

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELLSWORTH YOUNGBEAR**

Claimant

**APPEAL NO. 10A-UI-00947-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**

Employer

**Original Claim: 11/29/09  
Claimant: Respondent (1)**

Iowa Code § 96.5-1-j - Voluntary Quit of Temporary Employment

**STATEMENT OF THE CASE:**

Manpower Temporary Services (employer) appealed an unemployment insurance decision dated January 12, 2010, reference 03, which held that Ellsworth Youngbear (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 1, 2010. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted and, therefore, did not participate. The employer participated through Chris Grego, Staffing Specialist. The separation issues were inadvertently left off the hearing notice, but the employer waived formal notice so the issues could be addressed in the hearing today. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant is disqualified for failure to contact the temporary employment agency within three working days after the completion of his assignment, when notified of this requirement at the time of hire.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired as a temporary seasonal harvest worker on September 11, 2009. At the time of hire, the claimant signed an availability statement that advised him of the requirement to check in for additional work after the completion of an assignment. The employer requires employees to check in within three working days after an assignment ends to provide the employer notification of the claimant's availability. However, the employer's policy does not conclude that an employee's failure to do so is considered a voluntary quit.

The claimant's last assignment ended on November 16, 2009. He did not check in with the employer for additional assignments. The claimant contacted the employer on December 15, 2009 to get copies of his check stubs to get unemployment insurance benefits. The employer

contacted the claimant on January 11, 2010 and offered him work, but he refused due to lack of transportation. The claimant contacted the employer on February 14, 2010 to report he was available to work and started working on February 17, 2010.

### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a. The employer herein is a temporary employment agency and temporary employment agencies are governed by Iowa Code § 96.5-1-j, which places specific restrictions on both the employer and the employee with regard to qualification for unemployment insurance benefits after a voluntary separation.

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. 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 claimant's last assignment ended on December 15, 2009, but he failed to check in with the employer within three working days. However, the greater weight of the evidence indicates that the employer's end-of-assignment notification policy does not satisfy the requirements of Iowa Code § 96.5(1)(j). Although the employer's policy does require employees to check in within three business days after the completion of an assignment, it does not consider an employee to have voluntarily quit for failure to do so. Because the policy does not comply with Iowa Code § 96.5(1)(j), the claimant's failure to contact the employer after the completion of his last assignment does not disqualify him from receiving unemployment insurance benefits. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated January 12, 2010, reference 03, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw