1. SUBSTITUTE UNAVAILABILITY

   a. Purpose: The Parties emphasize the importance of covering temporary staff member absences by utilizing substitute employees. However, the Parties recognize it is not possible to obtain substitute coverage in all circumstances, particularly when there is a statewide shortage of substitute personnel. Therefore, the Parties intend to acknowledge the impacts of unfilled certificated, nonsupervisory substitute positions by allocating funds to schools for use by employees in the bargaining unit at that school as described below.

   b. Emergency Substitute Process: In recognition of the compensation allocated to schools under this Section 2, each school will have an emergency substitute process in place that equitably distributes the responsibility for covering positions when a substitute is not available. The racial equity analysis tool will be used to minimize impact for students furthest from educational justice.

   c. Allocation of Funds: When an employee eligible for substitute coverage will be absent on approved leave, the substitute job is entered into the substitute system (i.e., Frontline) at least one (1) hour prior to the start of the workday, and the substitute job remains unfilled for all or a portion of the workday, SPS will allocate to the impacted school an amount equal to the minimum daily substitute rate of pay applicable to the unfilled position (the “Unfilled Substitute Position”) for the bargaining unit employees at the school to determine its use. If the substitute job was unfilled for only a portion of a workday, the amount transferred will be prorated accordingly. Funds unused prior to the effective date of this Agreement or during a school year will be returned to unspecified SPS general fund use and will not roll over.

   d. Bargaining Unit Vote: By September 30 of each school year, the employees in the bargaining unit at each school will determine by majority vote which one of the two options for substitute unavailability funds described below will be utilized at the school for that school year. When tabulating the votes, abstentions are not counted. The option with a majority of the total yes votes cast will be the option utilized for the allocated funds. The vote will be binding for the entirety of the school year. The results of the vote will be communicated in writing to the building principal or their designee no later than September 30. If the vote and written notice does not occur by September 30, no substitute unavailability funds will be allocated to the school for that bargaining unit for the school year.

   e. Use of Substitute Unavailability Funds: The bargaining unit at a building may select one of two options to utilize allocated substitute unavailability funds:

      1) Option 1, Compensation to Individual Affected Employees: When an employee accepts a principal request and covers for an Unfilled Substitute Position for all or a portion of a workday in addition to performing the employee’s typical job responsibilities, the employee will be eligible for a proportional amount of the substitute unavailability funds to be allocated to the school because of that Unfilled Substitute Position. Most often eligibility will occur when an employee covers a class
without a substitute during their prep period or combines a class without a substitute with their own. In no event will an employee be compensated for more than the amount of funds allocated to the building for that workday’s Unfilled Substitute Position. When two or more employees cover for an Unfilled Substitute Position on a given workday (e.g., coverage provided during prep periods), the amount each employee will be eligible to receive will be prorated according to the percentage of time each spent covering the position. To receive the compensation, each impacted employee will record on the designated form and submit to their principal or designee by the last workday of the following week a time log detailing their coverage of Unfilled Substitute Positions during the previous week. Upon review and approval, the principal or designee will submit the form to Human Resources for payment. SPS may review and audit records to determine eligibility for receipt of funds. Compensation for approved forms received by Human Resources by the fifteenth (15th) of the month will appear on the employee’s next paycheck. Compensation for approved forms received after the fifteenth (15th) of the month will appear on the following month’s paycheck.

2) Option 2, Purchase of Equipment, Supplies, or Professional Development:
    Substitute unavailability funds allocated to the school because of Unfilled Substitute Positions may be used to purchase one or more of the following:

1. Equipment: Substitute unavailability funds may be used to purchase equipment such as printers, color copiers, or furniture for the school. Equipment is a fixed asset and will remain at the school. The principal must provide prior approval to purchase equipment, which will not be unreasonably withheld.

2. Supplies: Substitute unavailability funds may be used by a specific employee in the bargaining unit to purchase supplies, which are consumable materials that will be used up and/or discarded in the normal course of school operations. Supplies may be taken by an employee if they move to another worksite within SPS but will remain at the school if they leave District employment. Supplies will be purchased on a reimbursement basis.

3. Professional Development: Substitute unavailability funds may be used to purchase professional development for employees in the bargaining unit at the school, including for hiring substitutes to release employees for such professional development (provided that such release time shall not generate additional substitute unavailability funds due to Unfilled Substitute Positions).

f. Limitations: The following circumstances will not result in Unfilled Substitute Position compensation and/or allocation:

1) Options 1 and 2:
Certificated CBA Proposed Language

1. When a certificated nonsupervisory employee covers a non-certificated nonsupervisory employee role.

2. When students served by the Unfilled Substitute Position are not in attendance.

3. When a position within a classroom the employee is assigned is posted as a permanent position or a long-term substitute position but not filled. This will be considered an overage.

4. When an unfilled absence occurs on the day before or after a holiday or scheduled break from the Monday-Friday school week.

5. When the substitute request is not entered into the substitute system (i.e., Frontline) at least one (1) hour before the start of the workday.


2) Option 1:

1. When the Unfilled Substitute Position does not have a direct impact on the employee (i.e., the coverage did not result in additional work for the employee).

2. An employee may not receive compensation equivalent to more than one Unfilled Substitute Position (e.g., 0.5 of two Unfilled Substitute Positions or 1.0 of one Unfilled Substitute Position) for each workday.

g. Miscellaneous: The following rules will govern accrual and use of substitute unavailability funds:

1) An employee’s coverage of an Unfilled Substitute Position will not result in the accrual of overage pay under Article IX, Section F.

2) Grievances concerning the amount of compensation paid to individual employees or to all employees of a bargaining unit at a building are not “related to salary” for purposes of Article X, Section C.1.