

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER THIRTY-SIX

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF UNIFORM LEAVE RULES FOR EXEMPT EMPLOYEES

WHEREAS, the only guidelines existing as to the uniform application of leave rules for State exempt employees is Executive Order Number Forty-five of Governor Russell W. Peterson, dated November 2, 1970; and

WHEREAS, the said Executive Order Number Forty-five does not address itself to all leave problems; and

WHEREAS, the language of the said Executive Order Number Forty-five does not require compliance, but merely urges that the policy stated therein be followed; and

WHEREAS, it is necessary to make leave rules for State exempt employees similar to those which apply to State classified employees; and

WHEREAS, it is necessary for the proper functioning of State government that a uniform policy on leave be implemented:

NOW, THEREFOR, I PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Executive Order Number Forty-five, dated November 2, 1970, is hereby revoked;
2. State agencies shall utilize the following leave scale for exempt employees:

A. Sick Leave

(1) Sick leave shall accrue at the rate of one and one-quarter (1 1/4) work days for each completed calendar month of service.

(2) Unused sick leave shall have unlimited accrual.

(3) Sick leave for cash payment shall accrue to a maximum of ninety (90) days.

B. Annual Leave

(1) Exempt State employees shall accrue annual leave at the rate of one and three-quarter (1 3/4) work days for each completed calendar month of service.

(2) Annual leave carried into a new calendar year may not exceed twice the exempt employee's annual accrual rate. This determination shall be made on December 31 of each year, and although it shall be possible to accrue in excess of twice the annual accrual rate during the year, only twice the authorized maximum accrual may be carried forward.

(3) Secretaries of executive departments and/or agency heads are responsible for maintaining a record of exempt employees' leave accrual and usage. Such records shall be reviewed by the employee at least annually during the month of December and such review shall be recorded.

C. Terminal Pay

(1) Exempt State employees upon their leaving State service shall be paid for the following:

(a) All unused annual leave;

(b) In the event of death of the exempt employee, payment shall be made to his estate at the rate of one (1) day's pay for each day of unused sick leave;

(c) At retirement under the State Pension Law, payment shall be made at the rate of one (1) day's pay for each two (2) days of unused sick leave.

(2) No exempt employee shall receive payment for unused sick leave except as specified in §2 C (1) (b) and (c), above.

3. This Executive Order shall only apply to exempt employees of the Executive Branch.

4. This Executive Order shall not be construed to cover exempt employees who might otherwise be considered as members of the Executive Branch under 29 Del. C. §5903 (3), (11), (12), (13), (14), (18), and (19).

5. This Executive Order shall not be construed to apply to members of Boards and Commissions of this State.

APPROVED this *23rd* day of *November*,
1977.



Richard L. Roark

Governor

ATTEST:

Alan C. Kent

Secretary of State