

Human Resource Practices

November 30, 2015

Hiring Practices

Hiring Practices

- CUPE positions are posted for 7 days.
- Teaching positions are posted for a minimum of 48 hours with no maximum.
- All candidates are asked to sign a waiver allowing the Division to contact references.
- Reference checks completed before or after shortlisting and sometimes after the interviews have been completed.
- Interview panel is determined by school administration

Hiring Practices

- Incumbent is asked for input but not placed on panel.
- Panel is comprised only of school Division employees.
- Job specifics are outlined for the candidate prior to the interview.
- All candidates are asked the same questions.
- Candidate is provided an opportunity to share what they did not have the opportunity to share in the interview or ask questions.
- Successful candidate is selected.
- Associate Superintendent is advised of decision.

Hiring Practices

- In the case of CUPE, the hiring Principal can offer the position and inform the candidates of the decision.
- In the case of teachers, only the Associate Superintendent can offer a position. Principals contact unsuccessful teaching candidates.
- No candidate is informed they did not get the job until

When is a Contract a Contract?

- As soon as it is accepted by the candidate the contract has validity.
- (6) For the purposes of this Division, an offer, acceptance, confirmation, statement or notification shall be in writing and shall be
 - (a) sent by registered or ordinary mail or by courier to,
 - (b) personally served on, or
 - (c) sent by electronic mail to the person to whom it is addressed.

When is a Contract a Contract?

- (5) Every contract of employment between a board and a teacher shall
 - (a) be in writing,
 - (b) be offered to a teacher by a person acting on behalf of the board, and
 - (c) be accepted by the teacher.

I just agreed to a position...can I take a better offer from another School Division?

- (2) If a teacher has terminated the teacher's contract of employment with a board before rendering any service under the contract, the teacher shall not be employed by another board unless the board with which the teacher's contract was terminated gives its prior approval to the teacher's employment with the other board.

Types of Contracts

Substitute Teacher

Substitute Teacher

- 100(1) A teacher may teach without a contract of employment that is only when the teacher is employed...
- (a) on a day to day basis, or
- (b) to occupy a vacancy that is expected to be less than 20 consecutive teaching days in duration.

Substitute Teacher

- (2) Neither a teacher who teaches without a contract of employment nor the board employing the teacher may appeal to the Board of Reference.

Interim Contract

- 102(1) A board may employ a teacher for a period of not more than 360 teaching days under an interim contract of employment if that teacher...
- (a) was not employed by that board as a teacher in the school year immediately prior to the school year in which the interim contract of employment commences, or
- (b) was employed under section 100 (Sub) or under a contract referred to in section 101 (Temp) by that board in the school year immediately prior to the school year in which the interim contract of employment commences.

Interim Contract

Interim Contract

- Teacher hired for a specific period of time with a definite and ending source of funding.

Interim Contract

- (3) An interim contract of employment terminates on the June 30 next following the commencement date specified in the contract unless otherwise specified in the contract.

Temporary Contract

Temporary Contract

- (2) A temporary contract of employment entered into under subsection (1) shall
 - (a) specify the date on which the teacher commences employment with the board, and
 - (b) terminate (i) on the June 30 next following the commencement date specified in the contract, or (ii) on a date provided for in the contract, whichever is earlier.

Temporary Contract

- (3) Notwithstanding anything contained in a temporary contract of employment, a party to a temporary contract of employment may terminate that contract by giving 30 days' written notice of the termination to the other party to the contract.

Probationary Contract

Probationary Contract

- 98(1) A board may employ a teacher under a probationary contract of employment for a complete school year if that teacher
- (a) was not employed by that board as a teacher in the school year prior to the school year in which the contract was entered into, or
- (b) was employed by that board in the school year prior to the school year in which the contract was entered into under section 100 (Sub) or under a contract referred to in section 101 (Temp).

Probationary Contract

- (2) For the purposes of subsection (1), a teacher employed under section 103 (part time) is deemed to have been employed by the board under a probationary contract of employment if at the conclusion of a school year the total amount of time that the teacher taught for the board is at least equal to the amount of time the teacher would have been required to teach in a complete school year if the teacher had been employed by the board to teach on a full-time basis.

Probationary Contract

- (3) A probationary contract of employment shall terminate on the June 30 next following the commencement date specified in the contract.

Probationary Contract

- (4) Notwithstanding subsection (3), if evaluations of the teacher indicate to the board that a further probationary period is required and the teacher agrees, the probationary contract of employment may be extended for a further period ending no later than the June 30 next following the date of the renewal of the contract.

Temporary Contract

- 101(1) A teacher may be employed by a board under a temporary contract of employment when that teacher is employed for the purpose of replacing a teacher who is absent from the teacher's duties for a period of 20 or more consecutive teaching days.

Continuing Contract

Continuing Contract

- 99 Subject to this Act, a contract of employment between a board and a teacher continues in force from year to year.

Part-Time Contract

Part-Time Contract

- 103(1) A board may employ a teacher under a part-time contract of employment for a period that includes all the teaching days in a school year
- (a) to teach on a part-time basis, and
- (b) to be paid only for the time that the teacher teaches.

Part-Time Contract

- (2) When the board employs a teacher under a part-time contract of employment, the board may, unless that teacher's contract provides otherwise, vary the amount of time that the teacher is required to teach in the subsequent semester or school year.

Part-Time Contract

- (3) If
 - (a) under subsection (2), a board varies the amount of time that a teacher is required to teach under a part-time contract of employment, and
 - (b) the teacher does not agree to teach for that amount of time as varied, the board may terminate that teacher's contract.

Can a Teacher be
Transferred?

Can a Teacher be Transferred?

- 104(1) A superintendent may, at any time during a school year, transfer a teacher from one school operated by the board to another of its schools.
- (2) Subject to this section, if a teacher is transferred, that transfer becomes effective not less than 7 days from the day on which the notice of transfer and reasons for the transfer are received by the teacher.

Can a Teacher be Transferred?

- (3) When a teacher is given a notice of transfer, the teacher may, within 7 days from the day on which the teacher receives the notice of transfer, make a written request to the board to have a hearing before the board for the purpose of objecting to the transfer.
- (4) The board may set a date and time for the hearing requested under subsection (3) that is not earlier than 14 days after the teacher receives notice of the transfer unless the teacher agrees in writing to an earlier date.
- (5) Where a teacher makes a request to have a hearing before a board under subsection (3), that teacher shall not be transferred until after the hearing is held.

Can a Teacher be Transferred?

- (6) If a teacher has been given
- (a) a notice of transfer and does not wish to transfer in accordance with the notice, or
- (b) a hearing before the board under this section and does not wish to comply with the decision of the board, that teacher may resign from the teacher's employment with the board on giving the board 30 days' written notice of the teacher's resignation.

Can a Teacher be Transferred?

- (7) Notwithstanding that 30 days have not passed from the date that a teacher gave notice of the teacher's resignation under subsection (6), the contract of employment between that teacher and the board terminates on the board paying to the teacher the salary that the teacher would have been entitled to if the teacher had remained in the employ of the board for 30 days from the date of the giving of the teacher's notice of resignation.

Can a Teacher be
Suspended?

Can a Teacher be Suspended?

- 105(1) When a board has reasonable grounds for believing that a teacher has been guilty of gross misconduct, neglecting the teacher's duty or refusing or neglecting to obey a lawful order of the board, the board may suspend the teacher from the performance of the teacher's duties.

Can a Teacher be Suspended?

- (2) If a superintendent is authorized in writing to do so by the board, the superintendent may suspend a teacher from the performance of the teacher's duties without prior notice if the superintendent is of the opinion that the welfare of the students is threatened by the presence of the teacher.
- (3) The superintendent shall advise the board forthwith of a suspension under subsection (2).
- (4) The superintendent shall advise the teacher forthwith in writing of the reasons for the suspension of the teacher.

Can a Teacher be Suspended?

- (7) If the Board of Reference under section 138 authorizes the board to terminate the contract of employment of a teacher, the board may terminate that contract and on so doing the board is deemed to have acted reasonably.
- (8) A board may reinstate a teacher who is suspended under subsection (1) or (2) notwithstanding an appeal of the suspension, and on reinstatement the teacher shall return to the performance of the teacher's duties.

Can a Teacher be Suspended?

- (9) Reinstatement under subsection (8) does not affect an appeal of the suspension to the Board of Reference under section 132 or in the absence of an appeal the power of the Board to investigate or terminate the contract of employment of the teacher in accordance with subsection (11).
- (10) If the suspension is appealed to the Board of Reference and the Board of Reference confirms the suspension, the board may (a) reinstate the teacher, or (b) terminate the contract of employment of the teacher, and the board is deemed to have acted reasonably.
- (11) If the teacher does not appeal the suspension to the Board of Reference, the board may make an investigation of the circumstances and may reinstate the teacher or terminate the contract of employment of the teacher.

Can a Teacher be Suspended?

- (12) A teacher who is suspended shall be paid the teacher's salary until the teacher's contract of employment is terminated in accordance with this Act.
- (13) A board shall not employ a teacher who has been suspended by another board while the suspension is in effect.

Can a Teacher Terminate
Their Own Contract?

Can a Teacher Terminate Their Own Contract?

- 108(1) A teacher may terminate
 - (a) a contract of employment with a board, or
 - (b) a designation of the teacher
- by giving the board 30 days' written notice of the teacher's intention to terminate that contract or designation.

Can the Board terminate a
teacher?

Can the Board Terminate a Teacher?

- if a teacher or principal has been convicted of an indictable offence, a board may terminate the teacher's or principal's contract of employment or the designation without prior notice
- (a) on the conclusion of an appeal from the conviction or a proceeding to quash the conviction, or
- (b) if no appeal is made and no proceeding is commenced, at the end of the period within which an appeal may be made or a proceeding commenced.

Can the Board Terminate a Teacher?

- 107(1) Whether or not the board has suspended a teacher under section 105 and whether or not the suspension, if any, has been appealed to the Board of Reference, a board may terminate
 - (a) a contract of employment with a teacher, or
 - (b) a designation of a teacher
- after giving the teacher written notice of termination not less than 30 days prior to the effective date of termination.

Can the Board Terminate a Teacher?

- (2) In terminating a contract of employment or a designation, the board shall act reasonably.

Can the Board Terminate a Teacher?

- (3) A notice of termination of a contract of employment or a designation shall specify the reasons for the termination.
- (4) Where a teacher has been served with a notice of termination of a contract of employment or a designation, the board may suspend the teacher from the performance of the teacher's duties in accordance with the notice.
- (5) A notice of termination of or the termination of a designation does not terminate a contract of employment.
- (6) A teacher who has been suspended under this section must be paid the teacher's salary until the effective date of the termination of the teacher's contract of employment or the designation.

Can the Board Terminate a Teacher?

- (7) If a teacher is served with notice of termination under subsection (1) and the teacher has been suspended under section 105 before the notice is served, an appeal, if any, to the Board of Reference in respect of the suspension shall not be proceeded with but is merged with the appeal, if any, to the Board of Reference in respect of the termination under this section.

Can a Contract be
Terminated Immediately?

Can a Contract be Terminated Immediately?

- Termination of contract 106(1) A contract of employment between a board and a teacher automatically terminates at the time that
 - (a) the certificate of qualification of the teacher is suspended or cancelled by the Minister, or
 - (b) the certificate of qualification of the teacher expires.
- (2) A contract of employment between a board and a teacher or a designation of a teacher may be terminated by mutual consent.

How much notice do I have to give to resign?

- 108(1) A teacher may terminate
- (a) a contract of employment with a board, or
- (b) a designation of the teacher
- by giving the board 30 days' written notice of the teacher's intention to terminate that contract or designation.