

temporary placement firm, on June 3, 2005. Her last assignment was with Schaeffer Pen, where she worked full time until August 17. The client company notified her on August 17 that she was being laid off due to lack of work. On August 22, Adecco contacted Ms. Smajlovic about a return assignment with Schaeffer Pen. She indicated she would need to discuss the matter with her husband and would call back with a response. She did not re-contact Adecco about the new assignment.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Smajlovic was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. An individual so employed must complete the last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Ms. Smajlovic completed her last assignment when she was laid off due to lack of work with Schaeffer Pen. She was notified of the end of the assignment on Wednesday, August 17. She had contact with Adecco on Monday, August 22. Ms. Smajlovic had contact with the temporary agency on the third working day following the end of her last assignment. Although the contact was not initiated by Ms. Smajlovic, the contact satisfies the requirements of Iowa Code section 96.5(1)j.

Iowa Code section 96.5(1)j requires an employee of a temporary placement firm to seek reassignment within three working days of the end of an assignment. Whether Ms. Smajlovic would have initiated contact with Adecco herself on August 22 is unknown. Adecco's contact with her preempted any contact she would have initiated. Inasmuch as there was discussion regarding continued employment on August 22, there would be little point in requiring Ms. Smajlovic to re-contact Adecco again on August 22. For the above reasons, the administrative law judge concludes that Ms. Smajlovic is entitled to benefits pursuant to section 96.5(1)j.

Ms. Smajlovic was offered work on August 22. She did not call back to indicate an acceptance of the work offered on that date. The issue of her refusal of work has not been adjudicated by Workforce Development. The issue was not noted on the notice of hearing and Ms. Smajlovic did not participated in the hearing to waive notice on the issue. Therefore, this matter shall be remanded to Claims for a determination regarding the work refusal.

#### DECISION:

The representative's decision dated September 27, 2005, reference 03, is hereby affirmed. Ms. Smajlovic was separated from employment with Adecco on August 17, 2005 for no disqualifying reason. Benefits are allowed, provided she satisfies all other conditions of eligibility. This matter is remanded to Claims for a determination regarding Ms. Smajlovic's August 22, 2005 refusal of work.

cfc/kjw