

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZUMRA BULJUBASIC
Claimant

APPEAL NO. 10A-UI-09550-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF D M
Employer

OC: 05/02/10
Claimant: Respondent (1)

Section 96.5-1-j – Voluntary Quit From Temporary Employment Service
871 IAC 24.26(19) – Temporary Employment

STATEMENT OF THE CASE:

Manpower, Inc. of Des Moines filed a timely appeal from an unemployment insurance decision dated June 25, 2010, reference 05, that allowed benefits to Zumra Buljubasic. After due notice was issued, a telephone hearing was held September 8, 2010 with Ms. Buljubasic participating. Account Manager Sara Dahm participated for the employer. Employer Exhibit D-1 was admitted into evidence. Janja Pavetic-Dickey served as interpreter.

ISSUE:

Was the claimant's separation from employment a disqualifying event?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Zumra Buljubasic began working for Manpower, Inc. of Des Moines in October of 2005. Ms. Buljubasic does not read or speak English. During an orientation session in which no interpreter was provided, Ms. Buljubasic signed a document titled, "Manpower Policy, Procedure, and Information Acknowledgement." Among other things, the document stated that she must contact the employer within three working days for reassignment when each assignment came to an end. She was not given a copy of the document.

Ms. Buljubasic completed an assignment with the Principal Financial Group on June 12, 2009. She contacted Account Manager Sara Dahm seeking reassignment, but indicating that she needed to return to Bosnia temporarily for the funeral of her father-in-law. She has contacted the employer since returning to the United States.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Ms. Buljubasic's separation from employment was a disqualifying event. It does not. As a general rule, an individual who has

been employed on a temporary basis and who completes the period of temporary employment but does not seek reassignment is not disqualified for benefits. See 871 IAC 24.26(19) and (22). Under some circumstances, however, Iowa Code section 96.5-1-j imposes different requirements of temporary employees of temporary employment services. If the temporary employer has provided the temporary employee a separate written notice requiring the employee to seek reassignment within three working days after the end of an assignment, the individual's failure to seek reassignment creates a disqualifying quit.

The evidence does not establish that the employer provided a copy of the notice to Ms. Buljubasic at the time that she signed it. It does not establish that it explained the consequences of the failure to seek reassignment to her. It does establish that the notification was one of several items covered in a general statement of policy and procedures. The administrative law judge concludes that the employer has failed to show that its notification is consistent with the provisions of Iowa Code section 96.5-1-j.

Furthermore, the evidence establishes that Ms. Buljubasic did contact the employer at the end of her assignment with Principal Financial Group seeking reassignment, though not immediate reassignment. Had the employer's notification been consistent with the statute, the administrative law judge would have considered holding the claimant unavailable for work until her next contact with the employer. Since the employer's notification did not meet the requirements of Iowa Code section 96.5-1-j, the claimant was not legally obligated to contact the employer upon her return from Bosnia.

DECISION:

The unemployment insurance decision dated June 25, 2010, reference 05, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs