



Information from the Newfoundland and Labrador Teachers' Association

HIRING OF SUBSTITUTES



Questions often arise as to the procedures for the hiring of substitute teachers in the Province and the Association's position on same. In accordance with the Collective Agreements, the conditions governing the hiring of substitute teachers are similar to those for the hiring of teachers for permanent or replacement contracts. These provisions are contained within Article 6 of the Provincial Collective Agreement (Article 43 in Labrador West). Clause 6.03 gives the School Board, or any individual acting on behalf of the School Board (eg. a school principal or vice-principal), very wide discretion in the hiring of teachers, and states as follows:

"The basic criteria for the selection of teachers shall be competence, suitability and qualifications as assessed by the School Board".

In essence then, the School Board can exercise its discretion during the hiring process in assessing the competence, suitability and qualifications of applicants. This discretion must be exercised within other parameters of Article 6 (Employment of Teachers) and the recall and reassignment rights of teachers under Article 9 (Layoffs).

At the point of hiring a substitute teacher, a School Board may wish to give particular consideration to such aspects of a teacher's capability as years of university training, length of teaching experience, length of experience with that particular School Board, prior teaching in that particular school or previous experience teaching that particular grade level or subject combination. However, the Board is not obliged to give greater weight to either one of these or any other particular criteria, since Clause 6.03 contains the words "as assessed by the School Board". Thus, one School Board may indeed place greater emphasis on some particular aspect of a person's overall capability that another would.

As a result of concerns with the lack of consistent policies and procedures for the hiring of substitute teachers, an ad hoc Committee on Substitute Teachers was established by NLTA in the fall of 1992 to examine and make recommendations on this subject. The Committee reported to AGM 1993 and that AGM referred the report and its recommendations to the Provincial Executive for consideration and actioning. The recommendations were approved by the Provincial Executive and AGM 1994 and are now an integral part of the NLTA's Policy on Substitute Teachers. (Issues of importance to substitute teachers have also been considered by ad hoc committees in 2006 and 2015. A standing committee for substitute teachers was also established in 2015.)

The Association's Policy on the hiring of substitute teachers states as follows:

a) Substitute and replacement teachers should be recognized as defined in Clause 42.01 (h) and 42.01 (n), and in accordance with Clause 49.08, of the Provincial Collective Agreement.

- b) Subject to Clause 9.10(a) of the Provincial Collective Agreement, preference in the hiring of persons for substitute and replacement positions shall be given to individuals who have served in substitute and or replacement positions with the employing school board.
- c) Subject to b) above, preference in hiring of substitute and replacement teachers shall be given to persons other than those in receipt of a pension under a teachers' pension plan, unless there are no other persons capable to fill the position. **[June/6/03] [JC/Nov/03] [2005 BGM]**
- d) i) Subject to b) and c) above and the requirement of capability, hiring of substitute and replacement teachers shall be on the basis of accumulated seniority in a substitute or replacement position in the Province of Newfoundland and Labrador. **[June/6/03] [JC/Nov/03] [2005 BGM]**
- ii) Teachers who have been laid off and are still unemployed in a full-time position shall have service accumulated in any continuing position included in the calculation of seniority as a substitute or replacement teacher.
- e) Capability shall be recognized and determined on the basis of the overall ability of the candidate to perform the job function required.
- f) A substitute/replacement teacher list shall be compiled on a district wide basis comprising candidates approved by the director or designate, subject to the candidates' holding a valid teaching certificate.
- g) A school list of substitute and replacement candidates shall be a sub-set of the district list and shall contain names of teachers who have indicated a particular desire to be considered for call-in to a given school or schools.
- h) A substitute/replacement teacher whose name appears on the school list shall remain on that list for that school as long as the teacher indicates a desire to continue substituting/replacing at that school. Removal of a substitute's name from the list by the school board may be undertaken only for just cause and shall be subject to the grievance and arbitration process.
- i) Subject to Clause 9.10(a) of the Provincial Collective Agreement, and the requirements of capability and seniority, a teacher who has been hired on a substitute or replacement basis at a specific school shall be given preference for hire for substitute and replacement positions at that same school over a candidate who has no previous experience at that school. **[Oct/14-15/93] [1994 AGM]**
- j) A substitute teacher will be provided and paid (salary and benefits) by the employer when any teacher is away from his/her regular place of employment for any period during the school day, including teacher absences to accompany groups/teams of students for field trips, sporting events, etc. **[1997 AGM] [2007 BGM] [June/8/07]**
- k) School administrators and/or regular teachers should provide feedback to substitute teachers who are hired to carry out duties in the school **[Sept/22/06] [JC/Nov/06] [2007 BGM]**

I) Substitute teachers who are hired into a term or replacement contract should be encouraged to request that an evaluation be conducted.
[Sept/22/06] [JC/Nov/06] [2007 BGM]

Another question often associated with the hiring of substitute teachers is: Who is deemed to be a qualified substitute? Clause 6.05, 6.06, 6.07 and 6.10 of the Provincial Collective Agreement address this issue:

- 6.05 Except where a teacher is awarded at least a teaching certificate II under the Teacher Education Program for Labrador, where competence and suitability of applicants, as assessed by the School Board, are comparable, preference in hiring shall be given to teachers holding Certificate IV or higher.
- 6.06 Notwithstanding Clause 6.05 and subject to Clauses 6.02, 6.08, 6.09 and 6.10, the School Boards agree that they will not hire any teacher who does not hold a Certificate III or higher.
- 6.07 The provisions of Clause 6.06 of this Article apply only to teachers who were not employed on a tenured or probationary contract with any School Board in this Province during the period of September 1, 1980 to June 5, 1981.
- 6.10 A School Board which has been unable to hire a substitute, replacement, or term contract teacher in accordance with the provisions of this Article may employ a teacher with less than a Certificate III as a substitute, replacement or term contract teacher with the written consent of the Minister of Education.

Therefore, substitute teachers holding less than Certificate III are classified as emergency supply and would be hired **only** when and where a School Board is unable to hire a substitute teacher holding a Certificate III or higher who is capable of filling the position. There may be, however, some very rare occasions where an emergency supply teacher is contracted while a more qualified substitute remains at home. These situations should be very minimal, given the number of qualified substitutes throughout most regions of the province.

If you have any questions regarding any of the above or have concerns which pertain to substitute teachers, please contact Miriam Sheppard, Administrative Officer in Programs and Services by calling 1-800-563-3599, ext. 230.