

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
14 **DE Admin. Code** 714

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 714 Professional Employee Work Stoppage or Strike

#### I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike for formatting purposes only. This regulation has been reviewed as a result of the 5 year mandatory review cycle.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Thursday, December 3, 2009, in the form hereto attached as *Exhibit "A"*. The Department did not receive comments on this regulation.

#### II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike in order for formatting purposes only. This regulation has been reviewed as a result of the 5 year mandatory review cycle.

#### III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike 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** 714 Professional Employee Work Stoppage or Strike amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 714 Professional Employee Work Stoppage or Strike 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 January 14, 2010. 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 14<sup>th</sup> day of January 2010.

**DEPARTMENT OF EDUCATION**

Lillian M. Lowery, Ed. D., Secretary of Education

Approved this 14<sup>th</sup> day of January 2010

**STATE BOARD OF EDUCATION**

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**714 Professional Employee Work Stoppage or Strike**

**1.0 Work Stoppage or Strike**

1.1 If it is determined that illegal activity such as a work stoppage or strike has taken place, the local Board of Education or charter school shall:

1.1.1 Adopt a resolution informing the exclusive negotiating representative that the employee organization has violated the terms of 14 **Del.C.** §4016, and such organization as the exclusive representative will be revoked at a time to be determined by the local Board of Education or charter school;

1.1.2 Refrain from making payroll deductions for the dues of any employee organization, which violated the law unless such dues are deducted pursuant to a court order entered for the purpose of securing the payment of a contempt fine;

1.1.3 Deduct salary for unexcused absence in accordance with 14 **Del.C.** §1320;

1.1.4 Execute items 1.1.2 and 1.1.3 above in the preparation of the next regular payroll;

1.1.5 Require a medical certificate for each employee absent claiming sick leave during the period of the strike.

**2.0 School Days Lost**

2.1 As a part of any settlement following a strike or work stoppage, the local Board of Education or charter school shall not enter into any direct or implied agreement, which would permit school days lost because of the strike to be rescheduled.

2.2 Similarly, the local Board of Education or charter school shall not agree to extend the school year or to request such an extension from the Secretary of Education.

**3 DE Reg. 1077 (2/1/00)**

**8 DE Reg. 1132 (2/1/05)**

**13 DE Reg. 1078 (02/01/10) (Final)**