

1 The county superintendent, subject to the approval of the
2 county board, may hire three service personnel workers from the
3 substitute list, based on seniority, on a full-time basis as
4 itinerants to meet the day-to-day need for substitutes in the
5 service personnel areas. These three itinerants are not counted
6 against the county in the calculation of the school aid formula.

7 **CHAPTER 18A. SCHOOL PERSONNEL.**

8 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

9 **§18A-4-15. Employment of service personnel substitutes.**

10 (a) If the full-time substitutes hired in section five-a,
11 article nine-a, chapter eighteen of this code are insufficient to
12 meet the need for substitute service personnel on any given day the
13 provisions of this section are to be followed.

14 ~~(a)~~ (b) The county board shall employ and the county
15 superintendent, subject to the approval of the county board, shall
16 assign substitute service personnel on the basis of seniority to
17 perform any of the following duties:

18 (1) To fill the temporary absence of another service employee;

19 (2) To fill the position of a regular service person as
20 follows:

21 (A) If the regular service person requests a leave of absence
22 from the county board in writing and is granted the leave in
23 writing by the county board; or

24 (B) If the regular service person is on workers' compensation

1 and absent.

2 (C) If an absence pursuant to paragraph (A) or (B) of this
3 subdivision is to extend beyond thirty working days, the county
4 board shall post the position of the absent employee under the
5 procedures set forth in section eight-b of this article. If a
6 substitute service person is employed to fill the position of the
7 absent employee and is employed in the position for twenty or more
8 working days, the substitute service person:

9 (i) Acquires regular employment status with the exception of
10 regular employee job bidding rights;

11 (ii) Does not accrue regular seniority; and

12 (iii) Is accorded all other rights, privileges and benefits
13 pertaining to the position until the regular employee returns to
14 the position or ceases to be employed by the county board;

15 (D) If a regular or substitute employee fills a vacancy that
16 is related in any manner to a leave of absence or the absence of an
17 employee on workers' compensation as provided in this section, upon
18 termination of the absence the employee shall be returned to his or
19 her original position or status;

20 (E) A service person may not be:

21 (i) Required to request or to take a leave of absence; or

22 (ii) Deprived of any right or privilege of regular employment
23 status for refusal to request or failure to take a leave of
24 absence;

1 (3) To perform the service of a service person who is
2 authorized to be absent from duties without loss of pay;

3 (4) To temporarily fill a vacancy in a permanent position
4 caused by severance of employment by the resignation, transfer,
5 retirement, permanent disability, dismissal pursuant to section
6 eight, article two of this chapter, or death of the regular service
7 person who had been assigned to the position. Within twenty
8 working days from the commencement of the vacancy, the county board
9 shall fill the vacancy under the procedures set forth in section
10 eight-b of this article and section five, article two of this
11 chapter. The person hired to fill the vacancy shall have and be
12 accorded all rights, privileges and benefits pertaining to the
13 position;

14 (5) To fill the vacancy created by a regular employee's
15 suspension.

16 (A) If the suspension is for more than thirty working days,
17 the county board shall post the position of the suspended employee
18 under the procedures set forth in section eight-b of this article.

19 (B) If a substitute service person is employed to fill the
20 suspended employee's position, the substitute service person:

21 (i) Acquires regular employment status with the exception of
22 regular employee job-bidding rights;

23 (ii) Does not accrue regular seniority; and

24 (iii) Is accorded all other rights, privileges and benefits

1 pertaining to the position until the termination by the county
2 board becomes final or the suspended employee is returned to
3 employment.

4 (C) If the suspended employee is not returned to his or her
5 job, the county board shall fill the vacancy under the procedures
6 set forth in section eight-b of this article and section five,
7 article two of this chapter; and

8 (6) To fill temporarily a vacancy in a newly created position
9 prior to employing a service person on a regular basis pursuant to
10 section eight-b of this article.

11 ~~(b)~~ (c) Service personnel substitutes shall be assigned in the
12 following manner:

13 (1) The substitute with the greatest length of service time in
14 the vacant category of employment has priority in accepting the
15 assignment throughout the period of the regular service person's
16 absence or until the vacancy is filled on a regular basis pursuant
17 to section eight-b of this article. Length of service time is
18 calculated from the date a substitute service person begins
19 assigned duties as a substitute in a particular category of
20 employment.

21 (2) All service personnel substitutes are employed on a
22 rotating basis according to their lengths of service time until
23 each substitute has had an opportunity to perform similar
24 assignments.

1 (3) Any regular service person employed in the same building
2 or working station and the same classification category of
3 employment as the absent employee shall be given the first
4 opportunity to fill the position of the absent employee on a
5 rotating and seniority basis. In such case the regular service
6 person's position is filled by a substitute service person. A
7 regular service person assigned to fill the position of an absent
8 employee has the opportunity to hold that position throughout the
9 absence. For the purpose of this section only, all regularly
10 employed school bus operators are considered to be employed within
11 the same building or working station.

12 ~~(c)~~ (d) The county board shall return a regular school service
13 person to the same position held prior to any approved leave of
14 absence or period of recovery from injury or illness. The school
15 service person:

16 (1) Retains all rights, privileges and benefits which had
17 accrued at the time of the absence or accrued under any other
18 provision of law during the absence; and

19 (2) Has all rights, privileges and benefits generally accorded
20 school service personnel at the time of return to work.

21 ~~(d)~~ (e) The salary of a substitute service person is
22 determined:

23 (1) Based upon his or her years of employment as defined in
24 section eight of this article;

1 (2) As provided in the state minimum pay scale set forth in
2 section eight-a of this article; and

3 (3) In accordance with the salary schedule of persons
4 regularly employed in the same position in the county in which he
5 or she is employed.

6 ~~(e)~~ (f) A substitute service person shall execute a written
7 contract with the county board pursuant to section five, article
8 two of this chapter, prior to beginning assigned duties.

9 ~~(f)~~ (g) The following method shall be used to establish a
10 fair, equitable and uniform system for assigning service personnel
11 substitutes to their duties for the first time:

12 (1) The initial order of assigning newly-employed substitutes
13 is determined by a random selection system established by the
14 affected substitute employees and approved by the county board; and

15 (2) The initial order is effective only until the substitute
16 service personnel have begun their duties for the first time.

17 ~~(g)~~ (h) A substitute service person who has worked thirty days
18 for a school system has all rights pertaining to suspension,
19 dismissal and contract renewal as are granted to regular service
20 personnel in sections six, seven, eight and eight-a, article two of
21 this chapter.

NOTE: The purpose of this bill is to give county school
superintendents more flexibility and ease in placing service
personnel workers in positions of need on a day-to-day basis.

§18-9A-5a is new; therefore, it has been completely
underscored.

Stike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.