

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ANDY WILLS JR
611 CARROLL ST
KEOKUK IA 52632

ADECCO USA INC
c/o FRICK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-02920-BT
OC: 02/12/06 R: 04
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.26(19) – Temporary Work Assignments

STATEMENT OF THE CASE:

Adecco USA, Inc. (employer) appealed an unemployment insurance decision dated February 27, 2006, reference 01, which held that Andy Wills (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 April 20, 2006. The claimant participated in the hearing. The employer participated through Janell Case, Account Manager and Ralph McGlothlen of Frick UC Express.

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 general laborer from September 27, 2004 through February 13, 2006. He was most recently assigned to a company called Climax. On February 13, 2006, the employer called him and advised him, "You no longer work at Climax." The claimant asked whose decision it was and the employer reported that it was both Adecco and Climax. The employer did not tell the claimant he could request additional assignments or that he would be eligible for additional assignments. The employer considered the claimant to have voluntarily quit his employment since he did not contact the employer within 48 hours of the completion of his assignment.

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. Iowa Code §§ 96.5-1 and 96.5-2-a. An individual who is a temporary employee of a temporary employment firm may be disqualified from receiving unemployment insurance benefits if the individual does not notify the temporary employment firm within three working days after ending a 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. The employer must also notify the individual that he may be disqualified from receiving unemployment insurance benefits if he fails to notify the employer. Iowa Code § 96.5-1-j.

In the case herein, the employer's policy is not in compliance with state law requirements. The employer expects employees to check in for additional assignments within 48 hours instead of the required three days. However, even if the employer's policies were in requirement with state law, the employer was the individual notifying the claimant his assignment was completed. The employer did not advise the claimant he could check in or even that he needed to check in for additional assignments.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the

individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant completed his work assignment when the employer removed him from it. The completion of a temporary employment assignment, regardless of whether the claimant reported for a new assignment, is deemed to be a separation other than a voluntary quit. The claimant's separation from employment was with good cause attributable to the employer and benefits are allowed.

DECISION:

The unemployment insurance decision dated February 27, 2006, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits provided he is otherwise eligible.

sdb/tjc