ADMINISTRATIVE DIRECTIVE NO. 173

This 7th day of August, 2009,

IT APPEARS THAT:

(1) Section 56 of the Fiscal Year 2010 Budget Act provides that, effective July 1, 2009, employees will be eligible for two floating holidays per year.

(2) Presidents' Day and Columbus Day will no longer be State of Delaware holidays and the Judicial Branch will be open for business on these days.

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

(A) The attached Policy shall govern use by Judicial Branch employees of the two floating holidays created by Section 56 of the Fiscal Year 2010 Budget Act.

(B) This Policy shall become effective on the date of this Administrative Directive.

(C) Presiding Judges/Judicial Branch Agency Heads shall ensure that this Policy is disseminated to all employees in their courts/agencies.

BY THE COURT

Chief Justice Myron T. Steele

c: The Honorable Jack 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 J. O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee

JUDICIAL BRANCH FLOATING HOLIDAY POLICY

The following policy is designed to implement the provisions of Section 56 of the Fiscal Year 2010 Budget Act which provides that, effective July 1, 2009, employees will be eligible for two floating holidays per fiscal year and that Presidents' Day and Columbus Day will no longer be State of Delaware holidays. The Judicial Branch will be open for business on these days and court workloads may be reduced, depending upon staffing concerns.

At the beginning of each fiscal year, employees on the payroll as of June 30 shall receive two paid floating holidays that must be taken within the fiscal year. Employees 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 shall receive the following number of floating holidays based on their hire date:

Hire Dates:	# of Floating Holidays employee will be entitled to for the remainder of the fiscal year*:
July 1 – October 31	2 floating holidays for the remainder of the fiscal year
November 1 – February 28	1 floating holiday for the remainder of the fiscal year
March 1 – June 30	0 floating holidays
	*Employees shall automatically be entitled to two floating holidays on July 1 following their hire date.

1. Courts/agencies may require floating holidays to be used in full 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 fiscal year to the next. There are no exceptions to this rule.
6. Judicial Personnel Rule 4.14 or Merit Rule 4.14, as applicable, does not apply to floating holidays.
7. Floating holidays used to supplement short-term disability or workers' 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.