

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMY J COONROD**  
Claimant

**APPEAL NO. 10A-UI-08709-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 05/16/10  
Claimant: Respondent (1)**

Section 96.5(1)(j) – Separation From Temporary Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the June 14, 2010, reference 03, decision that allowed benefits in connection with a September 25, 2009 separation. After due notice was issued, a hearing was held on August 3, 2010. Claimant participated. Chad Baker, Workers' Compensation Administrator, represented the employer and presented additional testimony through Margo Bejorquez, Branch Manager. Exhibit One was received into evidence

**ISSUE:**

Whether the claimant's separation from the temporary employment agency was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment agency. Amy Coonrod started a full-time temporary work assignment on September 9, 2009 and completed the assignment on Friday, September 25, 2009. The assignment was at a law firm and the assignment ended when the firm's secretary returned from her vacation. Ms. Coonrod contacted the temporary employment agency on September 25, 2009 to advise that the assignment had ended and that she was available for a new assignment. The temporary employment agency was already aware that the assignment would end on that date. The employer did not document the September 25, 2009 contact from Ms. Coonrod. On October 1, 2009, Ms. Coonrod contacted the temporary employment agency to advise that there had been a death in her family, but that she would be available for work within the week.

The employer has a written end-of assignment notification policy or "Availability Statement" that placed Ms. Coonrod on notice of her obligation to contact the employer within three working days of the end of an assignment to request a new assignment. The policy appears as a stand-alone policy. Ms. Coonrod signed the policy in April 2009 and received a copy of the policy.

## 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. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits

that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The weight of the evidence in the record indicates that Ms. Coonrod's assignment ended on September 25, 2009 and that Ms. Coonrod notified the temporary employment agency on that date that she was available for a new assignment. Ms. Coonrod's separation from the temporary employment agency was for good cause attributable to the temporary employment agency. Ms. Coonrod is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to Ms. Coonrod.

**DECISION:**

The Agency representative's June 14, 2010, reference 03, decision is affirmed. The claimant's September 25, 2009 separation from the temporary employment agency was for good cause attributable to the temporary employment agency. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw