

Section 1. PURPOSE

The purpose of this policy is to set forth employment regulations for all substitute 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. It is expected that persons hired to work as substitute service employees shall be available to work when called, barring unforeseen circumstances beyond the control of the employee.

2.3 Substitute service employees shall be assigned from a rotating list based on substitute seniority which is determined by the date the substitute entered into his/her duties.

2.3.1 Substitute service employees are responsible for providing the administration with the correct phone number at which the employee intends to receive phone calls for substitute work. Any changes to this phone number must be provided by the employee in a timely fashion.

2.4 A log of calls made to each substitute shall be maintained annually. The offers of work made to each substitute and the incidents of acceptance and refusals, along with reasons, shall be recorded. At least two (2) attempts will be made to contact a substitute service employee per occasion of need.

2.4.1 If a substitute employee is called and there is no answer, the reason for not accepting employment shall be recorded on the log of calls as "REFUSAL-could not contact at number provided by employee." In an emergency situation, and upon written request made by a substitute service employee within one calendar week of any failure to answer a call for substitute work, the Superintendent, upon presentation of convincing evidence by the employee, may determine that the employee's failure to answer a call is excused and will not count as a refusal under this policy.

2.5 If a substitute refuses to work four consecutive times in one school year, or eight times cumulatively, the Superintendent may recommend to the Board of Education, pursuant to West Virginia Code 18A-2-8, that the employee's contract be terminated. Substitutes service employees will be notified in writing, via certified mail, after the third consecutive refusal or the seventh cumulative refusal that contract termination will be considered upon further refusals to work when called.

2.6 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.

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

- a. Accident that causes the employee to be physically unable to work;
 - b. Sickness, of the employee or a family member for whom the employee must provide care during working hour;
 - c. Death in the immediate family (spouse, child, parent or grandparent); or
 - d. Life-threatening illness of the employee’s spouse, parents, or child.
 - e. Other cause approved by the Superintendent.
- 2.8 Employees who wish to take a voluntary leave of absence from the substitute service employee list, with a commensurate reduction in substitute seniority, may request the same 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 4 weeks or more than one school year.

2.8 Employees who wish to take a voluntary leave of absence from the substitute service employee list, with a commensurate reduction in substitute seniority, may request the same 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 4 weeks or more than one school year.

2.9 Emergency only substitute service employees. Substitute service employees may request a special designation from the Board of Education as “emergency only substitute service employee.” Such “emergency only substitute service employees” shall be called for substitute employment only after every other substitute service employee has been given an opportunity to accept substitute employment and has refused such employment.

Section 3. IMPLEMENTATION

3.1 Every substitute service personnel will be given the opportunity for employment as required by West Virginia law.

3.1.1 Administration: Administrative procedures for implementing this service personnel substitute policy will be as follows:

- a. Upon employment, each substitute service employee shall be issued a contract. Substitutes shall be assigned from a rotating list based on substitute seniority which is determined by the date the substitute entered into his/her duties.
- b. A log of calls made to each substitute shall be maintained annually. The offers of work made to each substitute and the incidents of acceptance and refusals along with the reasons shall be recorded. If a substitute employee is called and there is no

answer, the reason for not accepting employment shall be "REFUSAL-could not contact at phone number provided by employee".

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

3.2 Policy Review: This policy will be reviewed every two years and appropriate modifications made at the advice of school administrators, faculty senates and LSIC groups.

REFERENCE: WVC 18A-2-8
Placed on Review: 3-9-10
Board Approved: 5-10-10