Supreme Court of Kentucky

2020-23

AMENDED ORDER

IN RE: FLEXIBLE STAFFING GUIDELINES FOR COURT CLERKS IN A PANDEMIC OR PUBLIC HEALTH EMERGENCY

On March 6, 2020, Governor Beshear entered Executive Order 2020-215 and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the Commonwealth. In light of this measure and to protect the health and safety of court employees, elected officials, and the general public, the Supreme Court entered an administrative order that places restrictions on in-person court proceedings and services. The Administrative Office of the Courts also issued the Kentucky Court of Justice Pandemic or Public Health Emergency Staffing Guide to reduce risk, implement social distancing among court personnel, and provide guidance on leave policies and working remotely.

The essential functions of the circuit and appellate court clerks' offices require interaction with the public and do not allow for employees to telecommute or work remotely. Accordingly, to limit the spread of infectious disease, minimize exposure for employees in these offices, and maintain continuity of operations, the Supreme Court hereby approves the Kentucky Court of Justice Staffing Guidance for Court Clerks in a Pandemic or Public Health Emergency and authorizes each circuit and appellate court clerk to establish rotating staff schedules according to the following guidelines:

1. In-office staff should be reduced to 50% or less of normal operating capacity using a rotating schedule to meet the essential functions of the courts;

2. Special Leave will be authorized for employees who are not scheduled to work during normal business hours based on a rotating schedule, not to exceed 37.5 hours of Special Leave in a two-week period;
3. Employees must be available to report to work during scheduled Special Leave within 24 hours of being contacted unless:
    a. The employee has tested positive for COVID-19 or may have been exposed to COVID-19 or is exhibiting symptoms such as fever, cough, shortness of breath; or
    b. Based on the closure of school or daycare, the employee is unable to report to work in order to care for a dependent.
4. No employee shall claim more than 7.5 hours of Special Leave in any work day.
5. If an employee is scheduled to work and fails to appear, that employee may not be entitled to Special Leave during the applicable cycle of the rotating schedule.
6. Special Leave hours are not a guarantee to any employee. Employees are required to work based on the operational needs of the office as directed by their respective court clerk.
7. Court clerks must submit a proposed rotating schedule to the AOC Department of Human Resources prior to implementation.

This Order and the Kentucky Court of Justice Staffing Guidance for Court Clerks in a Pandemic or Public Health Emergency shall be effective immediately and through May 31, 2020, or until further Order of this Court.

Entered this 14th day of April 2020.

CHIEF JUSTICE

All sitting; all concur.