



SPONSOR: Rep. Heffernan & Rep. Dorsey Walker & Sen. Sturgeon  
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HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 421

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PAID TIME OFF FOR EDUCATION 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 insertions as shown by underline as follows and  
2 redesignating accordingly:

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

4 (e) An employee may be absent up to a maximum of 3 days without loss of pay due to injury that occurred in the  
5 performance of duty. The injury must be reported, substantiated, and have taken place while the employee was in the  
6 performance of duty. The days so lost shall not be counted in the sick leave of the employee, provided the employee reports  
7 the injury to the building level administrator and provides written verification from a certified medical practitioner for the  
8 days absent beyond the first day following the injury. These days are intended to be available per incident and should be  
9 recorded and reinstated to the employee if another incident occurs.

10 ~~(e)(f)~~ In the case of the observance of recognized religious holidays, an employee may be absent without loss of  
11 pay on no more than 3 calendar days per year. The days so lost are to be counted in the sick leave of the employee.

12 ~~(f)(g)~~ (1) An employee may be absent without loss of pay no more than 5 days per fiscal year for personal reasons  
13 of the employee. These absences are included in the employee's sick leave and employee's officer. Requests to be absent  
14 for personal reasons may be approved by building level administrators, provided that the building level administrator  
15 cannot ask the employee the reason for the request. Requests that are being considered for denial shall be forwarded to the  
16 chief school officer or the local education agency human resources administrator designated for processing such requests.  
17 The chief school officer and the human resources administrator may ask the employee the reason for the request, provided  
18 that the employee is not required to provide the reason for the request. A request to be absent for personal reasons may only  
19 be denied if school operational requirements cannot be met.

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

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

23 2. To report to serve on a jury.

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

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

29 ~~(g)~~(h) An employee retired subsequent to June 1, 1969, after serving in covered employment under Chapter 55 of  
30 Title 29, shall, on retirement, be paid for each unused sick leave day, not to exceed 90 days. The total amount paid shall be  
31 based upon that portion of the salary computed in accordance with state schedules, regardless of the source of funding, and  
32 shall be based upon 50% of the per diem rate of pay in effect at the time of retirement. Effective July 1, 1986, in the event  
33 of the death of a teacher or other school employee, payment shall be made to that teacher's or other school employee's  
34 estate at the rate of 1 day's pay for each day of unused sick leave not to exceed Title 14 - Education Page 156 90 days.  
35 Effective July 1, 1991, for school employees of the Department of Education and school district boards of education the per  
36 diem rate shall be 1 /185 in the fiscal year beginning July 1, 1999; 1 /187 in the fiscal year beginning July 1, 2000; 1 /188  
37 for the fiscal year beginning July 1, 2001; and each succeeding fiscal year, of the annual salary based on state salary  
38 schedule for those employed 10 months; for those employed 11 months the per diem rate shall be 1 /204 in the fiscal year  
39 beginning July 1, 1999; 1 /206 in the fiscal year beginning July 1, 2000; 1 /207 for the fiscal year beginning July 1, 2001;  
40 and each succeeding fiscal year, of the annual salary based on state salary schedule; and for those employed 12 months, the  
41 per diem rate shall be 1 /222 of the annual salary based on state salary schedule. The local employing agency shall certify  
42 the number of days to which the employee shall be entitled. This section also applies to retired Delaware State Police who  
43 return to state service as a teacher or other school employee, and who otherwise meet the eligibility requirements for  
44 retirement under the Delaware State Employees' Pension Plan to the extent such person did not utilize the 75-day  
45 maximum following retirement from the Delaware State Police.

46 ~~(h)~~(i) The maximum amount of annual leave which any employee shall be permitted to accumulate shall be 42  
47 days. At the end of each fiscal year, the accumulated annual leave of each employee shall equal not more than 42 days.  
48 Where, prior to the end of a fiscal year, an employee has accumulated more than 42 days of annual leave, such annual leave  
49 shall be adjusted to 42 days at the end of such fiscal year.

50 ~~(i)~~(j) Effective September 1, 1991, the per diem rates used to pay retiring employees for accrued annual leave shall  
51 be identical to the per diem rates for sick leave contained in subsection ~~(g)~~(h) of this section.

52 ~~(j)~~(k) Any absence not covered under subsections (a) through ~~(f)~~(g) of this section is considered unexcused.

53           ~~(k)~~(l) A duly elected president of the Delaware State Education Association, as defined in Chapter 40 of this title,  
54 who requests a leave of absence without pay from a school board shall be granted a leave of absence by said school board  
55 from service for the duration of the elected term. Said employee shall be eligible to purchase health insurance for said  
56 employee's own self and eligible dependents and other state benefits at that employee's cost during said leave of absence.  
57 Other duly elected officers of the Delaware State Education Association shall be granted 45 release days by the employing  
58 board to represent the Association for education-related business. The Association shall be responsible for the costs of  
59 substitute teachers when utilized to provide coverage for the elected officer. In addition, when the Association determines  
60 the need and makes a request for the hiring of a teaching partner, the duly elected officer shall be granted no less than 60 or  
61 more than 100 release days by the employing school board to represent the Association for education-related business. The  
62 teaching partner will be hired on a full-time and annual basis to ensure continuity of instruction during periods of time  
63 when the Association officer is engaging in education-related business as a representative of the Association. Release time  
64 granted pursuant to this section shall be in addition to other leaves granted the employee by this section. The Association  
65 shall be responsible for the cost incurred related to the hiring of the teaching partner.

SYNOPSIS

This bill amends section 1318 of Title 14 to provide an education employee paid time off to recover from injury incurred in the performance of duty.