

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY R JACKSON

Claimant

APPEAL NO. 11A-EUCU-00743-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 11/22/09

Claimant: Appellant (1)

Section 96.5-1-j – Sought Reassignment from Temporary Employer

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated September 19, 2011, reference 05, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on October 20, 2011. The claimant participated personally. The employer participated by Ms. Heidi Pringle, Junior Staffing Specialist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer and whether the claimant reported back to the temporary employer within three working days as required by written policy.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Amy Jackson was employed by Manpower International from May 4, 2011 until August 12, 2011 when she was removed from her assignment at NSK/AKNS Corporation for attendance issues.

At the time that Ms. Jackson had accepted employment with Manpower International she signed an agreement to contact the temporary agency employer within three working days after the conclusion of each temporary assignment so that she might be re-assigned and continue working.

The claimant was notified by Manpower International on August 12, 2011 that the assignment at the client employer had come to an end. Ms. Jackson did not inquire about additional assignments. The claimant did not contact the temporary employer within three working days as agreed. The claimant's next contact was on August 20, 2011. The claimant did not desire an additional assignment because of childcare issues.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant voluntarily left employment without 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.

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 purpose of the statute 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. In this case the claimant gave the employer no notice of her availability and therefore is considered to have quit the employment.

DECISION:

The representative's decision dated September 19, 2011, reference 05, is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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