

EMPLOYMENT OF SUBSTITUTE SERVICE PERSONNEL

1.0 Purpose.

The Barbour County Board of Education shall employ and the county superintendent, subject to approval of the county board, shall assign substitute service personnel on the basis of seniority to perform any of the following duties.

2.0 Process of Employment of Substitute Service Personnel.

- 2.1 To fill the temporary absence of another service employee.
- 2.2 To fill the position of a regular service employee on leave of absence. That if the leave of absence is to extend beyond thirty (30) days, the board, within twenty (20) working days from the commencement of the leave of absence, shall give regular employee status to a person hired to fill the position. The person employed on a regular basis shall be selected under the procedure set forth in section eight-b of this article.
- 2.3 To perform the service of a service employee who is authorized to be absent from duties without loss of pay.
- 2.4 To temporarily fill a vacancy in a permanent position caused by severance of employment by the resignation, retirement, permanent disability or death of the regular service employee who has been assigned to fill such position.
- 2.5 To fill the vacancy created by a regular employee's suspension. A substitute service employee shall not be assigned to fill the vacancy on a permanent basis until such termination by the county board of education becomes final.
- 2.6 To temporarily fill a vacancy in a newly created position prior to employment of service personnel on a regular basis.
- 2.7 In order to be considered for a substitute position, the applicant must achieve a passing score on the state examination in the posted classification area.

3.0 Upon Employment.

- 3.1 The salary of a substitute service employee shall be based upon his/her years of employment and shall be in accordance with the salary schedule of the regular employed person.
- 3.2 Before any service substitute employee enters into their duties, they shall execute with the board of education a written contract and must complete all required forms/classes/tests within twenty (20) working days after board action on their employment. Personnel who fail to meet this requirement will be terminated and must initiate the initial employment process to be reconsidered for employment.
- 3.3 A substitute service employee's seniority begins on the date they enter into their assigned duties.

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- 3.4 When a substitute service employee is filling the vacancy created by a regular employee's suspension of more than thirty (30) days, the substitute service employee shall be assigned to fill the vacancy on a regular basis and shall be accorded all rights, privileges and benefits pertaining to such position. Said substitute will remain in the position until the regular employee's termination by the county board of education becomes final. If the suspended employee is not to return to his job, the board shall fill the vacancy pursuant to 18A-4-8b.

4.0 Substitute Service Personnel Assignments

- 4.1 When there are regular service personnel employed in the same building or working station as the absent employee and when they are employed in the same classification category, such regular employees shall get first offered the opportunity to fill the position of the absent employee. Such regular employees shall be assigned on the evening prior to the day of service on a rotating and seniority basis and the person assigned to fill the position shall be given the opportunity to hold that position through such absence. When regular service employees have been afforded the opportunity to fill the position of absent employees, a substitute service employee then may fill the regular employee's position. A substitute for the regular employee's position shall be selected on a rotating and seniority basis from a countywide pool of approved substitutes. Filling of temporary, short-term absences among service personnel positions will be done through vertical movement of existing personnel on a seniority basis to a higher classification category. Generally, positions will not be filled through horizontal movement of personnel with the same classification level receiving similar rate of pay.
- 4.2 The substitute with the greatest length of service time, i.e., from the date the substitute began his 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. Under procedures set forth in 18A-4-8b.
- 4.3 All substitutes shall be employed on a rotating basis according to their length of service time until each substitute has had an opportunity to perform similar assignments.
- 4.4 Substitute bus operators who are charged with an avoidable accident or a moving traffic violation will be removed from the substitute list and be required to complete three (3) hours of driver training prior to their reinstatement to service.

Whenever a substitute service employee has worked thirty (30) days, the employee shall have the rights of regular employees as related to suspension, dismissal and contract renewal. Such days would be cumulative and once any service employee has worked the thirty (30) days for the board of education, that employee shall have all rights afforded regular employees as related to continuing contract status,

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assignment, transfer, promotion, demotion, suspension and dismissal. A substitute service employee who has completed three years of acceptable employment and has worked thirty (30) days for the board shall be granted continuing contract status when he/she enters into a new contract of employment.

5.0 Calling Out Substitute Service Employees for Assignments

- 5.1 Calls for substitute employment will be scheduled between 9: 10 p.m. and 10:30 p.m. on the day prior to the vacancy and 4:45 a.m. and 8:30 a.m. on the day of the vacancy. If the vacancy was not reported in time for the early morning call out, calls for evening shift custodians will be scheduled during the school day during the established call times, responses will be documented and will determine continuing employment of a service substitute. Calls made after scheduled calling hours due to last minute reporting of vacancies, with no answer or ability to accept the assignment will not be counted as a refusal against the substitute employee. Progression through the substitute list will continue until a substitute employee fills the vacancy. Messages will not be left on telephone answering machine devices, as time is crucial in filling vacancies.
- 5.2 Substitutes are obligated to accept assignments in a reasonable manner. Unacceptable reasons include, but are not limited to, the following: too far to travel, no transportation, and bad weather or not answering the telephone. Any substitute refusing to accept an offer of employment on six separate occasions within one school year will be considered for termination for willful neglect of duty, unless the substitute employee was prevented from reporting for duty because of personal illness, illness in the immediate family or death in the immediate family.
- 5.3 The employee will be notified in writing after the fourth refusal prior to being considered for termination and the substitute employee will be given the opportunity to explain extenuating circumstances should they exist.
- 5.4 After the second occurrence of unavailability for reasons of illness within one school year, the Barbour County Board of Education shall require the employee to furnish a doctor's note verifying each subsequent illness. Failure to provide a doctor's verification could result in consideration for termination.
- 5.5 If a substitute employee who has not accumulated personal leave is working in the same position for more than three consecutive days and is granted approval by the immediate supervisor to be absent from work without pay for an acceptable reason, the employee will be allowed to return to the position until such time the regular employee returns to work or until the vacancy is filled by posting. Acceptable reasons for absence are personal illness, illness in the immediate family or death in the immediate family.

Source: Board of Education Minutes

Adopted: 09/01/81

Revised: 06/14/10; 08/26/08; 10/27/03; 06/07/94; 10/15/91; 08/07/90; 01/17/89;
05/02/88; 1985; 12/16/86; 1983

Legal Reference: Senate Bill 428, 563, 528
House Bill 4846
School Laws of West Virginia: 18A-4-15; 18A-2-6