

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARA K HEBER
Claimant

APPEAL NO. 13A-UI-12493-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 11/18/12
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit
Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated November 5, 2013, reference 02, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was held on December 2, 2013, by telephone conference call. The claimant did not respond to the hearing notice and did not provide a telephone number at which she could be reached. Enclosed with this file is a copy of the Clear2there hearing control sheet, which shows that the claimant did not respond to the hearing notice. The employer participated by Mike Schaul, Owner. The record consists of the testimony of Mike Schaul.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant worked an assignment for the employer at Spireon. The assignment was from July 8, 2013, to October 3, 2013. The employer ended the assignment. The claimant did not request a new assignment from the employer.

The claimant did not sign a separate form that stated that she would be considered a voluntary quit if she did not contact the employer within three days of the completion of her assignment.

REASONING AND CONCLUSIONS OF LAW:

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 claimant is eligible for unemployment insurance benefits. The employer failed to comply with the provisions of Iowa Code section 96.5-1-j. Temporary employers are required to have a separate statement signed and then a copy given to the claimant that he or she will be considered a voluntary quit if they fail to contact the employer within three working days after the end of the assignment. Since the employer did not follow this provision of Iowa law, the claimant is eligible for benefits provided she meets all other eligibility requirements.

DECISION:

The decision of the representative dated November 5, 2013, reference 02, is affirmed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css