

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

TERESA E CLARK  
2165 E CTY RD 1950  
CARTHAGE IL 62321

ADECCO USA INC  
c/o FRICK UC EXPRESS  
PO BOX 66736  
ST LOUIS MO 63166-6736

Appeal Number: 06A-UI-03062-HT  
OC: 02/05/06 R: 04  
Claimant: Respondent (1)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)j – Quit/Temporary

STATEMENT OF THE CASE:

The employer, Adecco USA, filed an appeal from a decision dated March 1, 2006, reference 02. The decision allowed benefits to the claimant, Teresa Clark. After due notice was issued a hearing was held by telephone conference call on April 5, 2006. The claimant participated on her own behalf. The employer participated by Account Manager Janell Case and was represented by TALX in the person of Donna Klauza. Exhibit One was admitted into the record.

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: Teresa Clark worked for Adecco from August 16,

2004 until June 3, 2005. She was assigned to Celestica but the plant closed and she was laid off.

Ms. Clark had signed the "Commitment Sheet" for Adecco when she was first hired. It requires employees to contact the employer within 48 hours of the end of each assignment to request another one. The employer has no record of the claimant calling in. She maintains she talked to Heather in the Fort Madison office but does not know when she made that contact.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she 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 employer's policy requires individuals to contact the office with 48 hours of the end of each assignment and then to maintain contact on a weekly basis. The employer's policy is not determinative of the issue regarding eligibility for unemployment benefits. The above Code

section requires a call to be made within three days with no requirement of continuing contact. If the claimant did not meet the employer's requirements she is still within compliance of the Iowa law. Disqualification may not be imposed.

DECISION:

The representative's decision of March 1, 2006, reference 02, is affirmed. Teresa Clark is qualified for benefits, provided she is otherwise eligible.

bgh/pjs