



SPONSOR: Sen. Gay & Rep. Lynn
Sens. Hansen, Lockman, S. McBride, Sokola, Townsend,
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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 318

AN ACT TO AMEND TITLES 10 AND 29 OF THE DELAWARE CODE UNIFYING JUDICIAL BRANCH
EMPLOYEES UNDER THE JUDICIAL BRANCH PERSONNEL RULES.

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 political~~
8 ~~party. The Judicial Council shall determine the organization and structure of the Court; establish the procedure for~~
9 ~~appointment and dismissal; the classification, titles, duties, and salaries of the Administrator, the Director of Treatment~~
10 ~~Services, the respective Chief Supervisors for the Court in each of the 3 counties, and the personal secretaries of the~~
11 ~~Administrator and all Judges. All of the aforementioned individuals shall be specifically exempt from the state merit~~
12 ~~system. All other employees of the Court shall be included within the state merit system in accordance with the provisions~~
13 ~~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 [Repealed.]~~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, but~~
20 ~~excluding all other employees of the Court of Common Pleas, with the exception of the Court Administrator, Deputy Court~~
21 ~~Administrator, Judicial Case Management Administrator, Judicial Operations, Managers, Chief of Court Security, Chief~~
22 ~~Electronic Court Report, Investigative Supervisor, Controller, Management Analysts, Human Resource Specialist, Court~~

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

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

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

SYNOPSIS

This Act unifies all Judicial Branch employees under the Judicial Branch Personnel Rules, thus revising a bifurcated personnel administration system for judicial branch employees in constitutionally-created and legislatively-created courts. 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 to 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