

Supporting Service Employees in Stipend Activities

Supporting service employees may be eligible for emergency appointment to stipend assignments as follows:

1. An emergency situation must exist that justifies the temporary use of such an employee. This would be the case when the school had actively sought applicants and does not have another qualified candidate available.
2. The employee must volunteer to take the assignment. There may be no pressure, solicitation, or recruitment.
3. Employees who are part-time, with enough remaining time to conduct the activity without exceeding 40 hours per week, may be given an emergency appointment to such activities on the same basis as others not in the teacher bargaining unit.
4. Full-time supporting service employees may be given emergency appointment to stipend positions if the following conditions are met—
 - The employee must be working in a different capacity than his/her normal work. The Fair Labor Standards Act considers anything instructional to be similar. Therefore, the regular work of an employee must not be instructionally related. In general, significant contact with students is considered to be instructionally related. Employees in such positions as paraeducator, media assistant, and career information coordinators are considered instructional under this limitation.

The current process requires that the community superintendent act on any requests to appoint full-time supporting service employees to stipend assignments. It is important, as we consider those requests, that the standards be applied uniformly and consistently. The standards were developed with legal advice and are designed to assure compliance with the requirements of the Fair Labor Standards Act. To obtain approval, complete Part II, *Supporting Services Employees in Class 1 and/or Class 3 Activities*, on the signature page of the Extracurricular Activities Annual Plan.

If you have any questions, please contact Ms. Jane Straub at 301-279-3856.

6/1/09