

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVIE M BROWN
Claimant

PEOPLEREADY INC
Employer

APPEAL 21A-UI-02761-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/25/20
Claimant: Appellant (2R)

Iowa Code § 96.5(1)j – Voluntary Quit of Temporary Employment

STATEMENT OF THE CASE:

On January 7, 2021, the claimant, Stevie M. Brown, filed an appeal from the December 31, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit his temporary employment with Peopleready, Inc. The parties were properly notified of the hearing. A telephonic hearing was held on Wednesday, March 10, 2021. The claimant, Stevie M. Brown, participated. The employer, Peopleready, Inc., participated through Amanda Tyler, Staffing Specialist. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant quit temporary assignment for good cause reasons related to the employment and did he quit by not reporting for additional work assignments within three business days of the end of the last assignment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed most recently as a flagger working with Petersen Construction Company and Cedar Falls Construction Company until October 23, 2020, when his assignment ended due to a lack of work. After claimant's flagging assignment ended, he properly checked in for work with the employer.

Claimant has worked multiple assignments with the employer since his flagging assignment ended on October 23, 2020. He worked a five-hour assignment on October 25 at Made You Look Advertising. He then worked an extended flagging assignment with Mannatt's from November 2 through November 11. He also worked as a general laborer assigned to DCI Group on December 4, 2020. Claimant has not consistently reported the wages he earned when filing his weekly claims for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is qualified for benefits based on his separation that occurred on October 23, 2020.

Iowa Code §96.5(1) 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.

Iowa Code § 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. (1) 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.

(2) 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.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Iowa Admin. Code r. 871-24.26(15) provides:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual has good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer, or any other currently acceptable means of communications. Working days means the normal days in which the employer is open for business.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Here, claimant ended his flagging assignment and checked back in with the employer to see if there was additional work available within three working days of his assignment ending. Claimant took all appropriate steps and should not be disqualified from receiving unemployment insurance benefits based on his separation in October 2020.

This matter will be remanded for further investigation and determination of claimant's eligibility for benefits based on his actual separation from the employer.

This matter will be remanded for investigation of unreported wages.

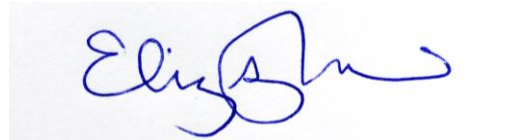
DECISION:

The December 31, 2020 (reference 01) unemployment insurance decision is reversed. Claimant did not quit his employment on October 24, 2020, by failing to contact the employer within three working days of his assignment ending.

REMAND:

The issue of whether claimant is totally, partially, or temporarily unemployed, whether claimant is able to and available for work, and whether the employer's account is subject to charge, and whether he is eligible for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for further investigation and determination.

The issue of whether claimant has failed to properly report wages he earned when filing his weekly continued claims for benefits is remanded to the Integrity Bureau of Iowa Workforce Development.



Elizabeth A. Johnson
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March 15, 2021
Decision Dated and Mailed

lj/mh