

**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**

**ZACHARY D KIELER  
PO BOX 734  
IOWA CITY IA 52244**

**CAMBRIDGE TEMPOSITIONS INC  
610 – 32<sup>ND</sup> AVE SW  
CEDAR RAPIDS IA 52404**

**Appeal Number: 05A-UI-08175-CT  
OC: 07/10/05 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)j – Temporary Employment  
Section 871IAC24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Cambridge Tempositions filed an appeal from a representative's decision dated August 3, 2005, reference 01, which held that no disqualification would be imposed regarding Zachary Kieler's separation from employment. After due notice was issued, a hearing was held by telephone on August 25, 2005. Mr. Kieler participated personally. The employer participated by Krista Even, Account Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Kieler was employed by Cambridge

Tempositions, Inc. from October 21, 2004 until April 15, 2005. His last assignment was with Marsh, where he worked from November 12, 2004 until his services were no longer needed as of April 15, 2005. Mr. Kieler contacted the employer's Iowa City office on April 15 but was not offered further work. He was contacted regarding other work on April 21 and again on May 18. Mr. Kieler did not accept other assignments at those times, because he had accepted work elsewhere and started on May 2.

Mr. Kieler received an employee handbook on October 26, 2004. The handbook advises that he had to seek reassignment within three working days of an assignment ending. This requirement was not contained in any other documents provided to Mr. Kieler.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Kieler was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments and completed his last assignment. He was only required to continue seeking work through Cambridge Tempositions, Inc. if the provisions of Iowa Code section 96.5(1)j had been met. This section requires that the temporary placement firm provide the employee with written notice that he has to seek reassignment within three working days of the end of an assignment. The law also provides that the notice be separate from any other document outlining the terms and conditions of the employment. The employer's notice to Mr. Kieler of the three-day reporting requirement does not meet the legal standards of section 96.5(1)j as it is contained in an employee handbook along with other terms and conditions of employment. As such, it cannot form the basis of a disqualification from benefits.

Section 96.5(1)j presupposes that an individual is separated from employment as a result of failing to seek reassignment within three working days. The employer herein clearly did not feel Mr. Kieler had quit his employment, as they continued to contact him regarding further work after April 15 and in spite of the contention that he did not contact the employer within three working days of April 15.

#### DECISION:

The representative's decision dated August 3, 2005, reference 01, is hereby affirmed. Mr. Kieler was separated from employment for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw