

Letter of Agreement

Between the Oak Harbor School District and the Oak Harbor Education Association

The Oak Harbor School District (District) and Oak Harbor Education Association (OHEA) have reached the following agreement related to the use of sick leave by substitute employees:

Whereas, state law is currently unclear as to whether substitute teachers are entitled to accrue and use paid sick leave under RCW 49.46.210; and

Whereas, a concern has arisen regarding the use of such leave by substitute teachers; and

Whereas, the District and OHEA desire to establish a policy for use of accrued leave by substitute teaching staff;

NOW THEREFORE, the District and OHEA hereby agree as follows:

1. Substitute teachers accrue leave at a rate of one (1) hour for every forty (40) hours worked according to District policy, RCW 49.46.210 and applicable state regulations.
2. A day to day substitute who declines an assignment within 24 hours of when it is offered has declined an offer of employment and is not entitled to use any accrued sick leave. A substitute teacher who accepts but then declines an assignment within this time period is subject to this same provision.
3. Substitute teachers who accept assignments more than 24 hours in advance of the time of assignment, and who suffer an unforeseen subsequent need to decline the assignment for reasons that would qualify for use of paid sick leave, shall be allowed to use accrued sick leave as follows:
 - (a) If the need for paid sick leave is foreseeable, the substitute must provide notice at least ten days, or as early as practicable, in advance of the use of paid sick leave.
 - (b) If the need for paid sick leave is unforeseeable, the substitute must provide notice to the District as soon as possible before the required start of their shift, unless it is not practicable to do so. In the event it is impracticable for a substitute to provide notice to their District, a person on the substitute's behalf may provide notice to the employer.

It is understood that the state may adopt rules or amendments to the above RCW that further clarify whether substitute teachers are covered by RCW 49.45.210 and its implementing state regulations. In the event that the state exempts substitute teachers, this Letter of Agreement will be null and void.

Executed this 15 day of Oct., 2019.

For the District:

For OHEA:

