

Supreme Court of Kentucky

2025-16

ORDER

**IN RE: Amendment to Sections 5.05 and 5.06 of the Rules of
Administrative Procedures, AP Part III, Personnel Policies**

Under Sections 110(5)(b) and 116 of the Constitution of Kentucky, it is ORDERED that Sections 5.05 and 5.06 of the Rules of Administrative Procedures, AP Part III, Personnel Policies, are deleted in their entirety and replaced as follows:

SECTION 5.05 Absence Due to Inclement Weather

- (1) When inclement weather conditions prevent an employee from reporting to work at the normal time or when an employee decides not to report for work or to leave work early due to weather conditions, the following apply:
 - (a) Employees may be directed to perform official duties at another location.
 - (b) Employees must use accrued annual and/or compensatory leave for a late arrival, missed workday, or early departure.
 - (c) If an employee does not have sufficient annual and/or compensatory leave to cover his or her absence, the employee may choose one of the following options:
 - (i) The employee may take leave without pay for the late arrival, missed workday, or early departure; or
 - (ii) If operational needs allow, appointing authorities should make every reasonable effort to arrange schedules to allow employees to make up time not worked. An employee has four months from the occurrence of the absence to make up any time missed due to inclement weather. At the end of the four-month period,

any time missed due to inclement weather will be deducted first from available compensatory leave and then from available annual leave. If the employee has no compensatory or annual leave available, the employee will have the missed time charged to leave without pay. If the employee transfers to another branch of government or is no longer employed by the KCOJ before the missed time is made up, the missed time will be deducted first from available compensatory leave and then from available annual leave or deducted from the employee's final pay.

- (2) Any employee who is scheduled off work on annual leave, compensatory leave, or sick leave that was arranged prior to the inclement weather must use the leave as originally approved.

SECTION 5.06 Facility and Office Closures


- (1) The courts of the Commonwealth and AOC offices are open to the public during regular business hours every day except as noted in the holiday schedule in Section 6.02 of these Policies. However, extraordinary circumstances, including inclement weather, may prevent access to a court facility or AOC office or make use of the court facility or AOC office impractical or impossible, thus necessitating a closure.
- (2) The Chief Circuit Judge, after conferring with the Chief District Judge and the Circuit Court Clerk, will decide whether a court facility will be closed in the circuit.
- (3) The AOC Director or designee, after consultation with the Chief Justice, will decide whether an AOC office will be closed.
- (4) If a court facility or AOC office is closed due to extraordinary circumstances, the following applies:
 - (a) Employees may be directed to perform official duties during the closure.
 - (b) Full-time and part-time employees will be approved to use special leave for a maximum of 7.5 hours, less any hours actually worked, for each day the court facility or AOC office is closed. Part-time employees may only

use special leave for the hours they were scheduled to work on the day the court facility or AOC office is closed.

- (c) Any employee who is on paid or unpaid leave that was arranged prior to the closure must use the leave as originally requested.
- (5) The Chief Circuit Judge must notify the AOC HR Department, in writing within two business days of the date, time, location, and reason for the closure. Failure to properly notify the AOC HR Department will result in the loss of special leave for employees.
- (6) Nothing in Section 5.06(2) of these Policies shall preclude an individual Judge within a circuit from holding court in instances of extraordinary circumstances. If a judge holds court when a court facility has been closed due to extraordinary circumstances, the Circuit Court Clerk shall have the sole responsibility for providing court staff from his or her office.
- (7) If a court facility is closed by the Chief Circuit Judge, AOC personnel whose workstations are located in the closed court facility shall notify their appointing authority or designee. The AOC Director or designee will determine whether they should report to an alternate workstation, work remotely, or are approved use of special leave in the manner provided in Section 5.06(4).

All sitting; all concur.

Entered this 13th day of May 2025


CHIEF JUSTICE