

Temporary Contract/Substitute Personnel

The Governing Board recognizes that substitute and temporary contract personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary contract positions for Board approval, and shall ensure that all substitute and temporary contract employees are assigned in accordance with law and the authorizations specified in their credential.

Substitute personnel may be employed on an on-call, day-to-day basis. They shall be paid at the daily rate of pay established by the Board of Education.

After September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The District shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

Classification

At the time of initial employment and each July thereafter, the Governing Board shall classify substitute and temporary contract employees as such. (Education Code 44915, 44916)

The Governing Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular District employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Governing Board also shall classify as temporary contract employees those certificated persons, other than substitute employees, who are employed to:

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1. Serve from day-to-day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term. (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term. (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the District. (Education Code 44919)
4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of District business during an emergency when persons are not immediately available for probationary classification. (Education Code 44919)
5. Serve only for the first semester because the District expects a reduction in student enrollment during the second semester due to midyear graduations. (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Salary and Benefits

The Governing Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the District. (Education Code 44977, 45030)

1. Substitute Elementary Teachers

Substitute elementary teachers employed for the morning session only (7:50-11:30), or for the afternoon session only (11:30-3:00), shall be credited with one-half time service and shall be paid one-half of the daily rate paid to day-to-day substitutes. Full-day assignments at the elementary level are from 7:45 am to 3:00 pm. Substitutes employed for the morning session or afternoon session only, shall remain on duty for the full morning or afternoon session.

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2. Substitute Secondary Teachers – Block Schedule

Substitute secondary teachers working on a block schedule day, who are employed for one to two teaching periods shall be credited with one-half time service and shall be paid one-half of the daily rate paid to day-to-day substitutes. Substitute secondary teachers working on a block schedule day, employed for three or more teaching periods, shall be credited with full-time service and shall be paid the full daily rate paid to day-to-day substitutes. In such cases where a substitute employed for full-time service on a block schedule day, has one or two preparation periods with at least one falling between teaching periods, the substitute is expected to cover classes as assigned by the school for one of those periods without additional pay. Substitute secondary teachers working on a block schedule day, employed for all four teaching periods, shall be credited with full-time service plus 1/5 and shall be paid the full daily rate paid to day-to-day substitutes, plus 20% of additional pay to be reported as an additional 1/5. In such cases where the teaching assignment is interrupted by a preparation period, the preparation period shall, for pay purposes, be considered equivalent to one teaching period. The substitute teacher shall be considered to be on duty during the preparation period.

3. Substitute Secondary Teachers – Banking Day Schedule

Substitute secondary teachers working on a banking day schedule, who are employed for one to three teaching periods shall be credited with one-half time service and shall be paid one-half of the daily rate paid to day-to-day substitutes. Substitute secondary teachers, employed for four to six teaching periods, shall be credited with full-time service and shall be paid the full daily rate paid to day-to-day substitutes. In such cases where a substitute employed for full-time service has two preparation periods, the substitute is expected to cover classes as assigned by the school for one of those periods without additional pay. Substitute secondary teachers working on a banking day schedule, employed for all seven teaching periods, shall be credited with full-time service plus 1/5 and shall be paid the full daily rate paid to day-to-day substitutes, plus 20% of additional pay to be reported as an additional 1/5. In such cases where the teaching assignment is interrupted by a preparation period, the preparation period shall, for pay purposes, be considered equivalent to one teaching period. The substitute teacher shall be considered to be on duty during the preparation period.

Teachers who are appointed for a period of eleven or more consecutive days to substitute in the same assignment shall be classified as Long-Term substitutes. On the eleventh and subsequent days of service, they shall be paid at the daily rate of pay established by the Board of Education. Days used by the substitute for illness or bereavement shall not constitute a break in the consecutive working days requirement.

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Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. They may be classified as a temporary contract employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Temporary contract employees shall participate in the health and welfare plans or other fringe benefits of the District.

Paid Sick Leave

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

An hourly or substitute employee may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

An hourly or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. Their own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or their child, when the employee has been a victim of domestic violence, sexual assault, or stalking

A substitute teacher who is currently working in a long-term assignment and is receiving the long-term assignment pay rate, will maintain their daily rate when they return from using sick days, as long as they use no more than three (3) sick days consecutively.

No employee shall be denied the right to use accrued sick days and the District shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging District violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

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While bereavement days are not available for substitute teachers, a substitute teacher who is currently working in a long-term assignment and needs to take unpaid absence days for the purpose of bereavement, may do so without affecting their long-term pay status, as long as they do not exceed the three (3) days allowed for permanent employees or five (5) days when needing to travel out of state.

Release from Employment/Dismissal

The Governing Board may dismiss substitute employees at any time at its discretion. (Education Code 44953)

The Governing Board may release a temporary contract employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the District are maintained. After serving 75 percent of the number of days that District schools are maintained during one school year, a temporary contract employee may be released as long as they are notified, before the last day of June, of the District's decision not to reelect the employee for the following school year. (Education Code 37200, 44954)

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary contract employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary contract employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the District were maintained in that school year and is then employed as a probationary employee for the following school year, their previous employment as a temporary contract employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary contract employee hired pursuant to item # or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

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A person employed pursuant to item #5 in the section “Classification” above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant positions in the District for which the employee is certified. Preference for available positions shall be determined by the Governing Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary contract employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive school years, for at least 75 percent of each year, shall receive first priority if the District fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

GUSD Reference: Policy and Regulations 4112.2; 4113; 4116; 4117.14/4317.14; 4117.3; 4127/4227/4327; 4140/4240/4340; 4154/4254/4354

Legal Reference: Education Code, Sections §22455.5; 22515; 37200; 44252.5; 44300; 44830; 44839.5; 44845; 44846; 44909; 44914; 44915; 44916; 44917; 44918; 44919; 44920; 44921; 44953; 44954; 44955; 44956; 44957; 44977; 45030; 45041; 45042; 45043; 56060-56063
Government Code, Section §3540.1
Labor Code, Section 220; 230; 230.1; 233; 234; 245-249
Code of Regulations, Title 5, Sections §5502; 5503; 5590, 80025-80025.5

Policy Adopted: 05/06/1958

Policy Amended: 08/21/1962; 12/21/1965; 11/04/1986; 03/19/1996; 10/20/1998; 02/03/2004; 10/15/2013; 02/07/2017; 04/16/2019; 08/09/2022

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