

# Supreme Court of Kentucky

2022-24

## ORDER

**IN RE: Guidelines for Temporary Assignment of Retired Clerks Program**

Under KRS 30A.010, Circuit Court Clerks are subject to the administrative control of the Chief Justice. And under Section 110(5)(b) of the Kentucky Constitution, the Chief Justice is granted authority to “appoint such administrative assistants as he deems necessary.”

The Chief Justice has determined the need exists for qualified, retired Circuit Court Clerks and retired employees of Circuit Court Clerk offices to be available on a temporary basis to assist in Circuit Court Clerk offices across the Commonwealth. Accordingly, the following Guidelines are hereby adopted to facilitate timely and efficient coverage with experienced personnel. These Guidelines replace in its entirety Administrative Order 2007-04, Guidelines for the Senior Clerk Pilot Project.

### **1. Definitions**

- A. “Applicant” shall refer to an individual who has submitted an application for participation in the Program.
- B. “Program” shall refer to the Temporary Assignment of Retired Clerks Program.
- C. “Program Administrator” shall refer to the designee of the Director of the Administrative Office of the Courts, who shall be responsible for the day-to-day administration of the Program.
- D. “Program clerk” shall refer to an individual who meets the Program eligibility criteria, submits an application, and is selected to participate in the Program.

### **2. Program Eligibility Criteria**

- A. The applicant must be a former elected or appointed circuit court clerk or a former deputy clerk or former bookkeeper for a circuit court clerk’s office.
- B. The applicant must submit a completed application to the Project

Selection Committee within three years of his or her resignation or retirement date or within one year of the effective date of this Order, whichever is later.

- C. In accordance with applicable state retirement guidelines, at the time of application, the applicant must:
  - i. Be retired from KCOJ employment and employment with all other employers participating in the systems operated by the Kentucky Public Pensions Authority (KPPA) for at least three calendar months;
  - ii. Have submitted all required forms and documents to the KPPA; and
  - iii. Received a letter from the KPAA stating the applicant's participation or appointment under this Program will not affect his or her retirement.
- D. An applicant who participates in a state retirement system other than the KPPA must certify at the time of application that he or she has satisfied all applicable requirements of the respective system.
- E. The applicant must have at least six (6) years of experience as a circuit court clerk, deputy clerk, or bookkeeper, or some combination thereof, in the Commonwealth to be eligible to participate in the Program.
- F. The applicant must have voluntarily resigned or retired from his or her KCOJ office or employment. An applicant who was dismissed from employment or removed from office by the Supreme Court will not be eligible to participate in the Program.
- G. A clerk who was defeated for reelection to his or her incumbent seat may be eligible to participate in the Program but will not be assigned to serve in the county or counties in which he or she was defeated.
- H. The applicant shall satisfy a pre-employment background/records assessment.

### **3. Program Selection and Evaluation Committee**

- A. Program clerks will be recommended for participation in the Program by the Program Selection and Evaluation Committee ("Committee").
- B. The Committee will consist of the following members:

- i. The chairperson of the Circuit Court Clerks Conduct Commission or his or her designee;
  - ii. An elected circuit court clerk in good standing from a medium<sup>1</sup> or large<sup>2</sup> county recommended by the President of the Kentucky Circuit Court Clerk's Association and approved by the Chief Justice;
  - iii. An elected circuit court clerk in good standing from a small<sup>3</sup> county recommended by the President of the Kentucky Circuit Court Clerk's Association and approved by the Chief Justice;
  - iv. The AOC Deputy Director or his or her designee; and
  - v. The Program Administrator.
- C. The Committee will review applications by email, conference call, or video conference as frequently as necessary and make recommendations to the Chief Justice or his or her designee for appointments to the Program. The Committee may consider an applicant's KCOJ Personnel File, including any final disciplinary actions taken, and/or remedial measures imposed by the Chief Justice against a clerk when determining whether to recommend an applicant for participation in the Program.
- D. The Committee may complete a performance evaluation of a program clerk who is currently assigned or who has recently concluded an assignment. Performance evaluations may be completed as needed.
- E. The Committee may recommend to the Chief Justice or his or her designee that a Program clerk be removed from an assignment or the Program based on the evaluation.

#### **4. Confidentiality**

- A. All meetings of the Committee will be closed.
- B. All papers and information obtained by or on behalf of the Committee and inquiries and investigations conducted by the Committee will be confidential, except as provided by order of the Supreme Court.

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<sup>1</sup> A small county is defined as a county with a population of 49,999 or less.

<sup>2</sup> A medium county is defined as a county with a population between 50,000 and 99,999.

<sup>3</sup> A large county is defined as a county with a population greater than 100,000.

## **5. Compensation**

- A. Program clerks shall be compensated at a rate of one hundred and twenty-five dollars (\$125) for each half day of service and two hundred and fifty dollars (\$250) for each full day of service.
- B. Program clerks shall be paid travel expenses in accordance with the Rules of Administrative Procedure Part VII, Reimbursement for Official Travel.
- C. Program clerks are not entitled to receive fringe benefits under Section 6 of Administrative Procedures of the Kentucky Court of Justice, Part III, Personnel Policies.

## **6. Program Assignments**

- A. A program clerk is not guaranteed to receive an assignment upon selection by the Committee for participation in the Program.
- B. A program clerk is not required to accept an assignment offered by the Committee during his or her participation in the Program.
- C. Assignments pursuant to the Program shall be strictly for the purpose of covering temporary absences, providing consulting services, or other reasons approved by the Chief Justice for a limited and specific period of time.

## **7. Enrollment and Notification Procedure**

- A. An individual who satisfies the Program eligibility criteria and wishes to participate in the Program shall apply for participation by obtaining and completing an application from the Program Administrator.
- B. An applicant appointed to the Program will be placed on a participant roster.

## **8. Assignment Requests**

Requests for the temporary assignment of a program clerk will be reviewed and either denied or approved monthly by the Vacancy Review Committee in a manner consistent with this Order.

## **9. Continuing Education**

Program clerks must comply with ongoing training as required by technology enhancements and changes to the Clerk Manual and the Accounting Manual. Trainings may require online course

participation and/or review of educational materials. Failure to attend ongoing training or otherwise comply with requests to participate in trainings may be grounds for the Committee to recommend removal from the Program as provided in Section 10 of this Order.

**10. Withdrawal or Removal from the Program**

- A. A program clerk may withdraw from the Program at any time with the right to reapply at a later date, if permitted under Section 3 of this Order.
  
- B. A program clerk may be suspended or removed from an assignment or the Program by the Chief Justice or his or her designee upon a recommendation or report from the Committee for any of the following reasons:
  - i. Upon a showing of a mental or physical disability, as described under KRS 21.410;
  
  - ii. For non-compliance with this Order, unacceptable performance as documented by a performance evaluation or a violation of any applicable Court of Justice Personnel Policy(ies), including any deviation from acceptable workplace behavior.

This Order shall be effective May 1, 2022, and until further Order of the Chief Justice.

Entered this 27th day of April 2022.

  
CHIEF JUSTICE