

UPDATE AND INFORMATION

Kelly Services' Contract
(Substitute Teachers)

Board Meeting
Center for Advanced Technical Studies

April 26, 2021



Timeline

Prior to 2009	2009	2010	2015	2018	2019
<p>Subfinder managed by full-time district employee</p>	<p>Board revised Policy GCG Part-Time and Substitute Professional Staff Employment and added AR GCG-R</p>	<p>Affordable Care Act (ACA) Passed by Federal Government</p>	<p>Kelly Services Board Presentation January 12</p> <p>First Kelly Contract Signed (Procurement Code Exemption Section 5) January 27</p>	<p>Formal Solicitation Issued for Staffing Services re Substitutes May 2</p> <p>District Received Three (3) Bids for Staffing Services May 10</p> <p>District Awards Kelly Services Contract May 21</p> <p>Effective Date for Kelly Contract June 1</p>	<p>Kelly Services contract Amended to Include “ Supplemental Agreement for Hour-Based Work” March</p> <p>Kelly Services Contract Amended for “IT Temporary Worker” May</p> <p>Kelly Services Contract Amended to Include Job Descriptions and Responsibilities for Special Education Substitutes and Paraprofessionals August</p>

Considerations for Employing Substitutes In-House v. Staffing Service

- **ACA (Affordable Care Act)** – Employers must offer healthcare to all employees working 30 or more hours per week. **\$425-\$1,025** per month per employee, depending on their coverage choice.
- **Cost Savings** – Staffing Service upcharge is currently **27%**. Employer Costs for Fringe average **32%** (FICA/Medicare, Worker's Comp, Retirement (if the employee chooses – required to offer)).
- **Grievance Rights** - Substitutes are not employees of District Five. They are employees of the Staffing Service.
- **District Personnel** – If the District were to take on this responsibility, it would require added personnel and software purchase to provide this service.

How Staffing Services Work

1. District employee logs into Staffing Service Substitute Portal and requests substitute.
2. Staffing Service employees log-in to view and “book” available jobs with District through online platform* managed by Staffing Service.
3. Staffing Service notifies District that job is filled.
4. Staffing Service employee reports to the job site and checks-in with District staff, who directs the employee to duty station.
5. Staffing Service pays employee an appropriate rate (depending on the length of job, certification, terms of the contract, etc.).
6. The District pays Kelly Services (our Staffing Service) in compliance with the contract.

*cost absorbed by Staffing Service.

Substitute Teachers

Substitute Class	Responsibilities
Long-Term Certified	<ul style="list-style-type: none">● Develops lesson plans● Assumes duties of regular classroom teacher● Devises, administers, and grades tests/assignments● Participates in Parent-Teacher Conferences● Attends school-related functions● Manages discipline on a recurring basis and uses classroom management techniques to reduce disciplinary issues● Participates in activities that may occur outside of normal school hours
Daily Substitutes	<ul style="list-style-type: none">● Implements existing lesson plans● Ensures students are never left unattended● Reports discipline problems

Rates of Pay based on the Current Contract

Tenured Daily Substitute Teacher with HR Diploma	\$60.00/Day
Tenured Daily Substitute Teacher with 4 yr Degree	\$65.00/Day
Tenured Daily Substitute Teacher with Certification	\$75.00/Day
Tenured Substitute Instructional Assistant	\$7.25/Hour
Tenured Food Service Worker	\$9.75/Hour
Tenured Custodial Worker	\$9.75/Hour
Recruited Daily Substitute Teacher with HR Diploma	\$60.00/Day
Recruited Daily Substitute Teacher with 4 yr Degree	\$65.00/Day
Recruited Daily Substitute Teacher with Certification	\$75.00/Day
Recruited Substitute Instructional Assistant	\$7.25/Hour
Recruited Food Service Worker	\$9.75/Hour
Recruited Custodial Worker	\$9.75/Hour
IT Temporary Worker	\$12.00/Hour

Considerations/Questions Posed for Resolution

1. Procurement process sound for the Kelly Services contract?
1. Compliance with the existing contract for payments to long-term certified substitutes with regard to District Policy GCG?

Procurement Process

Legal Opinion Received by John Reagle, Esq. finding that the contract with Kelly does not violate the District's Procurement Code. Moreover, the initial Kelly contract (2015) complied with Procurement Code under exemption noted in Section 5 for "Educational Services."

At the Board's direction, the administration will seek another opinion if additional information comes to light.

Compliance with Contract and District Board Policy

On the face of the contract with Kelly Services, there is no provision for additional pay in accordance with Board Policy GCG.

This discrepancy can be resolved in multiple ways:

1. Amend and ratify Amendment A to the contract to include a rate for certified long-term substitute teachers. This would provide authority for Kelly Services to pay for this category in the future as well as retroactive approval for this practice that has occurred.
2. Amend Board Policy GCG and its Administrative Rule to address the current staffing arrangement now in existence.

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