

Supreme Court of Kentucky

2012-07

ORDER

In Re: Closure of Court Operations and Mandatory Furlough of Court of Justice Employees; Suspension of 12-Hour Rule and Extension of Time; Computation of Time Under CR 6.01, RCr 1.10, and KRS 446.030; Precedence of Furlough Provisions

Pursuant to Sections 110(3) and 116 of the Kentucky Constitution, and with respect to Supreme Court Order 2012-06 closing court operations and furloughing Kentucky Court of Justice employees on Monday August 6, Tuesday September 4, and Monday October 15, 2012, this Court hereby ORDERS as follows:

Section 1. Statement of Purpose

Over the past four years, Kentucky's Judicial Branch has experienced budget reductions of unprecedented proportions. The Court of Justice has cut 282 employees statewide, eliminated court programs, and trimmed operating costs at all four levels of the court system to stay within budget. 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, which 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, ultimately, compel the Court of Justice, as set out in Supreme Court Order 2012-06 (the "Furlough Order") to close its courts and court offices and furlough its

employees on Monday August 6, Tuesday September 4, and Monday October 15, 2012, in order to balance its budget.

Extraordinary circumstances exist requiring adoption of this Order, which is intended to ease the 12-hour restriction imposed upon Court of Justice Pretrial Officers by this Court with respect to the performance of their duties under RCr 4.06 during the work week in which a furlough date occurs; clarify the status of the Offices of the Circuit Court Clerk on each of the furlough dates for purposes of computation of time under CR 6.01, RCr 1.10, and KRS 446.030; and establish the precedence of the provisions of this Order and of the Furlough Order over any rules, policies, or procedures, or portions thereof, promulgated by this Court, or any Local Rules or portions thereof approved by this Court pursuant to SCR 1.040(3)(a), which may be in conflict or otherwise incompatible with any provision of this Order or of the Furlough Order.

Section 2. Statement of Authority

Pursuant to Section 116 of the Kentucky Constitution, the Supreme Court has the authority to promulgate rules and issue orders of practice and procedure for the administration of justice in all civil and criminal actions, and for all proceedings in the courts of this Commonwealth. This Order does not abridge, enlarge, or modify the substantive rights of any litigant.

Section 3. Suspension of the 12-Hour Rule and Extension of Time

To the extent that the Furlough Order will affect the ability of a Court of Justice Pretrial Officer to perform duties within the 12-hour time restriction imposed by RCr 4.20(1) and Section 4(a) of Supreme Court Order 2011-12

Approving Judicial Guidelines for Pretrial Release and Monitored Conditional Release, the 12-hour time restriction shall be suspended during the work-week in which a furlough date occurs, and the period of time in which pretrial officers are required to perform their duties under RCr 4.20(1) and Section 4(a) of Supreme Court Order 2011-12 extended for an amount of time that is reasonable, appropriate, and necessary under the circumstances so as to avoid unnecessary delay, but in any event not to exceed 48 hours. "Work week," as defined in the Furlough Order, means the period beginning Sunday at midnight and ending the following Saturday at 11:59 p.m.

Section 4. Computation of Time

The office of the Clerk of the Supreme Court of Kentucky, the office of the Clerk of the Court of Appeals, and offices of the Kentucky Circuit Court Clerks are hereby deemed to be actually and legally closed on Monday August 6, Tuesday September 4, and Monday October 15, 2012, for purposes of computation of time as set forth in KRS 446.030. Further, these days shall not be included for purposes of computation of time as set forth in CR 6.01 and RCr 1.10.

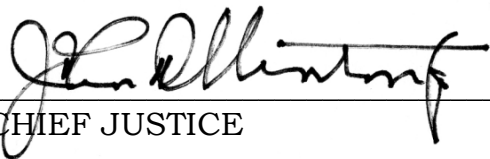
Section 5. Precedence of the Provisions of this Order and the Furlough Order

To the extent that any other rules, policies, or procedures, or portions of them, promulgated by this Court, or any Local Rules or portions of them approved by this Court under SCR 1.040(3)(a), are in conflict with or are otherwise incompatible with any provision of this Order or of the Furlough Order,

such rules, policies, procedures, or Local Rules, or portions of them, shall be suspended.

All sitting; all concur.

Entered this 26th day of June 2012.


CHIEF JUSTICE