

EMPLOYMENT OF EDUCATIONAL ASSISTANTS (Aides)

I. DEFINITION

The District's educational assistants (formerly called aides) are employed under ORC Section 3319.088, and, by operation of law, are not within the District's classified civil service. Educational assistants are regularly scheduled to work a minimum of 178 days per school year with ten (10) paid holidays. Exceptions can be made with the approval of the District's Board (Labor Day included only when it falls within the approved school calendar).

II. QUALIFICATIONS

As a condition of employment, an educational assistant must have and maintain a valid permit in accordance with ORC Section 3319.088.

III. PROBATIONARY PERIOD

Each educational assistant shall serve a probationary period of sixty (60) work days following any initial hiring or lateral transfer. The employee may be terminated at any time during such period at will, except, in the case of a transfer, the employee will be reassigned to his/her prior position.

IV. SENIORITY

A. Seniority is defined as length of regular continuous service as a District employee. Authorized leaves do not interrupt continuous service. A seniority list for educational assistants will be reviewed annually and published on or before each January 31.

B. To accumulate seniority with respect to a given school year, an educational assistant must actually work at least 120 days during that school year. If at least 120 days are worked, the employee will receive a full year of seniority for the school year irrespective of whether the employee's service is full-time or part-time.

C. If two or more educational assistants have identical seniority, the tie will be broken by applying the following factors in the order listed:

1. Date of first day of work in the District;
2. Date of Board action to employ;
3. Date of "letter of intent to hire";
4. Date of employee's application;
5. If all factors above are equal, the decision will be made by lot.

V. LAY-OFF OR RECALL

- A. If the Board reduces the number of employed educational assistants due to the abolishment of positions, lack of funds, or lack of work, the following procedure shall govern:
 - 1. To the extent feasible under the circumstances, the number of employees affected will be kept to a minimum by not employing replacements for employees who resign, retire, or otherwise vacate positions.
 - 2. Affected employees will be laid off according to seniority, with the least senior employee laid off first. A deviation from seniority may occur where an essential skill (e.g., an interpreter) is not possessed by aides higher on the seniority list.
- B. At least ten (10) work days prior to the effective date of the layoff, each employee to be laid off will be given written notice.
- C. Employees on layoff will be recalled to open educational assistant positions the Board elects to fill on the basis of seniority. A deviation from seniority may occur where an essential skill (e.g., an interpreter) is not possessed by the employee first in line for recall.
- D. An employee who declines reinstatement will be removed from the recall list. Otherwise, an employee will retain a recall right for a period of two (2) years. Notice of recall will be by certified or registered mail.
- E. A reinstated employee retains all previous accumulated seniority. Reinstatement does not guarantee the placement of an employee in the same position held at the time of layoff.

VI. **DISCIPLINARY PROCEDURES**

- A. An educational assistant may be suspended or removed for violation of Board rules and regulations, in competency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of rules, any other failure of good behavior or any other acts of misfeasance, malfeasance or nonfeasance. The following principles of progressive discipline will apply, except in cases of serious misconduct where one or more preliminary steps may be bypassed:
 - 1. A verbal warning will be given by either the Assistant Superintendent or the employee's supervisor for an offense. A witness may be present at the request of the employee. A written record of the warning will be made and placed in the employee's personnel file.
 - 2. A written reprimand will be given for a second offense and a copy placed in the employee's personnel file.
 - 3. A disciplinary suspension, without pay, will be imposed for a third offense.
 - 4. Termination will be imposed for a fourth offense.

- B. In the case of a suspension without pay or termination, the employee will be furnished with written notice of the charges and afforded an opportunity to appear before the Board (or designee) and respond to the charges.

VII. **JOB VACANCIES**

When an educational assistant vacancy that the Board determines to fill occurs, notice will be sent to each work location or each educational assistant advising that applications will be accepted from those interested in a lateral transfer. The notice will specify pertinent information regarding the vacancy and state the final date for receipt of applications and resumes. Educational assistants will receive no fewer than five (5) work days, but in no event more than ten (10) calendar days, to apply in writing to fill a vacancy.

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