ADMINISTRATIVE DIRECTIVE NO. 174

This 27th day of August 2009,

IT APPEARS THAT:

(1) The State of Delaware continues to be confronted by an unanticipated and substantial shortfall in projected revenue for the current and upcoming fiscal years; and

(2) The Judicial Branch has maintained a stringent hiring freeze continuously since March of 2008, consistent with previous Office of Management and Budget policies implemented to address the State's financial concerns; and

(3) The Office of Management and Budget issued a memorandum dated August 11, 2009, stating that it would continue efforts to reduce the size of state government, create efficiencies, and transform Executive Branch agencies, while at the same time maintaining critical government services; and that career ladder and hiring freeze mandates, although useful short-term budget tools, do not allow for the flexibility necessary to properly manage state government over the long term; and

(4) The Judicial Branch, as a co-equal partner with the other Branches of government, will continue to support efforts to address the State's financial shortfall while balancing the need for the Branch to provide critical, core court services to the public.

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(1) Administrative Directives 165 and 166 (Revised) are hereby rescinded.

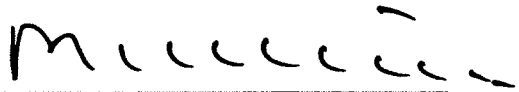
(2) Effective this date and until further notice, a strict hiring review will remain in effect and there will be no positions filled within the Judicial Branch, including all new hires, promotions, interns, casual/seasonal, temporary, limited-term, merit, and exempt positions (temporary, or permanent) without prior approval of the Chief Justice. Critical reclassifications and selective market variation requests require approval of the Office of Management and Budget and are not being accepted by that Office at this time.

(3) Approval by the Chief Justice will be based, in part, upon the certification of the Chief Judge of the Court or head of the judicial agency seeking to fill the position that: (a) the hiring is critical to performing the core operations of the court or agency, such as addressing safety and security concerns, and case processing, and (b) appropriate funds are believed to be available in the respective court or agency budget to compensate the person to be hired.

(4) Each Chief Judge and head of a judicial agency shall continue to provide to the State Court Administrator, no later than the first day of each month, a current listing of all vacant positions along with the justification to fill the position and the priority of such filling in rank order. It is important that courts/agencies continue to look for opportunities to enhance staffing efficiencies and to limit requests to only what is urgently and critically needed to maintain the most important core services/operations of the Judicial Branch. The requests should include a copy of an organizational chart, statement of the funding source, and a clear justification detailing the impact of not filling the requested position.

(5) The freeze on career ladder promotions is lifted effective the date of this Directive. There will be no retroactivity for awarding career ladder promotions earlier to that date.

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
Richard S. Gebelein, Acting Attorney General
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