

## ADMINISTRATIVE DIRECTIVE NO. 171 (Revised)

This 28<sup>th</sup> day of April, 2010:

### 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. In order to ensure that these Superior Court employees as well as other Judicial Branch employees are able to exercise their right to collective bargaining, the Supreme Court stated in the foregoing opinion that it would use its constitutional authority to establish administrative rules for the Judicial Branch setting forth its own process and procedures regarding employment relations for the Judicial Branch.

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 shall be amended to add a new Chapter 20 containing Employment Relations Rules for non-judicial, non-merit<sup>1</sup> 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. The Judicial Branch Personnel Rules, as amended, are attached.
2. This amendment to the Judicial Branch Personnel Rules will become effective immediately.
3. Presiding judges/agency heads shall ensure that these Rules are distributed to affected employees in their courts/agencies.

BY THE COURT:

  
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Chief Justice

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<sup>1</sup> Although the rules adopted today apply 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.

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