

# Supreme Court of Kentucky

2026-17

## ORDER

### **In Re: Kentucky Court of Justice Reorganization Policy**

Under Sections 110(5)(b) and 116 of the Constitution of Kentucky and in accordance with Section 4.08 of the Kentucky Court of Justice Personnel Policies, Part III of the Administrative Procedures of the Court of Justice, it is HEREBY ORDERED that, the following shall constitute the Kentucky Court of Justice Reorganization Policy, effective through June 30, 2028.

#### **A. GENERAL RULES FOR EFFECTING REORGANIZATION**

1. A reorganization may include involuntary employment actions utilized by the Kentucky Court of Justice (KCOJ) necessary for reasons of shortage of funds or work, abolishment of positions, or material change in duties or organization.
2. A layoff is a separation of employment involving a tenured employee due to a reorganization or other reduction in force by the KCOJ.
3. A reorganization plan shall be approved by the Chief Justice and establish the business reasons for the plan, list all work units or classifications abolished in whole or in part, the number of classifications and positions subject to dismissal or layoff, the reasons for the abolishment of any work unit, classification, or position, effective date of separation(s), and a listing of employees currently holding affected positions.
4. Employees shall not be coerced to resign or retire in lieu of dismissal or layoff.
5. Employees shall not be subject to dismissal or layoff under a reorganization plan in lieu of dismissal pursuant to Section 8.04 of the KCOJ Personnel Policies.

6. The KCOJ Personnel Policies remain applicable to all employees while employed by the KCOJ, even if the employee has received written notice that he or she is subject to dismissal or layoff under a reorganization plan, and employees may be dismissed or disciplined prior to the effective date of separation in accordance with those policies.
7. Any employee who is subject to dismissal or layoff under a reorganization plan shall have a right to notice of the reasons for the action.
8. Tenured employees shall also be eligible for a job placement offer prior to layoff, if available, and have a right to recall for reemployment after layoff as provided by this Policy.
9. No tenured employee subject to layoff shall be permitted to displace another employee with less seniority.
10. Seniority shall be determined by the total months an employee has been in continuous service with the Kentucky Court of Justice, calculated from the employee's most recent hire date to the present, including partial months expressed as a decimal.
11. When determining retention, preference shall be given to employees with the greatest seniority within a specific classification, county, department, and/or court.

## **B. EMPLOYEE NOTIFICATIONS**

1. A non-tenured or at-will employee shall be notified in writing if he or she is subject to dismissal due to implementation of a reorganization plan. The notice shall include details regarding the pending dismissal and address payout and benefits information.
2. A non-tenured or at-will employee dismissed due to the implementation of a reorganization plan shall receive written notice of dismissal, issued at the time dismissal is effective, which shall include at a minimum the reason for dismissal.

3. A tenured employee shall be notified in writing if he or she is subject to layoff due to implementation of a reorganization plan. The notice shall include details regarding the pending layoff and the job placement process.
4. If a job placement is not identified or a job placement offer is declined, a tenured employee shall receive a second written notice that he or she remains subject to the impending layoff. This second notice shall be issued no less than five business days prior to the effective date of the layoff and include details regarding the reemployment process and payout and benefits information.
5. A tenured employee laid off due to the implementation of a reorganization plan shall receive written notice of layoff, issued at the time layoff is effective, and shall include at a minimum the reason for the layoff.

### **C. JOB PLACEMENT OFFERS**

1. Pursuant to a reorganization plan approved by the Chief Justice, the AOC HR Department shall compile a list of employees who are subject to layoff and eligible for job placement.
2. An employee who is subject to layoff is entitled to receive a job placement offer, based on seniority, for any vacant tenured position within the department or court for which he or she currently reports and in a county of his or her choosing, if the position is at or below his or her current pay grade and he or she meets the minimum qualifications.
3. If two or more employees are entitled to a job placement offer under subsection 2. of this section, seniority shall determine the order in which the job placement offer shall be extended.
4. If seniority is the same for two or more employees entitled to a job placement offer under subsection 2. of this section, work history, performance, evaluations, or other criteria set forth in the reorganization plan shall determine the order in which the job placement offer shall be extended.

5. An employee may receive one job placement offer prior to layoff.
6. An employee may decline any job placement offer.
7. If an employee declines a job placement offer, he or she may be laid off and may be ineligible for reemployment as it relates to that position.


**D. REEMPLOYMENT RIGHTS AND RESPONSIBILITIES**

1. A former tenured employee is entitled to be placed on a reemployment list for six months following the effective date of his or her layoff.
2. So long as the former tenured employee remains on the reemployment list, he or she has a right to reemployment, based on seniority, for any tenured position, at or below the pay grade of and assigned to the department or court of his or her last position, located in a work county designated on an updated employment application, and for which he or she meets the minimum qualifications.
3. To receive an offer of reemployment, the former tenured employee cannot have previously declined a job placement offer for the vacant position.
4. During the six months in which a former tenured employee has a right of reemployment, he or she may exercise a right of first refusal.
5. Individuals who are laid off and later reemployed in a non-tenured position do not retain tenured status.
6. An individual shall be assigned the same salary he or she received at the time of layoff if reemployed under this Policy to the same job classification from which he or she was laid off, and if reemployed under this Policy to a different classification, shall have his or her salary assigned based on his or her education and work-related experience as provided in the KCOJ Pay Practices, Supreme Court Administrative Order 2026-13, and any subsequent amendment thereof.

7. An individual may not be involuntarily removed from a reemployment list unless he or she:
  - a. Declines a written offer of reemployment for the same position, in the same or adjacent county, with the same salary from which he or she was laid off;
  - b. Declines two written offers of reemployment for any vacancy;
  - c. No longer meets the minimum qualifications;
  - d. Makes a false statement of material fact on his or her application or attempts bribery with respect to his or her placement on the reemployment list;
  - e. Is convicted of a felony or job-related misdemeanor within one year of layoff;
  - f. Fails to report for an interview after confirming his or her attendance verbally or in writing;
  - g. Cannot be contacted through designated means of communication, including the repeated failure to respond; or
  - h. Accepts another KCOJ position, tenured or non-tenured.
  
8. An individual reemployed in a tenured position shall serve a probationary period and receive an additional salary increase for the successful completion of the probationary period unless he or she is reemployed under this Policy to the same job classification from which he or she was laid off and is assigned the same salary received at the time of layoff.
  
9. Any personnel action request to fill a vacancy while a reemployment list is active must be approved by the AOC HR Department to ensure consideration of all eligible individuals according to seniority.

ENTERED this 14th day of May 2026.

LAMBERT, C.J.; BISIG, CONLEY, GOODWINE, KELLER, AND NICKELL, JJ.,  
SITTING. BISIG, CONLEY, GOODWINE, NICKELL, JJ. CONCUR.  
KELLER, J. DISSENTS. THOMPSON, J., NOT SITTING.

  
CHIEF JUSTICE