

Supreme Court of Kentucky

ORDER 2007-04

IN RE: Guidelines for the Senior Clerk Pilot Project Program

There is hereby created a Senior Clerk Pilot Project Program (Program) to determine the effectiveness of utilizing retired Court of Justice circuit clerks and deputy clerks for the purpose of performing temporary assignments when a vacancy in the office of circuit clerk or temporary absence of either a circuit clerk or deputy clerk occurs.

These Guidelines are designed to provide an efficient and effective method for filling vacancies or temporary absences with experienced personnel when necessary. They are intended to address in a timely and efficient manner those situations in which clerks and/or their staff need assistance upon: (i) a vacancy in the office of circuit clerk pending appointment of a successor pursuant to KRS Chapter 30A and Section 152 of the Kentucky Constitution, or (ii) the temporary absence of either a clerk or deputy clerk. These Guidelines do not limit the discretion of the Chief Justice, nor do they necessarily encompass all factors upon which the Chief Justice, through the Administrative Office of the Courts, may base assignment-related decisions. Ky. Const. § 110(5)(b).

I. Definitions

These definitions govern the terms used in the Guidelines:

- A. *Program* shall refer to the Senior Clerk Pilot Project Program.
- B. *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.
- C. *Senior Clerk* shall refer to an individual who has met the qualifying criteria, made an application, and been accepted as a participant in the Program.

II. Qualifying Criteria

The individual accepted into the Program:

- A. Must be retired at the time of application to the Program for more than thirty (30) days pursuant to applicable state retirement guidelines.
- B. Shall not have been terminated or suspended from employment with the Court of Justice prior to his/her retirement.
- C. Shall satisfy a pre-employment background/records assessment.
- D. Shall have a minimum of two (2) years experience commensurate with the position to be filled.

III. Maximum Assignment Period

Assignments pursuant to the Program shall be strictly for the purpose of filling vacancies or temporary absences for a specified period of time. The total assignments to any one (1) participant in the Program shall not exceed nine (9) months, or a total of one hundred ninety-eight (198) days, in any calendar year. Participants in the Program shall not be entitled to receive fringe benefits.

IV. Compensation

Participants in the Program shall be compensated on a per diem basis of one hundred dollars (\$100.00) per diem. The per diem rate includes travel time and mileage to and from the assignment. Reimbursement for extraordinary travel expenses shall be made in accordance with current Court of Justice Travel Regulations.

V. Enrollment and Notification Procedure

An individual who satisfies the criteria in Section II of these Guidelines and wishes to participate in the Program shall apply for participation by obtaining and completing an application from the Program Administrator. Upon review of the application, the Program Administrator will notify the applicant of his/her status in the Program and, if the applicant is accepted, will place the individual's name on the participant roster.

VI. Assignment Procedure

Upon receiving a request for assistance from the Program, the Program Administrator will attempt to make an appropriate assignment and notify the participant. Requests for temporary assignments are restricted by the following conditions:

A. Circuit clerks who have ten (10) or more full-time employees are not entitled to fill vacancies or temporary absences of one (1) month or less in length.

B. Circuit clerks who have nine (9) or fewer full-time employees may request immediate assistance from the Program to fill vacancies or temporary absences of any duration.

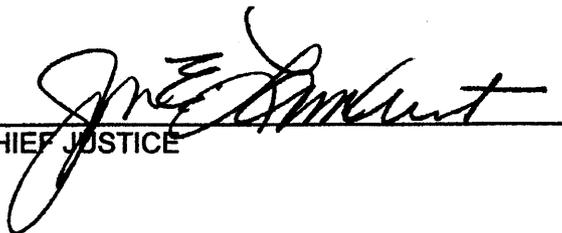
VII. Participant Termination from Program

A violation of any applicable Court of Justice Personnel Policy(ies) or unsatisfactory job performance, including any deviation from acceptable workplace behavior, shall constitute a basis for termination from the Program.

Participants may voluntarily withdraw from the Program by written notification to the Program Administrator. Upon receipt of written notification, the Program Administrator shall remove the participant's name from the assignment roster.

The foregoing shall constitute the Guidelines for administering the Senior Clerk Pilot Project Program and shall remain in effect until further order of this Court.

Entered this the 21st day of August, 2007.



CHIEF JUSTICE