

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)  
14 DE Admin. Code 714

### PROPOSED

### PUBLIC NOTICE

Pursuant To 29 Del.C. Section 10115

#### 714 Professional Employee Work Stoppage or Strike

##### A. Type of Regulatory Action Required

Repeal of Existing Regulation

##### B. Synopsis of Subject Matter (29 Del.C. §10115(a)(1))

Under authority granted in 14 Del.C. §122, the Secretary of Education intends to repeal 14 DE Admin. Code 714 Professional Employee Work Stoppage or Strike in the form attached hereto as *Exhibit "A"*. The Department of Education reviewed this regulation as part of its ongoing regulatory review as required by 29 Del.C. §10407. The Department is repealing this regulation because the duties of local Boards of Education and charter school boards regarding professional employee work stoppages or strikes are specified in Delaware Code, e.g., 14 Del.C. Ch. 40, and therefore the regulation is superfluous.

##### C. Manner In Which Persons May Present Their Views (29 Del.C. §10115(a)(2))

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2019 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this Public Notice may be viewed online at the Register of Regulation's website, [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml), or obtained at the Department of Education, Finance Office, located at the address listed above.

#### 714 Professional Employee Work Stoppage or Strike

##### 4.0 ~~Work Stoppage or Strike~~

- 1.1 ~~If it is determined that illegal activity such as a work stoppage or strike has taken place, the local Board of Education or charter school shall:~~
  - 1.1.1 ~~Adopt a resolution informing the exclusive negotiating representative that the employee organization has violated the terms of 14 Del.C. §4016, and such organization as the exclusive representative will be revoked at a time to be determined by the local Board of Education or charter school;~~
  - 1.1.2 ~~Refrain from making payroll deductions for the dues of any employee organization, which violated the law unless such dues are deducted pursuant to a court order entered for the purpose of securing the payment of a contempt fine;~~
  - 1.1.3 ~~Deduct salary for unexcused absence in accordance with 14 Del.C. §1320;~~
  - 1.1.4 ~~Execute items 1.1.2 and 1.1.3 above in the preparation of the next regular payroll;~~
  - 1.1.5 ~~Require a medical certificate for each employee absent claiming sick leave during the period of the strike.~~

~~13 DE Reg. 1078 (02/01/10)~~

##### 2.0 ~~School Days Lost~~

- 2.1 ~~As a part of any settlement following a strike or work stoppage, the local Board of Education or charter school shall not enter into any direct or implied agreement, which would permit school days lost because of the strike to be rescheduled.~~
- 2.2 ~~Similarly, the local Board of Education or charter school shall not agree to extend the school year or to request such an extension from the Secretary of Education.~~

~~3 DE Reg. 1077 (02/01/00)~~

~~8 DE Reg. 1132 (02/01/05)~~

~~13 DE Reg. 1078 (02/01/10)~~

~~23 DE Reg. 153 (09/01/19) (Prop.)~~

