REVISED
ADMINISTRATIVE DIRECTIVE 166

This 6th day of June, 2008.

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 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, partnered with the Executive Branch in helping to address the State's financial shortfall, by issuing Administrative Directive 166 on March 31, 2008, which imposed a hiring freeze on all positions within the Judicial Branch; and

(4) Administrative Directive 166 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, it has been determined that the exclusions to the hiring freeze set forth in Administrative Directive 166 (issued on March 31, 2008) should be modified. These changes are intended to ensure that a complete analysis of the comparative critical needs to fill vacant positions within the Judicial Branch is conducted and that the Courts' actual, most urgent needs can be addressed.

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) 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.

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

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

(2) Security positions critical to court operations.

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

(4) 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.

(C) 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, as well as promotions that are anticipated, before the next report will be issued. Also as provided in Administrative Directive 165, no positions 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 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