

## CHAPTER: PERSONNEL TITLE: SERVICE SUBSTITUTES

### Section 1. PURPOSE

The purpose of this policy is to set forth the procedures for re-employment regulations for all service substitute employees.

### Section 2. APPLICATION

2.1 This policy shall apply to all service personnel positions for which substitute personnel are employed.

2.2 Upon employment, each substitute shall be issued a contract which represents an obligation on the part of both the Board of Education and the substitute employee. The Board is obligated to offer substitute work in a fair and equitable manner as per the provisions of the West Virginia Code and State Board Policy.

2.3 To establish a uniform system of providing a fair and equitable opportunity for substitutes to enter upon their duties for the first time, the following method shall be used: The initial order of assigning newly employed substitutes shall be determined by a random selection system established by the affected substitute employees and approved by the Board. This initial priority order shall be in effect only until the substitute service personnel have entered upon their duties for the first time.

2.4 Substitutes shall have complied with the tuberculosis examination required by law.

### Section 3. ASSIGNMENT

3.1 A substitute with the greatest length of service time, that is, from the date he/she began his/her assigned duties as a substitute in that particular category of employment, shall be given priority in accepting the assignment throughout the period of the regular employee's absence or until the vacancy is filled on a regular basis under the procedures described in 18A-4-8b.

3.2 All substitutes shall be employed on a rotating basis according to the length of their service time until each substitute has had an opportunity to perform similar assignments. The substitute rotation list shall be re-ordered according to seniority each July 1st.

3.3 If there are regular service employees employed in the same building or working station as the absent employee and who are employed in the same classification category of employment, the regular employees shall be first offered the opportunity to fill the position of the absent employee on a rotating basis with the substitute then filling the regular employee's position. A regular employee assigned to fill the position of an absent employee shall be given the opportunity to hold that position throughout the absence. For purposes of this policy, all regularly employed bus operators are considered to be employed within the same building or working station.

3.4 It is expected that substitute employees will be available and accept offered assignments. Substitute employees will be expected to serve all school attendance areas in Calhoun County. The unavailability of a substitute employee or the refusal of offered assignments has a detrimental effect upon the efficient operation of the school system. However, in recognition of the occurrence of a reasonable number of circumstances beyond the control of substitute employees, a determination has been made to permit a total of seven (7) instances of unavailability and/or refusal within a school year before

adverse personnel action is recommended. The e-school solutions call system will be used to monitor unavailability and/or refusal. Not signing up for e-school solutions is a refusal.

3.5 A substitute employee who finds that he/she is experiencing unusual circumstances such as an extended personal illness or having to care for a family member with an illness must write a letter to the superintendent and request that he/she be temporarily removed from the substitute service employee list. The letter must specify the exact reason(s) for requesting temporary removal from the list and provide starting and ending dates for the removal. Upon approval of this request, the employee will be temporarily removed from the substitute list for the time approved by the Superintendent.

3.5b The following are considered “unforeseen circumstances beyond the control of the employee”:

- 1) Accident that causes the employee to be physically unable to work;
- 2) Sickness, of the employee or a family member for who the employee must provide care during working hour;
- 3) Death in the immediate family (spouse, child, parent or grandparent, brother, sister, in-law);
- 4) Life-threatening illness of the employee’s spouse, parents, or child;
- 5) Other cause approved by the Superintendent

3.6 Employees who wish to take a voluntary leave of absence from the substitute service employee list, may request in writing to the Board of Education. In no case shall a leave of absence from the substitute service employee list be approved for less than four (4) weeks or more than one (1) school year.

#### Section 4. IMPLEMENTATION

4.1 If the substitute employee is called to work on a day that the employee has previously scheduled a doctor’s appointment during the projected work time and the employee can provide a signed statement from the physician for reason of absence, the refusal will be recorded, but not counted against the employee. In order to be excused, the doctor’s statement must be presented by the third work day after the refusal. If the employee called for work is employed in more than one(1) classification and is working in the other category(ies), the Substitute must inform the director of the previous assignment. The record will show the employee was called and is working in the category called for, but not worked in due to assignment to other category, neither “yes” or “no” shall be counted. The record will reflect “worked other classification”.

4.2 If the substitute employee is employed as a substitute in Calhoun County during a call out and the call is missed, it will not be counted as a refusal to work against the substitute employee as long as the employee contacts the director within 3 days of the missed call. The director will attain confirmation from the e-school calling system that the employee was working in Calhoun County as a substitute during the missed call.

4.3 E-school solutions call system will be used to track work refusals.

4.4 Upon e-school solution calling substitute employee in rotation, responses shall be counted as: “yes” is “yes” when job is accepted and counted as worked; however, if the Substitute fails to report to the

assignment as agreed, the failure to report is counted as “no”. “No” is a refusal to work and is counted as a “no”. Not answering the phone during e-school solution hour is counted as a “no” – refusal to work.

4.5 In the event a substitute employee is either “not available” or “declines” work on five (5) separate occasions the employee shall be provided with a warning letter indicating that two (2) additional instances of non-availability and/or refusal shall result in a recommendation that employment be terminated. After a warning letter has been issued and following two (2) additional instances of non-availability and/or refusal within a school year, the Superintendent shall recommend the termination of the employment of the substitute employee. A substitute employee who is terminated under the terms of this policy shall not be eligible for employment in Calhoun County Schools within the substitute category being terminated due to “not available” or “declines” work for a period of three (2) years following the date of termination.

4.6 The salary of a substitute service employee shall be based upon his/her years of employment as defined in 18A-4-8 and as provided in the State minimum pay scale set forth in 18A-4-8e and shall be in accordance with the salary schedule of persons regularly employed in the same position in the county in which s/he is employed.

4.7 Communication: The county board of education shall provide copies of this policy to all service personnel substitute employees.

4.8 Substitute service employees who have worked thirty (30) days for a school system shall have all rights pertaining to suspension, dismissal and contract renewal as is granted to regular service personnel in 18A-2-6, 18A-2-7, the sole discretion of the Superintendent, with or without cause. Any substitute employee dismissed by the Superintendent shall be notified of his/her dismissal in writing.

4.9 Substitute service personnel shall be evaluated in accordance with State and local policies.

## Section 5. POLICY REVIEW

5.1 . This policy will be reviewed and appropriate modifications made at the advice of school administrators, faculty/senates and/or LSIC groups.

REFERENCE: WVC18A-2-6, WVC18A-2-7, WVC 18A-2-8, WVC18A-4-8a, WVC18A-4-8e, WVC18A-4-15

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