

To: SEA Association Representatives and Building Leaders

From: Treena Sterk, Director of Human Resources Strategy and Operations,
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Elizabeth Ward-Robertson, SEA SAEOP President,
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Date: February 7, 2022

RE: SUBSTITUTE UNAVAILABILITY FUNDS REIMBURSEMENT GUIDANCE

The SEA Collective Bargaining Agreements covering Certificated Non-Supervisory, SAEOP, and Paraprofessional district employees include provisions for reimbursement to schools in specified instances where a substitute is requested for a job, but the job fails to fill. In these situations, funding that otherwise would have been spent for the substitute is reimbursed to impacted schools and may be used to: 1) compensate staff for coverage of the unfilled position(s) or 2) set aside in school budgets for a use or uses determined by a vote of each bargaining unit (certificated non-supervisory, paraprofessionals and SAEOP).

Reimbursement to School Budgets

Subject to conditions, our Collective Bargaining Agreements state that SPS shall transfer to the school/program/office budget a sum equal to the appropriate daily substitute rate of pay for each occurrence during the school year when an SEA-represented substitute is requested using the normal process, but no substitute is available for the assignment. The transfer of funds to schools/programs/offices will take place no later than two (2) months following the end of each quarter.¹

Schools will receive Substitute Unavailability Funds when a substitute is requested using the normal process which means entering the job request into the Frontline Absence Management system prior to the start of the job and a substitute fails to pick up the job. Substitute Unavailability Funds are **NOT** issued when:

- A school has a building-designated sub not covering another absences related to workshops/professional development initiated by the school or central office. This is because substitutes must be secured to attend a workshop or professional development.
- The job request is entered into the Frontline system after the start of the job.

¹ *Certificated Non-Supervisory CBA – Article IX, Section G. 1-5; Paraprofessional CBA — Article IX, Section G.7; and SAEOP CBA – Article IX, Section H.7.*

- The job request occurs on the day preceding or following a holiday or scheduled break from the Monday-Friday school week.

Use of Funds

Our Collective Bargaining Agreements state that each bargaining unit (certificated non-supervisory, SAEOP, and paraprofessional) will “determine how to utilize funds that are generated when they are impacted by substitute unavailability. Employees will determine a policy to reimburse themselves for additional responsibilities when they are impacted by substitute unavailability, or they may determine another use for the funds” (e.g., supplies and/or equipment²). When funds are unspent, they will roll over into the next year and can be used for reimbursement and/or supplies and materials.

Additionally, “each building will have an emergency substitute process in place that equitably distributes the responsibility for covering assignments when a substitute is not available.” In developing this process, the Racial Equity lens must be used with the goal of minimizing impact to students furthest from educational justice.

Each school’s bargaining units (certificated non-supervisory, SAEOP, and paraprofessional) will create a reimbursement policy that guides the use of Substitute Unavailability Funds received for their unit’s SEA-represented employees substituting for other SEA-represented employees. The reimbursement policy must be consistent with the following guidelines:

1. Based on the daily rate of pay for the unfilled substitute position.
2. Include each bargaining units’ determination on how the substitute unavailability funds will be allocated.
3. Pay to impacted employees will be based on blocks of time, such as periods, hours, entire day or half day, and/or percentage of a class.
4. The reimbursement structure will be an equitable division of pay to impacted employees. Reimbursement will not be based on pay rate(s) or employment status(es) of impacted employees.
5. SAEOP members responsible for the bookkeeping related to the substitute reimbursement policy can be paid for extra time out of the sub unavailability funds.
6. Impacted employees who substitute when a regular substitute is not available must complete a substitute reimbursement form. Forms need to be sent to payroll by the 10th of the month following the month for which the reimbursement is being claimed to be processed on the upcoming payroll.

² Fixed asset items including, but not limited to, computers, printers, and books will remain at the school if the employee user is transferred or retires. Consumable materials and supplies that get used up and/or discarded in the normal course of school operations may be taken by the employee user if the employee is transferred to another job assignment within the district.

