND: The issues of claimant's work refusals from Express Services, Inc., his ability to work, availability for work, child-care limitations, and work-search history as delineated in the findings of fact are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination with notice and appeal rights to both parties.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs