

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT L GILES
Claimant

APPEAL NO. 09A-UI-07318-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PEOPLE 2.0 GLOBAL INC
Employer

**Original Claim: 04/05/09
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 4, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 3, 2009. The claimant participated. The employer participated through the owner Vince Gobel. Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant was voluntarily quit his work from a temporary employment firm.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed through the employer, performing various temporary work, from June 2008 through October 23, 2008. He was assigned to work for Fairplay Scoreboards on July 17 through October 23, 2008. He was informed on October 23 2008 his assignment had ended. At the end of his shift, on October 23, 2008, he reported to the employer, Metro Temps, and let them know the assignment was over and asked for additional work. He was told there were no assignments. He called in on October 26, 2008 and asked for work and was told there were no assignments. He was asked if he wanted to sign up for snow removal and he said he did. The claimant called in and asked for assignments on a weekly basis after that. The employer had a hard time contacting the claimant in April and May of 2009.

REASONING AND CONCLUSIONS OF LAW:

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

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 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. The claimant contacted his employer within three business days of the end of his assignment. He contacted the employer on October 23 and 26, 2008.

The claimant is a temporary employee and is required to notify the temporary agency with three working days of the end of the assignment and of the availability to accept reassignment. In this case, the claimant gave the employer the required notice. His assignment was over. The fact the employer had difficulty in April or May in contacting the claimant is not relevant in this case. The claimant did not voluntarily quit. He did not commit misconduct.

DECISION:

The May 4, 2009, reference 01, decision is reversed. The claimant is eligible to receive unemployment insurance benefits, provided the claimant meets all other eligibility requirements.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

jfe/kjw