

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ROBERT A WILLIAMS
APT 7
5918 DEAN RD SW
CEDAR RAPIDS IA 52404-7905

LF STAFFING SERVICES INC
LABOR FINDERS
c/o JON-JAY ASSOCIATES INC
PO BOX 182523
COLUMBUS OH 43218-2523

Appeal Number: 06A-UI-02789-HT
OC: 02/05/06 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The claimant, Robert Williams, filed an appeal from a decision dated March 3, 2006, reference 06. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 29, 2006. The claimant participated on his own behalf. The employer, Labor Finders, participated by Assistant Manager Jan Phelps.

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: Robert Williams was employed by Labor Finders from September 14 until November 2, 2005. He worked only three days during that time.

People who wish to be offered assignments must come into the employer's office on a daily basis and sign in to indicate they are available. The heading of the sign-in sheet notifies the applicants, in addition to other things, they must contact Labor Finders at the end of each assignment.

Mr. Williams had a one-day assignment at Oakview Construction on November 2, 2005. A few days after that he went to the employer's office and asked the receptionist if there was any work available. She said there was not and he left. Periodically he would come into the office to see if work was available and would be told there was nothing, and he would leave without signing the work sheet.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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 above Code section sets out certain criteria for the employer to follow to inform temporary workers of the contact requirements. The record establishes the employer did none of these things in the present case. Mr. Williams was not given any documents to set out his obligations and requirements to maintain his employment status. The only provisions the employer made were set out in general language on the sign-in sheets.

In addition, the requirement listed on the sign-in sheet was for a person seeking work to "contact" the employer, with nothing specified as to what constituted "contact." The claimant did come into the office to ask about work and this is certainly contact. As nothing was stated that he must sign in for there to be "contact," the administrative law judge considers that Mr. Williams did follow the instructions of the employer.

The claimant completed his last assignment, contacted the employer after it was done, and has therefore met the requirements. Disqualification may not be imposed.

DECISION:

The representative's decision of March 3, 2006, reference 06, is reversed. Robert Williams is qualified for benefits provided he is otherwise eligible.

bgh/s