

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**OLEN ALDRIDGE**  
Claimant

**APPEAL NO: 08A-UI-07469-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KELLY SERVICES INC**  
Employer

**OC: 07/06/08 R: 02**  
**Claimant: Respondent (5)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

Kelly Services, Inc. (employer) appealed an unemployment insurance decision dated August 14, 2008, reference 01, which held that Olen Aldridge (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 3, 2008. The claimant participated in the hearing. The employer participated through Omar Velazco, Staffing Supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant disqualified because he failed to contact the temporary employment agency after the completion of his assignment?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production and warehouse worker from September 14, 2007 through March 6, 2008 when he was removed from his assignment due to attendance and lack of productivity. The claimant understood that he was discharged from Kelly Services, Inc., not just his last assignment. The employer witness testified the claimant was not told he needed to call in for additional work. Employees are informed through their employment contract that they are provided to contact the employer within 48 hours after the end of an assignment. The employer admitted it did not provide the claimant with a separate document regarding the employer's notification requirements.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. See Iowa Code §§ 96.5-1 and 96.5-2-a.

Iowa Code § 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 employer witness confirmed the claimant was not notified of the requirement to contact the employer for additional work. Additionally, the evidence indicates that the employer's end-of-assignment notification policy does not satisfy the requirements of Iowa Code § 96.5(1)(j). The employer requires employees to contact its agency within 48 hours of the completion of the last assignment which is not in compliance with the Iowa statute. Furthermore, the notification document must be separate from any contract of employment and this employer's notification policy was contained within its employment contract. Because the policy does not comply with Iowa Code § 96.5(1)(j), the claimant's failure to contact the employer after the completion of his last assignment does not disqualify him from receiving unemployment insurance benefits. Benefits are allowed.

#### **DECISION:**

The unemployment insurance decision dated August 14, 2008, reference 01, is modified with no effect. The claimant voluntarily quit his employment with good cause attributable to the

employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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