

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L PLAYLE

Claimant

ADVANCE SERVICES INC

Employer

APPEAL NO: 14A-UI-01409-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/22/13

Claimant: Respondent (1)

Section 96.5-1-j – Voluntary Quit/Assignment Completion
871 IAC 24.1(113)a – Temporary Layoff

STATEMENT OF THE CASE:

The employer appealed a department decision dated February 6, 2014, reference 01, that held claimant completed her work assignment on January 10, 2014, and benefits are allowed. A telephone hearing was held on March 11, 2014. The claimant, witness Joey Wissler, and Pam Fitzsimmons/Pella Corp HR Manager, participated. Candy Ashman, Office Manager, and Steve Volle, Witness, participated for the employer. Employer Exhibits 1 and 2 were received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The employer is a temporary employment firm. The claimant worked for the employer on an assignment at Pella Corporation beginning May 20, 2013. Claimant signed an assignment and end of assignment employer policy on May 8. It requires her to contact the employer within three working days of job completion for further work or it is a voluntary quit.

HR manager notified claimant and other employees on December 18 the assignment would be ending in the first or second week of January. Claimant finished her work on January 10, 2014 and she contacted the employer on January 13. She stated she would have to find daycare in order to continue work.

Fitzsimmons has notified the employer that claimant will be recalled to work on March 24.

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 administrative law judge concludes claimant completed her assignment on January 10, 2014, and contacted the employer about further work on January 13. The employer offered no further work assignment at that time.

Claimant completed her work assignment and made her available for work pending recall to Pella. Since the employer has offered no further assignment, there is no quit of employment.

The claimant is on a layoff pending a return to employment on March 24, 2014 at the same assignment Pella Corporation.

DECISION:

The department decision dated February 6, 2014 reference 01 is affirmed. The claimant is on a lay-off pending a return to work at Pella Corporation on March 24, 2014. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css