

LAWS OF DELAWARE
VOLUME 84
CHAPTER 122
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 61
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ABSENCES OF SCHOOL EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1318, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1318. Sick leave and absences for other reasons; accumulation of annual leave.

(b)(1) In the case of a death in the immediate family of the employee, there shall be no reduction of salary of said employee for an absence not to exceed 5 working days. ~~Members of the immediate family shall be defined as the~~

(2) For purposes of this section, “immediate family” means any of the following:

- a. The employee’s spouse or domestic partner; parent, stepparent partner.
- b. The employee’s parent, stepparent, or child of the employee child.
- c. The parent, stepparent, or child of the employee’s spouse or domestic partner; partner.
- d. The employee’s grandparent or grandchild; grandchild.
- e. The employee’s sibling; sibling.
- f. The spouse of the employee’s child; any child.
- g. A relative who resides in the same household; or any employee’s household.
- h. A minor child for whom the employee has assumed and carried out parental responsibilities.

(3) This absence shall be in addition to other leaves granted the employee.

~~(c)(1) In the case of a serious illness of a member of the employee’s immediate family, as defined in subsection (b) of this section~~ family that requires the employee’s personal attention, an employee may use accrued sick leave.

(2) An employee needing who needs sick leave under the provisions of this title this subsection shall inform that employee’s own immediate supervisor of the fact and reason in advance, when possible, or otherwise before the expiration of the first hour of absence or as soon thereafter as ~~practicable;~~ practicable.

(3) The failure to do so of an employee to comply with paragraph (c)(2) of this section may be cause for denial of pay for the period of absence.

(4) Before approving pay for sick leave, the supervisor may may, at that supervisor’s ~~discretion~~ discretion, require either a doctor’s certificate or a written statement signed by the employee setting forth the reason for the absence.

(5) In the case of an absence of more than 5 consecutive days, a doctor’s certificate is required as a condition of approval.

(d)(1) In case of the death of a near relative, there shall be no deduction in the salary of the employee for an absence not to exceed 1 working day.

(2) An absence under paragraph (d)(1) of this section may be used on the day of the funeral or the day before or the day after the funeral. A near relative shall be defined as:

(3) For purposes of this subsection, “near relative” means any of the following:

a. The employee's first cousin, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, grandparent-in-law, or any other or grandparent-in-law.

b. Any friend living in the employee's household.

(f) An employee may be absent without loss of pay no more than 3 5 days per fiscal year for personal reasons of the employee. Such absences shall be included in the sick leave of the employee. Such absences must be approved by the chief school officers. These absences are included in the employee's sick leave. Requests to be absent for personal reasons may be approved by building level administrators, provided that the building level administrator cannot ask the employee the reason for the request. Requests that are being considered for denial shall be forwarded to the chief school officer or the local education agency human resources administrator designated for processing such requests. The chief school officer and the human resources administrator may ask the employee the reason for the request, provided that the employee is not required to provide the reason for the request. A request to be absent for personal reasons may only be denied if school operational requirements cannot be met.

(j) Any absence not covered in subsection (a), (b), (c), (d), (e), (f) or (g) under subsections (a) through (f) of this section shall be is considered unexcused.

Approved July 26, 2023