

Supreme Court of Kentucky

2021-37

ORDER

IN RE: LIMITED AUTHORIZATION OF OVERTIME PAY FOR ELIGIBLE EMPLOYEES ASSIGNED TO THE JEFFERSON COUNTY OFFICE OF THE CIRCUIT COURT CLERK

As a result of numerous factors beyond the control of the Kentucky Court of Justice (KCOJ), the Jefferson County Office of the Circuit Court Clerk is currently experiencing an alarmingly high level of personnel vacancies. The office of the circuit court clerk, in every county of the Commonwealth, provides essential court services every day to both the Court of Justice and to the public at large. Any instability within the office of the circuit court clerk has the potential to undermine the high standards of integrity, impartiality, and independence that are indispensable to justice in our society.

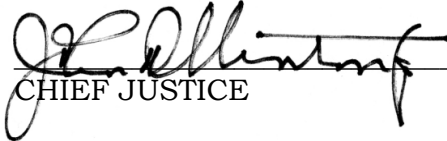
In consultation with the Administrative Office of the Courts (AOC), the Kentucky Supreme Court has explored several options to address the Jefferson County Circuit Court Clerk's capacity to provide ongoing court services as well as its ability to recruit and retain personnel. Due to the high volume of court cases and the number of judges to whom court services are required to be provided in Jefferson County and other logistical issues; and the KCOJ's inability to provide employment incentives that are commonly used in the private sector for the purpose of personnel recruitment and retention; and finding that immediate action is needed to provide stability to the Jefferson County Office of the Circuit Court Clerk, under Sections 110(5)(b) and 116 of the Constitution and Supreme Court Rule 1.010, the Court hereby orders as follows:

1. Notwithstanding Section 5.03 of the KCOJ Personnel Policies, an eligible KCOJ employee, assigned to the Jefferson County Office of the Circuit Court Clerk, may elect to receive payment for overtime hours worked between November 14, 2021, and May 14, 2022 ("relevant time period"), in lieu of compensatory time.
2. An employee assigned to the Jefferson County Office of the Circuit Court Clerk is eligible to receive payment for overtime hours worked to the extent that during the relevant time period, he or she holds one of the following positions:
 - a. Deputy Clerk;
 - b. Assistant Bookkeeper;
 - c. Bookkeeper;
 - d. Assistant Supervisor; or
 - e. Supervisor.

3. An eligible employee may elect to receive payment for overtime hours worked must do so in writing on a form provided by and submitted to the AOC Department of Human Resources. Absent a written election, an eligible employee will continue to receive compensatory leave as provided in Section 5.03 of the KCOJ Personnel Policies.
4. An eligible employee's written election to receive payment for overtime hours worked must be submitted to the Department of Human Resources no later than November 12, 2021 or at the time of his or her hiring, whichever occurs later.
5. An eligible employee who has elected to receive payment for overtime hours worked is subject to the following provisions.
 - a. The employee remains subject to the requirement in Section 5.03 of the KCOJ Personnel Policies that he or she may only work any hours in excess of the prescribed hours of duty if authorized by his or her appointing authority or designee;
 - b. The employee will not be permitted to revise his or her election during the relevant time period; and
 - c. The employee will be compensated at his or her hourly rate of pay for hours worked in excess of 37.5 hours and up to 40 hours during the business week.¹ For every hour worked during the business week in excess of 40 hours, the employee will be compensated at one and one-half his or her hourly rate of pay.

This Order shall be effective upon entry and continue until May 14, 2022.

Entered this 27th day of October 2021.


CHIEF JUSTICE

All sitting; all concur.

¹ The reference to "business week" in this Order has the same definition as provided in Section 5.02(2) and (3) of the KCOJ Personnel Policies.