



SPONSOR: Rep. S. Moore & Rep. Wilson-Anton & Sen. Sturgeon  
Rep. Lambert

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 173

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:

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

3 § 1318. Sick leave and absences for other reasons; accumulation of annual leave.

4 (f) (1) An employee may be absent without loss of pay no more than 3 days per fiscal year for personal reasons of  
5 the employee. These absences are included in the employee's sick leave and must be approved by the employee's chief  
6 school officer.

7 (2) a. An employee may be absent without loss of pay for any of the following reasons:

8 1. To appear under subpoena to testify, unless the employee is 1 of the parties in the proceeding or  
9 the subpoena arises from other employment or activities of the employee.

10 2. To report to serve on a jury.

11 b. The time an employee is absent under this paragraph (f)(2) is not an absence for personal reasons under  
12 paragraph (f)(1) of this section and does not count toward the days provided under paragraph (f)(1) of this section.

13 c. An employee shall notify the employee's chief school officer in advance of the need to be absent under  
14 this paragraph (f)(2) and provide a copy of the subpoena or jury duty notification.

15 (3) An employee may be absent without loss of pay for up to 2 floating holidays per school year in addition to  
16 the personal days under paragraph (f)(1) of this section. These floating holidays are not to be included in the  
17 employee's sick leave and may not be accumulated. A request to be absent for a floating holiday must be approved by  
18 building level administrator, provided that the building level administrator cannot ask the reason for the request. A  
19 request to be absent for a floating holiday may only be denied if school operational requirements cannot be met.

SYNOPSIS

Currently school employees must use their accumulated sick leave to take off for a religious holiday that is not a State recognized religious holiday. This Act allows for 2 floating holidays per school year that would not fall within a State recognized religious holiday. The 2 floating holidays are not to be considered part of the employee's sick leave and cannot be accumulated. The building administrator must approve the request to be absent for a floating holiday but cannot ask the reason for the request. A request may only be denied if school operational requirements cannot be met.