

APPENDIX A

Contracts of Employment Terminology

[Source: *The Education Act, 1995*]

Contracts of Employment: An offer, the acceptance and the notice of confirmation, each in writing in the prescribed form, constitute a contract of employment of a teacher by a board of education [S. 200(12)]. In combination, The Act, The Regulations and the collective agreements (negotiated provincially and locally) constitute the terms of employment [S. 209]. As per section 200 (12) of the Education Act, all contracts are with the Division. Teacher contracts are not for a specific school or position.

Academic Year: The academic year is that portion of a school year commencing on the first school day and ending on the last school day of that school year [p. 10].

Indefinite (or Continuing) Contract: Indefinite contracts have a starting date but do not have a date for termination of employment. Therefore, they remain in force from year to year without any further documentation being required. They may be for a full-time or part-time teaching assignment [S. 202(1)].

Replacement Contract: These contracts are for one complete academic year of either a fulltime or part-time teaching assignment to replace a teacher who is absent for the complete academic year on a board approved leave such as sickness, maternity/parenting, educational, sabbatical or other personal leave. The offer, acceptance and confirmation of the contract must specify the starting and ending date of the contract. The offer and the confirmation of contract must state the name of the teacher being replaced [p. 12, S. 200(8)].

If on or before May 31 the leave of absence is extended for a second complete academic year, the teacher holding the replacement contract has the right of first refusal of the position. If the replacement teacher accepts continued employment, the contract shall be deemed to be an indefinite contract from the commencement of the original replacement contract [S. 200(9)].

Notwithstanding the above, a teacher hired on a subsequent replacement contract to replace a different teacher with the same board is deemed to be employed under an indefinite contract from the date the teacher was hired for the subsequent contract [S. 200(9)(b), (10)]. The accumulative period of time on a replacement contract is credited for purposes of determining the process for appeal of a termination [S. 200(11)].

Temporary Contract: Temporary contracts are for a period of 20 or more consecutive school days but less than one complete academic year and are to be used when a teacher is employed for the purpose of filling an unexpected vacancy during the school year or to replace a teacher who is absent for any reason during that period. The offer, acceptance and confirmation of the contract must specify the starting and ending date of the contract [p. 13, S. 200(8)].

Substitute Teaching: A substitute teacher is engaged on a day-to-day basis in the same position for a teacher who is temporarily absent [p. 13]. Substitute teachers' salary is negotiated locally and set out in the local collective agreement.