



THE THIRD JUDICIAL CIRCUIT
OF MICHIGAN

711 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

ADMINISTRATIVE ORDER 2005-06

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT**

SUBJECT: DELIVERY OF COURT CLERK SERVICES IN COURTROOMS

This Local Administrative Order is issued pursuant to MCR 8.112(B) and MCR 8.110(C).

Whereas, the Wayne County Clerk is the Clerk of the Third Judicial Circuit Court and in that capacity is an officer of the Court, subject to its direction in all things necessary to the proper administration of justice during its sessions;

Whereas the Court is vested with the constitutional authority to direct the Clerk of the Court to perform noncustodial ministerial duties pertaining to court administration as the Court sees fit;

Whereas the courtrooms of the Court are subject to the control of the Court, in general, and in particular, the control of the judge or referee presiding in a particular courtroom;

Whereas the efficient and proper administration of justice may be severely impaired or adversely affected depending upon the conduct of court-related personnel, including deputy clerks assigned to work in courtrooms performing court clerk functions; and it is necessary, therefore, that the judge or referee of the Court, who is assigned to preside in a courtroom, retain control over the selection of the person assigned to perform court clerk functions in the courtroom;


IT IS ORDERED:

1. Upon the written request of the Chief Judge or the Executive Court Administrator, the County Clerk shall assign a deputy clerk to perform court clerk functions in a courtroom (hereinafter "court clerk").

2. In instances where the assignment is to a courtroom in which a judge or referee of the Court has been assigned to preside, the presiding courtroom judge or referee, as soon as possible, shall notify the County Clerk of the person from the appropriate pool of eligible court clerks employed with the County of Wayne who have expressed an interest in working in that courtroom, and whom the presiding courtroom judge or referee approves. The County Clerk shall then assign that person to perform court clerk functions in that courtroom.
3. The County Clerk shall not permanently assign to any courtroom or transfer from any courtroom a court clerk without the prior written consent of the presiding courtroom judge or referee; however, a court clerk shall retain the ability to seek transfer or promotion from a courtroom assignment.
4. Upon the written request of the Court's Executive Court Administrator, the County Clerk shall remove the court clerk previously assigned to that courtroom, and assign another court clerk from the appropriate pool of eligible court clerks to perform court clerk functions in that courtroom in accordance with paragraphs two and three. The removed court clerk shall return to the appropriate pool of eligible court clerks. In the event of layoff, displacement, recall or reorganization, all court clerks shall be subject to Article 19, entitled "Layoff, Displacement and Recall," of the collective bargaining agreement between the County of Wayne and AFSCME Council 25.
5. The County Clerk, acting in his or her capacity as Clerk of the Court, shall immediately notify the Chief Judge of the Court of the filing of a grievance that arises out of the delivery of court clerk services to the Court except where any such grievance involves issues concerning attendance or the payment of wages or benefits.
6. This Local Administrative Order shall supersede the arbitration decision and order between the County of Wayne and AFSCME Council 25, Local 1659, dated December 17, 2004, that addressed the procedure in which the County Clerk assigns court clerks to vacant court clerk assignments for judges and referees. See, paragraph 2 above. Where not in conflict with this Local Administrative Order, all other terms and conditions of the Wayne County Civil Service Rules and collective bargaining agreement between the County of Wayne and AFSCME Council 25, Local 1659, shall prevail.

Effective Date: June 2, 2005

Dated: June 2, 2005



MARY BETH KELLY
CHIEF JUDGE
THIRD JUDICIAL CIRCUIT