

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TAKISHA D BROWN
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL NO. 20A-UI-12854-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 8, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 14, 2020. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

Did the claimant quit by not requesting an additional work assignment within three business days of the end of the last assignment?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant began working for employer on or around March 9, 2020. Her most recent placement was with Hodge. This placement ended on July 30 when claimant was called by an employee with QPS and told the assignment had ended.

Claimant called employer the next Monday asking for a new assignment. Claimant was told that there were no assignments. Since that date, claimant has tried calling the employer requesting additional assignments with no success.

Claimant stated at the time of hire that she did not sign a document indicating that she needed to be in touch with employer and request a new assignment within three days of the ending of an assignment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code section 96.5(1)j provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for work at the conclusion of each temporary assignment so they may be reassigned and continue working. The plain language of the statute allows benefits for a claimant "who notifies the temporary employment firm of completion of an employment assignment *and* who seeks reassignment." (Emphasis supplied.)

In this matter employer did not show that it had informed claimant of the necessity of contacting employer requesting a new assignment within three days of the ending of an assignment. Claimant denied ever receiving the notice. Irrespective, claimant stated she was in contact within 3 work days of the ending of the assignment but employer had no openings. Benefits allowed.

DECISION:

The December 8, 2020, (reference 01) unemployment insurance decision is reversed. The claimant's separation was attributable to the employer. Benefits are allowed, if claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

December 23, 2020
Decision Dated and Mailed

bab/mh