

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANA STAMPS**

Claimant

**APPEAL NO. 08A-UI-00797-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADECCO USA INC**

Employer

**OC: 12-02-07 R: 02  
Claimant: Respondent (1)**

Section 96.5(1)j – Voluntary Leaving (Temporary Employment)  
87I IAC 24.26(19) – Completion of Assignment  
Section 96.5-1-j – Seek Reassignment from Employer

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 14, 2008, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 6, 2008. The claimant participated in the hearing. Kathryn Olson, Staffing Consultant, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-connected misconduct and whether the claimant sought reassignment from the employer.

**FINDINGS OF FACT:**

The claimant was employed as a full-time outreach worker for Adecco last assigned at Primary Health Care from December 11, 2006, to March 30, 2007. The assignment ended when the grant ran out. The claimant knew at the beginning of March 2007 that the grant was going to end and called the employer about another assignment but was told it was too early to call about another assignment. She called again near the end of March 2007 and was placed on the availability list. The employer was aware the assignment ended but at that time they had no additional assignments available. The claimant called back a "couple of weeks" later and was again told there were no assignments available. The claimant had a child July 29, 2007, and was not available for work until the end of September 2007 but did not file a claim for benefits until December 2, 2007, so her unavailability for work during that time period is not an issue. On April 12, 2007, the employer called the claimant about another possible position and while she originally indicated she was interested she did not follow through with the offer by contacting the employer again.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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 the temporary assignment. In this case, the employer had notice of the claimant's availability because she called twice before the grant for the assignment even ended and the second time she was told she would be placed on the availability list. Consequently, it appears the employer had notice of the claimant's availability after the assignment was completed. Therefore, benefits are allowed.

**DECISION:**

The January 14, 2008, reference 02, decision is affirmed. The claimant's separation from employment was attributable to the employer. The claimant had adequate contact with the employer about her availability as required by statute. Benefits are allowed, provided the claimant is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/css