

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUAN M ALVAREZ ORTIZ
Claimant

APPEAL NO: 10A-UI-14860-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 09/05/10
Claimant: Appellant (2)

Section 96.5(1)(j) – Separation from Temporary Employment

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 20, 2010 determination (reference 02) that is exactly like the decision the representative issued for reference 01. Since the two determinations are identical with the exception of reference numbers, the decision for reference 01 or the decision for appeal 10A-UI-14859-DWT, is repeated in this decision. The claimant participated in the hearing with his attorney, Michele Van Wyhe. Holly Carter, an unemployment insurance specialist, appeared on the employer's behalf. During the hearing, Claimant Exhibits A, B, and C were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Whether the claimant voluntarily quit working for the employer, a temporary employment firm, after he completed a job assignment.

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's clients in February 2010. When the claimant registered he signed a document indicating he had read and received the employer's policies and procedures document and an assignment policy. (Claimant Exhibits B and C.) Even if the claimant did not read these documents before he signed the paperwork, he took home copies of the assignment policy. The assignment policy informs employees they must report to the employer within three days after completing an assignment or they will be deemed to have voluntarily quit their employment. The claimant did not read the paperwork at his home. He did not understand the policy when the employer gave it to him.

The employer assigned him a job at Wells Blue Bunny that began on March 2, 2010. On February 25, the claimant received a job assignment sheet that informed him if he failed to contact the employer for another assignment after completing a job assignment, this failure could affect his unemployment insurance benefits. (Claimant Exhibit A.)

The claimant completed his job assignment on August 27, 2010. His Wells Blue Bunny supervisor told him that Wells Blue Bunny personnel would contact the employer to let them know he had completed his job assignment. The claimant did not contact the employer for another job because he wanted to look for a permanent, full time job. The claimant contacted the employer on October 4 to talk about his unemployment insurance claim.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if he does not notify the temporary employment firm within three working days after completing the job assignment in an attempt to obtain another job assignment. To be disqualified from receiving benefits, at the time of hire the employer must advise the individual in writing of the three-day notification rule and that the individual may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

The issue in this case is whether the employer's assignment policy meets the requirement of Iowa's statute. If the employer meets the statutory requirements, the claimant is not qualified to receive benefits because he did not contact the employer about another job assignment. The purpose of the law is to make certain employees receive information so they know that if they fail to contact the employer after completing a job assignment, this could adversely affect a claim for unemployment insurance benefits. The documents the employer had the claimant sign on February 17 and 25 do not clearly notify him of his responsibilities and the consequences. In the policy and procedures document and the assignment policy that the claimant signed on February 17, (Claimant Exhibits B and C), the documents inform him that he must contact the employer within three days of completing an assignment and if he does not the employer considers him to have voluntarily quit his employment. These documents do not advise the claimant that his failure to contact the employer within three days could adversely affect a claim for unemployment insurance purposes. This information is not provided until the claimant signed The Job Assignment Sheet on February 25, 2010, (Claimant Exhibit A). This document states that his failure to contact the employer for another job assignment after completing an assignment could affect his unemployment insurance benefits, but it does not tell the claimant he must do this within three days. The employer has not complied with the statutory requirements of Iowa Code § 96.5-1-j. As the result, the employer cannot claim the benefit of the statute to disqualify the claimant receiving benefits. Therefore, as of September 5, 2010, the claimant is qualified to receive benefits.

DECISION:

The representative's October 20, 2010 determination (reference 02) is reversed. Even though the claimant did not contact the employer about another job after he completed an assignment on August 27, 2010, the employer did not follow the statutory requirements that properly informed the claimant he was required to contact the employer within three days of completing

an assignment or an unemployment insurance claim could be adversely affected. As of September 5, 2010, the claimant is qualified to receive benefits because he did not quit his employment without good cause and he was not discharged for work-connected misconduct. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs