

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHANNA M BISHOP

Claimant

TEMP ASSOCIATES – BURLINGTON INC

Employer

APPEAL 16A-UI-08565-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/04/15

Claimant: Appellant (1)

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 2, 2016, (reference 03) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on August 24, 2016. Claimant participated. Employer participated through account manager Jenny McNeil. Employer's Exhibit 1 was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time temporary contract line worker assigned at GE through July 15, 2016, when the assignment ended for approximately 23 contract workers. The employment with Temp Associates did not end. Manager Jan told the contract workers, including claimant, in a meeting on July 13 that the GE assignment was ending Friday and mentioned two different types of work that may be available, and told them to report to the Burlington office and sign the log. Claimant went there after work on July 15 and there were two other GE contract workers there so she signed the log. She asked McNeil about the purpose of log and McNeil explained it indicated the person signing wanted Temp Associates to continue looking for work for them. Claimant crossed off her name and told McNeil she did not want Temp Associates to look for work for her so McNeil had her complete an exit evaluation. (Employer's Exhibit 1) There was no discussion about available work and no communication thereafter. Claimant had looked for but has not found other work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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. (1) 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.

(2) 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.

(3) For the purposes of this lettered paragraph:

(a) "*Temporary employee*" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "*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 each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an assignment *and* who seeks reassignment." (Emphasis supplied.) In this case, the employer had notice of the claimant's availability because it notified her of the end of the assignment but she did not request reassignment and opted to quit the employment with Temp Associates rather than allow it to look for work for her, even while she conducted an independent work search. Therefore, she is considered to have quit the employment without good cause attributable to the employer.

DECISION:

The August 2, 2016, (reference 03) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as she works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs