

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 **Del.C.** §122(a))  
14 **DE Admin. Code** 712

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 712 Employee Leave

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(a), the Secretary of Education intends to amend 14 **DE Admin. Code** 712 Employee Leave. The Department has reviewed the regulation in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years and concluded that the regulation only needs to be amended to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on October 1, 2022. The Department of Education did not receive any written comments concerning the proposed amendments.

#### II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 712 Employee Leave in order to correct grammatical errors to ensure compliance with the *Delaware Administrative Code Drafting and Style Manual*.

#### III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 712 Employee Leave. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 712 Employee Leave attached hereto is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 712 Employee Leave 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 Employee Leave amended hereby shall be in the form attached hereto, and said regulation shall be cited as 14 **DE Admin. Code** 712 Employee Leave 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.** §122 on November 9, 2022. 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 9th day of November 2022.

Department of Education  
Mark A. Holodick, Ed.D., Secretary of Education

Approved this 9th day of November 2022

##### 712 Employee Leave

#### 1.0 Sick Leave

- 1.1 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~~ service, the transfer can only occur if the break was for less than ~~six (6)~~ 6 months.

1.2 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.

**8 DE Reg. 1479 (04/01/05)**

**13 DE Reg. 1302 (04/01/10)**

## **2.0 Annual Leave**

Subject to any limitation imposed by statute, accumulated annual leave shall be paid upon termination of employment. The employer may allow the employee to either remain on the regular payroll until such time as all annual leave is exhausted or receive a lump sum payment for all unused annual leave in 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 annual leave shall not be transferred between different employing state agencies or school districts.

**3 DE Reg. 1392 (04/01/00)**

**8 DE Reg. 1479 (04/01/05)**

**13 DE Reg. 1302 (04/01/10)**

**20 DE Reg. 716 (03/01/17)**

**26 DE Reg. 478 (12/01/22) (Final)**