

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER R TANNER**  
Claimant

**APPEAL NO. 13A-UI-03154-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPHERION STAFFING LLC**  
Employer

**OC: 05/27/12**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

Spherion Staffing, L.L.C. filed a timely appeal from a representative's decision dated March 8, 2013, reference 06, which held claimant eligible to receive unemployment insurance benefits finding the claimant had completed a temporary assignment and had contacted the temporary employment firm within three working days of the completion of the last work assignment. After due notice, a telephone hearing was held on April 15, 2013. Claimant participated. Participating as a witness for the claimant was Marcia Tanner, the claimant's sister. The employer participated by Ms. Lynda Wunder, Branch Manager.

**ISSUE:**

The issue is whether the claimant left employment by failing to contact the temporary employer within three working days after the completion of her last work assignment.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Jennifer Tanner was employed by Spherion Staffing, L.L.C. from August 6, 2012 until February 1, 2013 when her temporary assignment at the Nestle Company Beverage Division came to an end. Ms. Tanner had been employed as a production worker at that client location and was being paid by the hour.

On January 31, 2013, Ms. Tanner was informed by "Sara," an employee of Spherion Staffing, that her assignment at the Nestle Company was ending effective February 1, 2013. Ms. Tanner directly contacted Spherion Staffing on Saturday, February 2, and spoke to "Sara" to confirm the ending date and at that time Ms. Tanner inquired if there were any additional assignments available to her and was told that there were not any additional assignments at that time.

It is the employer's belief that Ms. Tanner did not call in until February 4 to report her working hours and that the claimant did not request additional assignments at that time.

## 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 purpose of the statute is to provide notification to the temporary employment service employer that the claimant is available for further assignments after the completion of the most recent work assignment. The evidence in the record establishes that Ms. Tanner personally contacted a representative of Spherion Staffing within three working days as agreed at the time of hire and established her availability for additional assignments at that time. Claimant's separation from employment was, therefore, attributable to the employer due to a lack of work. Benefits are allowed, providing the claimant is otherwise eligible.

**DECISION:**

The representative's decision dated March 8, 2013, reference 06, is affirmed. Claimant contacted the temporary employment firm within three working days of the completion of her last work assignment. Claimant's leaving was attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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