

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN R YOUNG**

Claimant

**APPEAL NO: 14A-UI-00412-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 01/27/13**

**Claimant: Appellant (1)**

Section 96.5-1-J – Voluntary Quit/Assignment Completion

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated January 9, 2014, reference 02, that held he voluntarily quit without good cause attributable to the employer on December 6, 2013, and benefits are denied. A telephone hearing was held on February 4, 2014. The claimant, and witness, Jon Feely, participated. Rhonda Hefter, HR Supervisor, and Amelia Clark, Branch manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant most recently worked for the employer on an assignment at the City of Des Moines beginning April 2, 2013. He had worked the same assignment in the past.

Claimant signed a three-day reassignment policy for the employer on April 11, 2013. It requires an employee to contact the employer within three working days of assignment completion for further work or be considered a voluntary quit.

The claimant learned on November 25, 2013 he would be laid-off on December 6. He contacted the employer on November 26 about Thanksgiving holiday pay but he did not inquire about a further work assignment. The claimant was laid-off on December 6. He did not contact the employer about a further work assignment until January 8, 2014. The employer returned claimant to a job assignment for the City of Des Moines where he is currently working.

## **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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer when he completed his job assignment on December 6, 2013, and failed to contact the employer for further work assignment until January 8, 2014.

Claimant had been working the same assignment for the employer and he assumed it would notify him about further work. This assumption is contrary to the work reassignment policy he signed and his failure to seek work for more than one-month is a voluntary without good cause. Once claimant notified the employer of his availability he was placed back to work.

**DECISION:**

The department representative decision dated January 9, 2014, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on December 6, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs