

Substitute Personnel – Refusal to Work

Persons on the substitute list shall meet all necessary qualifications and be available to work when called. Substitute service personnel will be contacted for assignments on a rotating, county-wide basis, in accordance with WV Code §18A-4-15. Professional substitutes will designate locations and content areas for which they are certified and wish to be considered for assignment.

The number of calls to each substitute, refusal to work, and reasons for refusal shall be noted. In the event a substitute professional is contacted for a school outside of their selection, a refusal shall not be counted against the individual as an unacceptable refusal. If an employee is called and there is no answer, the reason for not accepting employment shall be deemed "Not Available". A hang-up will be deemed an unacceptable refusal to work. Substitutes are expected to work at least sixty (60) percent of the positions offered, unless the refusal to work is excused for one of the reasons listed below. Acceptable refusals with documentation are as follows:

1. A written doctor's statement for personal illness or illness of an immediate family member as defined in McDowell County Policy 8-034, Employee Use of Paid and Unpaid Leave Time
2. An obligation to work at another school on that day
3. Death in the immediate family
4. Jury Duty
5. Substitute is a retiree and unable to work due to having reached the maximum allowable days worked as designated by the retirement board or the maximum amount of wages earned as allowed by Social Security.

A substitute employee may be recommended for termination when:

1. The substitute fails to return a signed contract within thirty (30) days of its issuance.
2. Any substitute employee for whom contact cannot be made after thirty (30) consecutive calls from the substitute calling system, shall be moved to inactive status. Such person will be given thirty (30) days in which to declare their availability for substitute work. Failure to respond in writing to this notification within the thirty (30) day period shall be grounds for termination. Substitute personnel shall only be eligible for such inactive status once in a school year, unless the employee is a retiree and cannot work due to having reached the maximum allowable days worked as designated by the retirement board or the maximum amount of wages earned as allowed by Social Security.
3. Any substitute employee who is repeatedly unavailable will be recommended for termination.
4. Any substitute personnel who fails to work at least sixty (60) percent of the positions offered during a ninety (90) day period will be moved to inactive status. Such person shall be notified and given thirty (30) days in which to declare his/her availability for substitute work. Failure to respond in writing to this notification within the thirty (30) day period shall be grounds for termination. Any further failures to work at least sixty (60) percent of positions offered within that school year will be deemed willful neglect of duty and/or insubordination and grounds for termination.

Any substitute employee terminated and subsequently removed from the substitute list for the reasons referenced above will not be considered for re-employment for a time period of one calendar year following such action by the Board.

It shall be the responsibility of each substitute employee to maintain his/her certification and keep McDowell County Schools apprised of his/her current address and telephone number.

Adopted: February 20, 2017