

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUSTIN A GREENWOOD**  
Claimant

**APPEAL NO. 11A-UI-12295-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC:08/07/11**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-1-j – Separation from Temporary Employment

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated September 14, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 12, 2011. Claimant participated. Employer participated by Sarah Fiedler, claims administrator. The record consists the testimony of Sarah Fiedler; the testimony of Justin Greenwood; Claimant's Exhibit A and Employer's Exhibit 1.

**ISSUE:**

Whether the claimant was separated from his employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant was given an assignment at Roquette America in Keokuk, Iowa. The assignment started on March 13, 2011. The employer, Team Staffing, assigned two individuals named Greg and Terry, to serve as lead persons. Greg and Terry were employed by Team Staffing. The claimant was told to take any concerns to Greg and Terry. If the claimant was going to be absent from work, he was supposed to call Greg or Terry.

On August 7, 2011, the claimant was informed that his assignment had come to an end. The claimant was told he could accept the layoff or stay on and try to pass a test that he had already taken and failed. The claimant asked if there was any other work available and was told there was none. He elected to accept the layoff. He made several calls to the numbers for Greg and Terry after his assignment ended.

The employer has a written policy that requires an individual to request another work assignment within three working days after an assignment ends. The claimant signed a written form acknowledging that policy. (Exhibit 1)

### **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.

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.

The evidence in this case established that the claimant accepted an assignment from Team Staffing and was working at Roquette America. Team Staffing had two of its employees on site at Roquette America. The claimant was instructed to contact these individuals should he have questions or concerns. These individuals took absence reports. The claimant could have reasonably assumed, therefore, that these individuals were employees of Team Staffing and were supervisors who had the authority to speak for Team Staffing.

The claimant credibly testified that he was told on August 7, 2011, that his assignment was over. He had the option of accepting the layoff and getting unemployment or staying on in order to pass a test he had previously failed. The claimant accepted the layoff. He asked for other work and was told that there was no other work. He produced phone records showing he called numbers provided for Greg and Terry.

The employer takes the position that the claimant did not call anyone from Team Staffing such as an account manager to ask for a new assignment. The claimant could reasonably have believed he was talking to Team Staffing by calling Greg and Terry. In addition, the employer clearly knew the assignment was ending and the claimant asked for other work. If the employer required the claimant to call a specific person or number, the employer was obligated to provide that information to the claimant. Under these circumstances, the administrative law judge finds that the claimant's assignment ended and he did request reassignment from the employer. Benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The decision of the representative dated September 14, 2011, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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