

CHAPTER 339
FORMERLY
HOUSE BILL NO. 392

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN POSITIONS IN THE COURT OF COMMON PLEAS AND THE JUSTICE OF THE PEACE COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5903, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5903 Classified service and exemptions.

Unless otherwise required by law, as used in this chapter, "classified service" or "state service" means all positions of state employment other than the following positions, which are excluded:

(16) All judges or other members of the state judiciary, referees, jurors and others appointed by the judiciary, but excluding all other employees of the Court of Common Pleas, with the exception of the Court Administrator, Deputy Court Administrator, Judicial Case Management Administrator, Judicial Operations Managers, Chief of Court Security, Chief Electronic Court Reporter, Investigative Supervisor, Controller, Management Analysts, Human Resource Specialist, Court Security Officer Supervisor, Court Security Officers I and II, and 1 judicial secretary for each judge, and the Justice of the Peace Court system with the exception of the Court Administrator, Operations Managers, Judicial Operations Managers, Investigative Supervisor, Controller, Fiscal Administrative Officer, Family Services Program Support Administrator, Management Analysts, Judicial Secretary, Administrative Specialists, Chiefs of Court Security and Human Resource Specialists. The staff attorney and law clerk positions in the Court of Common Pleas and the Justices of the Peace Courts shall be exempt positions and shall be excluded from classified service. Any incumbent occupying a position that is "classified" by the Director of the Office of Management and Budget in compliance with this section shall be considered qualified without further testing, and shall be continued in the position without loss of compensation. Future hires into any classified position in the Justice of the Peace Courts vacated subsequent to July 15, 1976, will be made in accordance with this chapter.

Section 2. Any incumbent occupying a position as a Court Security Officer Supervisor or Court Security Officers I or II in the Court of Common Pleas, or Chief of Court Security in the Justice of the Peace Court at the time of the enactment of this bill, may elect to be governed by the Judicial Branch Personnel Rules or continue to be governed by the Merit System of Personnel Administration.

Approved July 21, 2014