

Supreme Court of Kentucky

2021-12

AMENDED ORDER

In Re: Kentucky Court of Justice Hiring Policy

To effectively and uniformly address staffing needs across the state, under Section 116 of the Kentucky Constitution and Supreme Court Rule 1.010, the Supreme Court hereby ORDERS as follows:

A. Submission of Vacancy Requests

- (1) A vacancy is an unoccupied paid position within the KCOJ that the appointing authority intends to fill with a suitable candidate either immediately or within some length of time.
- (2) Vacancies must not be filled unless approved by the Administrative Office of the Courts (AOC) through the Vacancy Request Process. Vacancy Requests must be submitted for consideration to COJVacancyRequest@kycourts.net.
- (3) A detailed justification of need must be included with a Vacancy Request.
- (4) For establishing their initial complement, a Vacancy Request from a newly appointed or elected justice, judge, or circuit court clerk is not subject to this Order.

B. Approval of Vacancy Requests

- (1) No vacancy request will be approved if the position has been unoccupied for six months or more from the date when the Vacancy Request is submitted. Any request for exception to this rule must be submitted for approval by AOC to COJVacancyRequest@kycourts.net. Any such request for exception must state clear necessity to justify consideration for filling any position that has been vacant for six months or more.

- (2) A request to fill a vacancy in a Circuit Court Clerk's office will be approved in accordance with the 2021 staffing guidelines.
- (a) A request to fill a general-fund vacancy in a Circuit Court Clerk's office will only be approved if the Circuit Court Clerk has no restricted-fund employees.
 - (b) If the Circuit Court Clerk has an employee in a position that is funded by Drivers' License (DL) restricted funds, the Circuit Court Clerk must move the DL restricted-fund employee with the most seniority, based on Court of Justice continuous years of service, to the general fund vacancy.
 - (c) If the Circuit Court Clerk has no DL restricted-fund employees but has an employee in a position that is funded by Master Commissioner (MC) restricted funds, the Circuit Court Clerk must move the MC restricted-fund employee with the most seniority, based on Court of Justice continuous years of service, to the general-fund vacancy.
 - (d) Positions funded by MC restricted funds may not be approved to fill due to reduction in those restricted funds.
- (3) Administrative Office of the Courts
- (a) An AOC Program or Department requesting to fill a vacancy must list and prioritize all its vacancies on the Vacancy Request form.
 - (b) An AOC Program or Department with a general-fund vacancy may move a restricted-fund employee with the most seniority, based on Court of Justice continuous years of service, to the general fund vacancy.
 - (c) Positions funded by MC restricted funds may not be approved to fill due to reduction in those restricted funds.

C. Appeal from Denial of Request

Appeals from AOC's denial of any request made under this provision must be made to the Chief Justice, who will determine whether filling of the vacancy is necessary to the continuity of operation of the KCOJ.

This Order is effective July 1, 2021, and until further orders of the court.

Entered this 22nd day of April 2021.


CHIEF JUSTICE

All sitting; all concur