

ADMINISTRATIVE DIRECTIVE NO. 171 (Second Revision)

This 11th day of March, 2013:

IT APPEARS THAT:

1. Administrative Directive No. 171 on February 24, 2009 adopted a revised version of the Judicial Branch Personnel Rules governing all non-judicial, non-Merit Judicial Branch employees in all courts and agencies, the Administrative Office of the Courts and the Arms of the Supreme Court, effective April 1, 2009.
2. In *Superior Court v. State of Delaware Public Employment Relations Board*, Del. Supr., No. 518, 2009, Berger, J. (Jan. 19, 2010), the Supreme Court found that the Public Employment Relations Board had violated the constitutional doctrine of separation of powers by certifying a union for Superior Court employees.
3. Administrative Directive No. 171 (Revised) on April 28, 2010 amended the Judicial Branch Personnel Rules to add a new Chapter 20 containing Employment Relations Rules for non-judicial, non-merit¹ Judicial Branch employees and an Appendix B containing Employment Relations Procedures for these employees, as well as related forms, and to amend Rule 1.4 of the Judicial Branch Personnel Rules.
4. To ensure consistent practices within the Judicial Branch, and with the Executive Branch's Merit Rules, the Judicial Branch Personnel Rules should be amended regarding blood bank donations and leave usage.

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

1. The Judicial Branch Personnel Rules adopted in Administrative Directive 171 (Revised) shall be amended to add new section 5.3.6.8 on the usage of sick leave for regular blood bank donation.
2. This amendment to the Judicial Branch Personnel Rules will become effective immediately.
3. Presiding judges/agency heads shall ensure that these Rules are disseminated to affected employees in their courts/agencies.

¹ Although the rules adopted on April 28, 2010 applied only to non-judicial, non-merit employees, the Supreme Court may, in the future, exercise its authority pursuant to Art. IV, § 13 of the Delaware Constitution, to provide for a uniform system of employment relations for all non-judicial Judicial Branch employees.

BY THE COURT:

/s/ Myron T. Steele
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