

Supreme Court of Kentucky

2012-06

ORDER

In Re: Closure of Court Operations and Furlough of Kentucky Court of Justice Employees

Kentucky's Judicial Branch has experienced budget reductions of unprecedented proportions. Most recently, with final passage of HB 269, the Kentucky General Assembly reduced the total funds available to the Judicial Branch by \$25.2 million for Fiscal Year 2013. This includes a permanent reduction to the annual base operating budget of \$16.2 million and a one-time transfer of \$9 million in payroll to the state's general fund. These latest reductions profoundly affect the Judicial Branch and are particularly challenging given the numerous and aggressive measures the Court of Justice has already taken in response to budget cuts imposed over the past four years.

Since the economic crisis began in 2008, the Court of Justice has cut 282 employees statewide, eliminated court programs, and trimmed operating costs at all four levels of the court system in order to stay within budget. These measures have allowed the Court of Justice to avoid furloughing its employees and closing its courts. However, given the most recent budget cut, and considering that salaries make up approximately 86 percent of the court operations budget, these measures alone can no longer bridge the gap between the amount appropriated in the current budget and the amount necessary to operate the Kentucky Court of Justice. For the first time in the history of Kentucky's modern court system, the

Court of Justice is compelled to close its courts and court offices in order to balance its budget.

Accordingly, under Sections 110(5)(b) and 116 of the Kentucky Constitution, and in consideration of the foregoing, it is HEREBY ORDERED as follows:

Section 1. Definitions

A. “Furlough” means the temporary reduction of hours an employee is scheduled by the employer to work within a pay period, with corresponding reduction in pay, for budget-required reasons. A furlough implemented in accordance with this Order shall not be considered a disciplinary action for purposes of Section 8 of the Kentucky Court of Justice Personnel Policies.

B. “Court of Justice employee” means an individual hired into a position in the Court of Justice, whether tenured or non-tenured, for which he or she is compensated on a full-time or part-time basis.

C. “Work week” means the period beginning Sunday at midnight and ending the following Saturday at 11:59 p.m.

Section 2. Court Closures

A. In order to maximize operational savings, Kentucky’s District Courts, Circuit Courts, Court of Appeals, and Supreme Court shall be actually and legally closed on the following three dates: Monday August 6, Tuesday September 4, and Monday October 15, 2012.

B. These closures apply to all court services, including the offices of the Clerks of the District, Circuit, Court of Appeals, and Supreme Courts; all judicial offices; the Administrative Office of the Courts, including, but not limited to,

Pretrial Services, Drug Court, Family and Juvenile Services/Court Designated Workers (except as set out in paragraph D of this Section), and Court Interpreting Services; driver's license branches; the State Law Library; and, any other offices staffed by Kentucky Court of Justice employees.

C. During the periods the courts are closed, the only court proceedings that may be conducted are those that involve the following functions:

(1) Dependency, Neglect, and Abuse: Issuing ex parte emergency custody orders. KRS 620.060.

(2) Juvenile Offender: Authorizing detention or placement/transport; issuing custody ("pick-up") or detention orders; and, conducting juvenile detention hearings. KRS 610.265.

(3) Protective Orders: Issuing emergency protective orders. The after-hours procedure set out in local protocol shall be utilized. KRS 403.740.

D. For purposes of KRS 610. 265 and in order to meet the requirements of and obligations imposed by KRS 610.200 and 610.220 on law enforcement, courts, and Court Designated Workers (CDWs), a minimum number of regional CDW supervisors will be on call August 6, September 4, and October 15, 2012, to assist local law enforcement and judges with juvenile intake, processing, and detention matters, and to staff via telephone overflow emergency CDW issues. Those CDW supervisors on call under this paragraph will be required to take a furlough day within the same work week, as defined in Section 1, during which the furlough dates set out in Section 3 occur.

E. For purposes of issuing emergency protective orders, if local after-

hours protocol requires the presence or participation of the circuit court clerk, and the circuit court clerk is unable to fulfill his or her duties without the assistance of a deputy clerk, the circuit court clerk may designate a deputy or deputies to assist on one or more of the furlough dates, but only with the prior approval of the Chief Justice. Those deputy clerks who are designated to work pursuant to this paragraph will be required to take a furlough day within the same work week, as defined in Section 1, during which the furlough dates set out in Section 3 occur.

Section 3. Furloughs

A. All Kentucky Court of Justice employees shall be furloughed on Monday August 6, Tuesday September 4, and Monday October 15, 2012, and shall not perform any work for the Court of Justice on these dates.

(1) No full-time employee shall be authorized to work more than 30 hours during the work week, as defined in Section 1, beginning Sunday August 5 and ending Saturday August 11, 2012, and the work week, as defined in Section 1, beginning Sunday October 14 and ending Saturday October 20, 2012.

(2) No full-time employee shall be authorized to work more than 22.5 hours during the work week, as defined in Section 1, beginning Sunday September 2, 2012, and ending Saturday September 8, 2012.

B. The hours a Court of Justice employee is placed on furlough during a pay period shall not result in the loss of eligibility for any benefit or leave otherwise due the employee.

C. A furloughed Court of Justice employee shall not be eligible to utilize

accrued leave balances in lieu of temporary reduction of work hours without pay.

D. A furloughed Court of Justice employee shall not be entitled to an administrative appeal regarding the temporary reduction of work hours.


E. Part-time employees shall have their working hours reduced in a proportionate manner. Part-time 80-hour employees shall be furloughed for four hours per day on each furlough date specified herein. Part-time 100-hour employees shall be furloughed for five hours per day on each furlough date specified herein. No part-time employee shall be authorized to accrue compensatory time in the work week, as defined in Section 1, during which a furlough date falls.

Section 4. General Provisions

The Director of the Administrative Office of the Courts shall take all actions necessary to implement this Order for all employees of the Kentucky Court of Justice, including, but not limited to, notifying the public and interested persons and entities of the dates of closure as set out herein, and developing protocol that will assist with implementation of the provisions of this Order.

All sitting; all concur.

Entered this 26th day of June, 2012.



CHIEF JUSTICE