



SPONSOR: Sen. Gay & Rep. Lynn  
Sens. Hansen, Lockman, S. McBride, Sokola, Townsend,  
Walsh; Reps. Bush, Griffith

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 306

AN ACT TO AMEND TITLES 10 AND 29 OF THE DELAWARE CODE RELATING TO JUDICIAL BRANCH  
EMPLOYEES' EXEMPTION FROM THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

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

1           Section 1. Amend § 908, Title 10 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows:

3           § 908. Chief Judge; powers; duties.

4           The Chief Judge, or in the Chief Judge's absence the senior Judge on duty, shall:

5           ~~(6) The Chief Judge shall create a Judicial Council for a term of 3 years which shall be composed of the Chief~~  
6           ~~Judge and 2 Judges, both of whom shall be appointed by the Chief Judge, and 1 of whom shall reside in Kent or Sussex~~  
7           ~~County. No more than a bare majority of the Judges on the Judicial Council shall be affiliated with any 1 major~~  
8           ~~political party. The Judicial Council shall determine the organization and structure of the Court; establish the procedure~~  
9           ~~for appointment and dismissal; the classification, titles, duties, and salaries of the Administrator, the Director of~~  
10           ~~Treatment Services, the respective Chief Supervisors for the Court in each of the 3 counties, and the personal~~  
11           ~~secretaries of the Administrator and all Judges. All of the aforementioned individuals shall be specifically exempt from~~  
12           ~~the state merit system. All other employees of the Court shall be included within the state merit system in accordance~~  
13           ~~with the provisions of Chapter 59 of Title 29 of the Delaware Code. [Repealed.]~~

14           Section 2. Amend § 5903, Title 29 of the Delaware Code by making deletions as shown by strike through and  
15           insertions as shown by underline as follows:

16           § 5903. Classified service and exemptions.

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

19           ~~(16) All judges or other members of the state judiciary, referees, jurors and other appointed by the judiciary,~~  
20           ~~but excluding all other employees of the Court of Common Pleas, with the exception of the Court Administrator,~~  
21           ~~Deputy Court Administrator, Judicial Case Management Administrator, Judicial Operations, Managers, Chief of Court~~  
22           ~~Security, Chief Electronic Court Report, Investigative Supervisor, Controller, Management Analysts, Human Resource~~

23 Specialist, Court Security Officer Supervisor, Court Security Officers I and II, and 1 judicial secretary for each judge,  
24 and the Justice of the Peace Court system with the exception of the Court Administrator, Operations Managers, Judicial  
25 Operations Managers, Investigative Supervisor, Controller, Fiscal Administrative Officer, Family Services Program  
26 Support Administrator, Management Analysts, Judicial Secretary, Administrative Specialists, Chiefs of Court Security  
27 and Human Resource Specialists. The staff attorney and law clerk positions in the Court of Common Pleas and the  
28 Justices of the Peace Courts shall be exempt positions and shall be excluded from classified service. Any incumbent  
29 occupying a position that is "classified" by the Secretary in compliance with this section shall be considered qualified  
30 without further testing, and shall be continued in the position without loss of compensation. Future hirees into any  
31 classified position in the Justice of the Peace Courts vacated subsequent to July 15, 1976, will be made in accordance  
32 with this chapter.

33 (16) All judges and employees of the state judicial branch.

34 Section 3. This Act shall become effective six months after enactment.

SYNOPSIS

This Act exempts all Judicial Branch employees from the Executive Branch's Merit System of Personnel Administration. By enacting a comprehensive set of Judicial Branch Personnel Rules and updating those rules to apply to all Judicial Branch employees, the Chief Justice of the Delaware Supreme Court has exercised his constitutionally conferred authority to administer employment relations for the Judicial Branch. Superior Court v. State, Public Employment Relations Bd., 988 A.2d 429 (Del. 2010). This Act recognizes and respects the constitutional powers vested in the Chief Justice, as the administrative head of the Judicial Branch, to govern Judicial Branch employment relations.

This Act will not curtail any bargained-for employment rights currently held by Judicial Branch employees covered by the Merit System. Instead, this Act will simplify matters of personnel administration for the Judicial Branch by having one consistent set of rules and processes apply equally to all Judicial Branch employees.

This Act will become effective for all current and future Judicial Branch employees within six months from the date of enactment.

Author: Senator Gay