

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS A MORGAN
Claimant

APPEAL NO. 11A-UI-03771-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERSON PERSONNEL INC
Employer

**OC: 01/23/11
Claimant: Respondent (1)**

Section 96.5-1-j – Voluntary Leaving - Temporary Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated March 23, 2011, reference 02, which held the claimant eligible to receive unemployment insurance benefits. After due notice was issued, a telephone hearing was held on April 13, 2011. The claimant participated personally. The employer participated by Mr. Jim Robertson, UI operations manager. Exhibit A was received into evidence.

ISSUE:

At issue is whether the claimant voluntarily left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Phyllis Morgan was employed by Masterson Personnel, Inc. from September 22, 2010, until January 22, 2011, when she was separated due to lack of work. Ms. Morgan was assigned to work at the RR Donnelley Company as a general laborer.

At the time her assignment ended with RR Donnelley Company, the claimant was informed of the assignment coming to an end via a phone call from a representative of Masterson Personnel, Inc. At that time, the claimant made an inquiry as to whether additional assignments were available and the claimant was told that there were no assignments available. Approximately two days later, Ms. Morgan again contacted the temporary service and again was told that there was no work available to her.

It is the employer's position that the claimant's contact with the temporary employment service after the completion of her last job assignment was not sufficient based upon the agreement between the parties that the claimant would contact the temporary employment service within three days of the date of her most recent assignment ending to inform the temporary service of the assignment ending and to make herself available for additional job assignments.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with good cause attributable to the employer.

Iowa Code section 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 statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of a temporary assignment. The evidence in the record establishes that the employee was made aware that the assignment had ended and that Ms. Morgan had contact with the company the day that the assignment had ended and was told that there was no additional work available to her. The evidence in the record further establishes that, approximately two days later, Ms. Morgan again contacted the temporary employment service and again was told that there was no work available. The administrative law judge concludes that the claimant has fulfilled her obligation to contact the temporary employment service within three working days to provide notification that the assignment had ended and to indicate to the temporary employment service that the claimant was available for

work at the conclusion of the previous temporary assignment. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's decision dated March 23, 2011, reference 02, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw