

DEPARTMENT OF EDUCATION
Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))
14 DE Admin. Code 712

FINAL

REGULATORY IMPLEMENTING ORDER

712 Employee Leave

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code 712** Employee Leave in order to add the words “school district(s)” to Sections 1.0 and 2.0 and to change the reference to “vacation time” to “annual leave”. The statement that “if there is a break in service the transfer of annual leave can only occur if the break is less than six (6) months” has also been added to Section 1.0.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on January 20, 2005, in the form hereto attached as *Exhibit “A”*. No Comments were received.

II. Findings of Fact

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code 712** by adding “school district(s)” to the words “employing state agencies”, changing “vacation time” to “annual leave” and adding the statement that “if there is a break in service the transfer of annual leave can only occur if the break is less than six (6) months” to section 1.0 in order to improve the clarity of the regulation.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code 712**. Therefore, pursuant to 14 **Del.C. §1318**, 14 **DE Admin. Code 712** attached hereto as *Exhibit “B”* is hereby amended. Pursuant to the provision of 14 **Del.C. §122(e)**, 14 **DE Admin. Code 712** hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code 712** amended hereby shall be in the form attached hereto as *Exhibit “B”*, and said regulation shall be cited as 14 **DE Admin. Code 712** in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C. §1318** on January 20, 2005. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 10th day of March 2005.

STATE OF EDUCATION

Valerie A. Woodruff, Secretary of Education

712 Employee Leave

1.0 Sick Leave

Sick leave accumulated by an employee of any state agency or school district shall be transferred when said

employee begins subsequent employment in a school district. If there is a break in service the transfer can only occur if the break was for less than six (6) months.

1.1 Sick leave days are made available at the start of the fiscal year, but adjustments for employees who terminate service prior to the end of the school year shall be made in the final paycheck.

2.0 ~~Vacation~~ Annual Leave

Subject to any limitation imposed by statute, accumulated ~~vacation~~ annual leave shall be paid upon termination of employment. The employee may either remain on the regular payroll until such time as all ~~vacation time~~ annual leave is exhausted, or a lump sum payment ~~may be made~~ for all unused ~~vacation time~~ annual leave on the employee's final paycheck. The vacated position may be filled at any time provided that the two employees do not receive compensation for the same pay period. Accumulated ~~vacation time~~ annual leave shall not be transferred between different employing state agencies or school districts.

3 DE Reg. 1392 (4/1/00)

8 DE Reg. 1479 (4/1/05)