ADMINISTRATIVE DIRECTIVE 166

This 31st day of March, 2008.

IT APPEARS THAT:

(1) The State of Delaware is presently confronted by an increasing major downturn in projected revenues for the current and upcoming fiscal years; and

(2) In a memorandum dated March 18, 2008, the Office of Management and Budget imposed a hiring freeze on the Executive Branch; and

(3) The Judicial Branch, as a co-equal branch of government, will partner with the Executive Branch in taking additional steps beyond those implemented pursuant to Administrative Directive No. 165 (issued on February 11, 2008), to help address the State's financial shortfall; and

(4) It is recognized that, with additional cost-cutting measures mandated by the recent financial situation, core services provided by the Judicial Branch will suffer, as a result.

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:

(A) Effective immediately, there shall be a hiring freeze on all Judicial Branch positions. This freeze shall include all interns, casual/seasonal, temporary, limited-term, merit, and exempt positions, regardless of funding source.

(B) The following exclusions shall apply to the hiring freeze:

a. Positions previously approved.

b. On-going 100% federally-funded positions that would incur a loss of federal funds if vacant positions are not filled, or other mission critical positions not funded through General Funds.

c. Consistent with the Executive Branch's policies, night and evening shift positions in Justice of the Peace 24 hour courts.

d. Security positions critical to court operations.

e. Career ladder promotions for those who are eligible through demonstrated proficiency in an existing career ladder classification.

f. Law clerk positions as they are unique, essential to the work of the judges, limited term (annual rather than permanent), and offers of positions are time sensitive based upon standard and national practices made far in advance of the position starting dates.

g. Other urgent mission critical requests may be reviewed upon written request sent to the Chief Justice, through the State Court Administrator, for approval. Any such requests should include a copy of the organizational chart, a statement of the funding source, a clear justification detailing the impact of not filling the requested position, and certification by the Chief Judge of the Court, or head of the judicial agency, that appropriate funds are believed to be available in the Court's, or agency's, budget to compensate the person to be hired. As the Judicial Branch is committed to working as a full partner in helping to address the State's budget shortfall, until further notice, very few such requests to fill will be approved. Therefore, it is important that courts/agencies limit their requests to only what is urgently and critically needed to maintain the most important core services/operations of the Judicial Branch.

(C) Consistent with Administrative Directive No. 165, each Presiding Judge and head of a judicial agency is required to provide to the State Court Administrator on the first day of each month, a current listing of all vacant positions, including all interns, casual/seasonal, temporary, limited-term, merit, and exempt positions, in that Court/judicial agency that are expected to occur, as well as promotions that are anticipated, before the next report will be issued. Other procedures adopted in Administrative Directive No. 165 are hereby modified as necessary to maintain consistency with this Administrative Directive.

(D) Other steps to promote fiscal savings for FY 2008 and FY 2009 within the Judicial Branch are in the process of being implemented through internal Judicial Branch policies and procedures.

BY THE COURT:

Chief Justice

c: The Honorable Ruth Ann Minner
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 Lawrence Sullivan
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee