

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

PROPOSED

Education Impact Analysis Pursuant To
14 Del.C. §122(d)

PUBLIC NOTICE

712 Employee Leave

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to amend 14 **DE Admin. Code** 712 Employee Leave in order to add school districts 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.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses employee leave issues not student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses employee leave issues not equitable education issues.

3. Will the amended regulation help to ensure that all students’ health and safety are adequately protected? The amended regulation addresses employee leave not health and safety issues.

4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses employee leave not students legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation will be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State or to the local school boards.

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. 1073 (2/1/05)