7. For certificated non-supervisory employees impacted when a paraprofessional substitute is not provided, the certificated non-supervisory employees will be reimbursed at the rate of pay for a paraprofessional substitute.
8. \$5 is deducted from the reimbursement amount available when a classified employee is impacted by an unfilled substitute position either another classified position or non-supervisory certificated position.
9. The total amount of reimbursement available for each occurrence will not be more than the appropriate daily sub rate *less* mandatory benefits such as taxes and retirement.
10. Impacted employees must keep a record of the time they are impacted by SEA-represented substitute unavailability.
11. When an employee takes additional students into their classroom to cover for an unfilled substitute position, they may receive Substitute Unavailability Fund reimbursement. They will not qualify for classroom overage pay for the impact.
12. A principal or program supervisor must assign employee(s) to cover for an unfilled substitute position to receive Substitute Unavailability Fund reimbursement.
13. To be an impacted employee, you must perform your regular job duties and take on additional work that is directly related to an unfilled substitute position. Reimbursement from Substitute Unavailable Funds is in recognition of *added* responsibility and work as the result of substitute unavailability. A SEA Bargaining Unit Substitute Reimbursement Policy Vote form has been created to capture the decisions by bargaining unit for use of sub unavailability funds. SEA building reps and school administrators should complete the form based on the vote of each bargaining unit and submit to both the Seattle Education Association (sea@washingtonsea.org) and Seattle Public Schools Human Resources (substitutes@seattleschools.org).

2021-2022 Substitute Reimbursement Funds

1. In schools where each bargaining unit has created a reimbursement policy and approved it by a vote:
 - a. Follow directions above.
2. In schools where each bargaining unit has not created a reimbursement policy and approved it by vote:
 - a. Each bargaining unit is required to create and approve by vote a process to determine their use of Substitute Unavailability Funds reimbursed to their school.
 - b. Bargaining units must determine if it will reimburse impacted employees for actual time impacted or purchase equipment and/or supplies for their school.

Substitute Unavailability Funds Earned Previous to 2021-2022

1. School leaders will identify available funds that rolled over from previous school years for each bargaining unit.
2. School leaders should work with budget analysts to confirm available funds.

3. Unspent funds rolled over from previous school years can be dispersed pursuant to an approved process one of three ways: (1) reimbursing impacted staff if an accurate accounting of impact can be established; (2) divided equally among all bargaining unit members who worked at the school during the year(s) the reimbursement funds were received and who are currently employed at the school site; or (3) buying materials and/or supplies.
4. Money not spent in one school year will not be swept back into the general budget.
5. Principals and BLTs do NOT control decisions on these funds. Funds may not be spent without a vote of each bargaining unit on the reimbursement policy to be used. Substitute Unavailability Fund decisions made during previous school years not consistent with CBA cannot be grieved because decision occurred longer than 60 calendar days ago.
6. In Schools where each bargaining unit within a school has voted and has plan in place
 - a. Follow directions above, noting:
 - i. Vote cannot be changed.
 - ii. Employees who no longer work at the school cannot collect funds.
 - iii. Employees who were not assigned to the building in previous years may not collect funds from those previous years.

Options for Use of Substitute Unavailability Funds

1. Examples of how money is divided:

Example: A counselor goes into the classroom for the entire day.

1. The counselor is entitled to Substitute Unavailability Funds reimbursement. They will not be able to do their normal job during the school day and will have to do work after their normal workday to complete their normal job tasks.

Example: Employees each take one period of a class to cover and a total of five employees are impacted by the unfilled substitute position.

2. If the school's reimbursement policy indicates the funds are distributed to impacted employees, each employee may submit reimbursement for 1/5 of the reimbursement.

Example: SPED classroom with a teacher and two SPED IAs. One IA is absent, so the teacher and the other IA equally split the classified substitute rate of pay for reimbursement. The District feels this practice is potentially inconsistent with the language in the CBA, but this practice of dividing the substitute rate of pay

equally will continue for the 2021-22 school year and for monies from previous years.

2. Units can create a process in which they decide to buy equipment such as printers, color copiers, furniture, etc. with their Substitute Unavailability Funds. Equipment is a fixed asset and will stay at the school if the employee user moves to another school in the district or leaves their employment with the district.
3. Units can create a process in which they decide to buy consumable materials and supplies with their Substitute Unavailability Funds. Consumable materials and supplies are used up and/or discarded in the normal course of school operations. They may be taken by the employee user if they move to another school within the district but will remain at the school if they leave their employment with the district. Materials and supplies belong to the individual as long as they are a District employee.
4. Itinerant staff who work at more than one school are eligible to receive funds if they are impacted by an unfilled substitute position based on their FTE at that building.
5. Substitutes in a long-term substitute position at a school are eligible to receive funds if they are impacted by an unfilled substitute position.
6. Hourly employees are not eligible for funds because they are not part of SEA.
7. Principals that cover an unfilled substitute position are not eligible for funds because they are not part of SEA.
8. The process approved by the units can determine to use the funds for professional development.