

DEPARTMENT OF EDUCATION
Statutory Authority: 14 Delaware Code,
Section 122(e) (14 Del.C. §122(e)) 14 DE Admin. Code 705

REGULATORY IMPLEMENTING ORDER

FINAL

705 Training Camp and Special Duty in the National Guard and/or Reserves

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 705 Training Camp and Special Duty in the National Guard and/or Reserves in order to clarify the language and to better reflect the intent of the statute including changing the title of the regulation.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on August 17, 2004, in the form hereto attached as *Exhibit "A"*. No comments were received.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 705 in order to clarify the language and to better reflect the intent of the statute including changing the title of the regulation.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 705. Therefore, pursuant to 14 **Del.C.** Ch.13, 14 **DE Admin. Code** 705 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 705 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** 705 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States 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.** Ch. 13 on October 4, 2004. 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 4th day of October 2004.

DEPARTMENT OF EDUCATION
Valerie A. Woodruff, Secretary of Education

~~705 Training Camp and Special Duty in the National Guard and/or Reserves~~

~~1.0 Leave for Training Camp and Special Duty in the National Guard and/or Reserves~~

~~1.1 Any permanent and full-time employee who is a member of the National Guard or any reserve component of the Armed Forces of the United States and who is ordered to attend training camp or to perform special duty not in excess of fifteen (15) days in any calendar year shall be allowed leave with pay for attending such training sessions or performing such special duty. Leave for teachers shall apply only if the training is with the individual's unit.~~

~~1.2 Such military training or special duty leaves shall not be deducted from vacation leave or in any other way~~

result in loss of privileges or compensation to said employee.

~~1.3 Employees called to temporary military training or special duty shall file a request for military leave with the secretary of the local board at least two weeks prior to their leave, along with a copy of the official orders summoning them to military service.~~

~~(See 29 Del.C. §5105 Leave of Absence for Military Service, Pension Right; Terms of Successor Appointees)~~

~~See 3 DE Reg. 631 (11/1/99)~~

705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States

1.0 Any permanent and full time employee shall be excused from work with pay to attend training camp or special duty on orders as a member of the military reserves of the United States or the National Guard, not to exceed fifteen (15) days or the equivalent hours as required by the Delaware Code, on a prorated basis in any calendar year.

1.1 Such training or special duty leave shall not be deducted from their annual leave or in any other way result in loss of privileges or compensation to said employee.

1.2 Any permanent or full time employee shall file a request for military leave with their employer at least two weeks prior to their leave, along with a copy of their official orders.

(Non-regulatory Note: See 29 Del.C. §5105 Leave of Absence for Military Service, Pension Right; Terms of Successor Appointees)

8 DE Reg. 700 (11/01/04)