ADMINISTRATIVE DIRECTIVE NO. 173 -- REVISED

This 1st day of July, 2010,

IT APPEARS THAT:

(1) Section 56 of the Fiscal Year 2010 Budget Act amended 1 *Del.C.* § 501 to provide that, effective July 1, 2009, state employees are eligible for two floating holidays per year and to eliminate Presidents' Day and Columbus Day as State of Delaware holidays.

(2) A State of Delaware Floating Holiday Policy has recently been issued by the Executive Branch to transition the time when an employee is entitled to a floating holiday from a fiscal year to a calendar year; and

(3) The Judicial Branch, as a co-equal partner with the other Branches of government, wishes to establish a practice consistent with that of the Executive Branch.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const. Art. IV, §13(1), that:

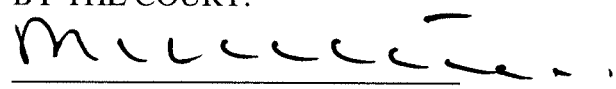
(1) Administrative Directive 173 is hereby revised.

(2) The attached policies shall govern the use by Judicial Branch employees of the two floating holidays established by 1 *Del.C.* § 501, as amended by Section 56 of the FY 2010 Budget Act.

(3) The Judicial Branch Transition Floating Holiday Policy shall become effective July 1, 2010 and sunset on December 31, 2010, at which time the Judicial Branch Floating Holiday Policy shall become effective January 1, 2011 and remain in effect until revised or rescinded.

(4) Presiding Judges and Judicial Branch Agency Heads shall ensure that these policies are disseminated to all employees in their courts or agencies.

BY THE COURT:



Chief Justice Myron T. Steele

c: The Honorable Jack A. Markell
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Jack B. Jacobs
The Honorable Henry duPont Ridgely
Members of the Judicial Conference
The Honorable Joseph R. Biden, III
The Honorable Brendan O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee

DELAWARE JUDICIAL BRANCH
FLOATING HOLIDAY POLICY--Transition Period
July 1, 2010—December 31, 2010

Floating Holidays will change from fiscal year to calendar year effective FY 2011. To make the transition:

- Effective July 1, 2010 all current benefit eligible employees will be eligible for one floating holiday to use prior to January 1, 2011.

Purpose

The purpose of this policy is to establish a Judicial Branch-wide policy to administer floating holidays and to transition floating holidays from fiscal year to calendar year. The floating holiday provides employees a paid leave day taken at a time chosen by the employee and subject to approval consistent with other types of leave.

Policy

Beginning July 1, 2010, benefit eligible employees on the payroll as of June 30, 2010, shall receive one paid floating holiday that must be taken prior to January 1, 2011. Employees who work a 37.5 hour schedule shall be entitled to 7.5 hours for each floating holiday. For permanent part-time employees, the floating holidays shall be prorated based on the percent of full-time hours.

Employees hired on or after July 1, 2010 shall receive a floating holiday based on their hire date.

Hire Date	# of Floating Holidays employee will be entitled to for the remainder of the calendar year*
July 1 – September 30	1 floating holiday for the remainder of the calendar year
October 1 – December 31	0 floating holiday for the remainder of the calendar year
	*Employees shall automatically be entitled to two floating holidays on January 1 following their hire date.

1. Courts/agencies may require that floating holidays be used in whole day increments.
2. Floating holidays are pro-rated time for benefit-eligible, part-time employees.
3. Employees must submit a request in advance following the same procedures used by the agency for requesting annual leave.
4. Employees will not be paid for unused floating holidays when they separate from employment.
5. Unused floating holidays will not carry forward from one calendar year to the next. There are no exceptions to this rule.
6. Judicial Branch Personnel Rule 4.14 and Merit Rule 4.14 do not apply to floating holidays.
7. Floating holidays used to supplement short-term disability or worker's compensation will apply in whole day increments with no residual.
8. Floating holidays may not be donated to another employee.
9. Floating holidays are paid at straight time.

This policy is not intended to create any individual right or cause of action
not already existing and recognized under state or federal law.

DELAWARE JUDICIAL BRANCH
FLOATING HOLIDAY POLICY
January 1, 2011

Purpose

The purpose of this policy is to establish a Judicial Branch-wide policy to administer floating holidays and to transition floating holidays from fiscal year to calendar year. The floating holiday provides employees a paid leave day taken at a time chosen by the employee and subject to approval consistent with other types of leave.

Policy

Beginning each calendar year, benefit eligible employees on the payroll as of December 31 shall receive two paid floating holidays that must be taken within the calendar year. Employees who work a 37.5 hour schedule shall be entitled to 7.5 hours for each floating holiday. For permanent part-time employees, the floating holidays shall be prorated based on the percent of full-time hours.

Employees hired on or after January 1 shall receive the following number of floating holidays based on their hire date.

Hire Date	# of Floating Holidays employee will be entitled to for the remainder of the calendar year*
January 1 – April 30	2 floating holidays for the remainder of the calendar year
May 1 – August 31	1 floating holiday for the remainder of the calendar year
September 1 – December 31	0 floating holidays
	*Employees shall automatically be entitled to two floating holidays on January 1 following their hire date.

1. Courts/agencies may require that floating holidays be used in whole day increments.
2. Floating holidays are pro-rated time for benefit-eligible, part-time employees.
3. Employees must submit a request in advance following the same procedures used by the agency for requesting annual leave.
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