

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LAURA A SWEENEY**  
Claimant

**MANPOWER INC OF D M**  
Employer

**APPEAL 15A-UI-12538-JP**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/18/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting – Temporary Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 3, 2015 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. An in person hearing was held on December 2, 2015. Claimant participated. Attorney Peggy Michelotti participated on behalf of claimant. Carin Forbes appeared on behalf of claimant but did not testify. Employer participated through staffing specialist Katie Wolf. Senior staffing specialist Bev Reilly appeared on behalf of the employer but did not testify. Employer's Exhibit One was admitted into evidence with no objection. Employer's Exhibit Two was admitted into evidence over claimant's objection. Claimant's attorney objected because on page four the section "Assignment Availability Policy" was highlighted in the exhibit but not on claimant's copy.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a temporary part-time legal secretary last assigned at John L. McKinney Law Firm from September 2013 and was separated from the assignment on October 15, 2015. The employer was notified by claimant that the assignment had ended on October 15, 2015. Claimant did not request placement in a new assignment within three working days of the assignment end (October 15, 2015) pursuant to the employer's notification requirement (Employer's Exhibit One). The employer does have a policy that complies with the specific terms of Iowa Code § 96.5(1)j (Employer's Exhibit One). On October 15, 2015, after claimant informed Ms. Wolf and Ms. Reilly that her assignment had ended, she did not request a new assignment. On October 15, 2015, the employer informed claimant that she needed to submit an updated resume and then the employer would immediately begin seeking other employment opportunities. Claimant had no further contact with the employer after October 15, 2015. Claimant did not provide the employer an updated resume. Claimant's leaving her assignment on October 15, 2015 did not preclude her from future assignments with the employer.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was without good cause attributable to the employer. Benefits are denied.

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.

Iowa Admin. Code r. 871-24.26(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 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. Claimant clearly informed the employer within three working days of the notification of the end of the assignment, when on October 15, 2015 she told Ms. Reilly and Ms. Wolf she was leaving her current assignment. However, the second part of Iowa Code § 96.5(1)(j) requires claimant to request additional assignment. On October 15, 2015, claimant did not request an additional assignment. After October 15, 2015, claimant never contacted the employer again. The employer had made it known to claimant that she needed to provide an updated resume in order for them to find her any new assignments and claimant failed to provide an updated resume. Because claimant failed to request an additional assignment, benefits are denied.

**DECISION:**

The November 3, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as she works in and has been paid for wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

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