REVISED
ADMINISTRATIVE DIRECTIVE 166

This 25th day of February, 2009

IT APPEARS THAT:

(1) The State of Delaware continues to be confronted by an increasing major downturn in projected revenues for the current and upcoming fiscal year; and

(2) Consistent with the Office of Management and Budget's memorandum dated March 18, 2008, imposing a hiring freeze on the Executive Branch, the Supreme Court issued Administrative Directive 166 on March 31, 2008, which imposed a hiring freeze on all positions within the Judicial Branch, to assist in efforts to address the State's financial shortfall; and

(3) The Judicial Branch has maintained its stringent hiring freeze continuously since that time; and

(4) Administrative Directive 166 (issued on March 31, 2008) provided for enumerated exclusions to the hiring freeze, based upon typical areas of critical need; and

(5) In recognition of the need to further refine the cost-cutting measures adopted by the Judicial Branch, Administrative Directive 166 was revised on June 6, 2008 to further limit the enumerated exclusions to the hiring freeze and refine the process by which the comparative critical needs to fill vacant positions within the Judicial Branch are analyzed, so that only the most urgent needs would be addressed; and

(6) On February 18, 2009, the Office of Management and Budget, given the State's projected fiscal shortfalls for this fiscal year and next, issued a memorandum adopting additional cost containment strategies, such as including career ladder promotions in the Executive Branch's hiring freeze; and

(7) The Judicial Branch, as a co-equal partner with the other Branches of government, will support efforts to address the State's financial shortfall by including career ladder promotions in the Judicial Branch hiring freeze.

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) The hiring freeze on all Judicial Branch positions will remain in effect until further notice. This freeze shall include all interns, casual/seasonal, temporary, limited-term, merit, and exempt positions, regardless of funding source, as well as promotions, including career ladder promotions. Critical reclassifications and selective market variation requests are also included in the Judicial Branch hiring freeze, as such

requests require approval by the Office of Management and Budget and are not being accepted by the Office.

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

(a) Positions previously approved to be posted and/or filled.

(b) Security positions critical to court operations.

(c) 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, and a clear justification detailing the impact of not filling the requested position. As the Judicial Branch is committed to working as a full partner in helping to resolve 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.

(3) Consistent with Administrative Directive 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 before the next report will be issued. Also, as provided in Administrative Directive 165, no position within the Judicial Branch will be filled, including new hires or promotions (temporary or permanent), without prior approval of the Chief Justice. Other procedures adopted in Administrative Directive 165 are hereby modified as necessary to maintain consistency with this Administrative Directive.

BY THE COURT:

Chief Justice

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 Lawrence Sullivan
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
The Honorable Joseph R. Biden, III