

Supreme Court of Kentucky

2020-58

AMENDED ORDER

IN RE: SPECIAL EMERGENCY DIRECTED LEAVE AND ASYMPTOMATIC COVID TESTING LEAVE FOR KENTUCKY COURT OF JUSTICE EMPLOYEES IN A PANDEMIC OR PUBLIC HEALTH EMERGENCY

To protect the health and safety of court employees, elected officials, and the general public, the Supreme Court has limited in-person services and required court proceedings to be conducted remotely, except in limited circumstances. The Administrative Office of the Courts has also issued the Kentucky Court of Justice COVID-19 Health and Safety Requirements to provide guidance on leave policies and working remotely, reducing risk, and implementing social distancing among court personnel.

COVID-19 affects everyone differently. Individuals who have contracted the virus may be asymptomatic or have only mild symptoms, while others may experience severe symptoms. Additionally, some individuals are at a higher risk for severe illness from COVID-19 because of their age or an underlying medical condition. In an effort to protect our vulnerable employees and provide a safe work environment for those employees who are working in court facilities and offices across the Commonwealth, the Supreme Court hereby authorizes the following paid leaves:

A. Special Emergency Directed Leave.

1. An employee is authorized to receive Special Emergency Directed Leave if he or she is unable to telecommute and if he or she is over the age of 65 or suffers from a condition that the Centers for Disease Control and Prevention (CDC) has identified as placing him or her at a high risk for severe illness from COVID-19.
2. No employee shall claim more than 7.5 hours of Special Emergency Directed Leave in any work day.
3. Part-time employees shall not claim more than 80 hours of Special Emergency Directed Leave in a calendar month.
4. Special Emergency Directed Leave hours are not a guarantee to any

employee.

5. A full-time employee approved for Special Emergency Directed Leave who does not have at least 100 work hours and/or other paid leave in a month will still receive health benefits and continue to accrue sick leave and months of service but will not accrue annual leave.
6. Requests for Special Emergency Directed Leave must be submitted to the AOC Department of Human Resources for approval.
7. Employees approved to use Special Emergency Directed Leave must observe and strictly follow all restrictions and orders issued by the Governor during the State of Emergency, including but not limited to restrictions on travel, social distancing and isolation or quarantine. Failure to follow these restrictions and orders may result in loss of the Special Emergency Directed Leave and any resulting pay and benefit for any previously approved absence from work.

B. Asymptomatic COVID-19 Testing Leave

1. An employee is eligible to claim COVID-19 Testing Leave if he or she:
 - a. Is asymptomatic and work some hours in-office each week;
 - b. Is scheduled to and actually works the day that the testing is obtained;
 - c. Obtains prior approval from his or her appointing authority if testing is obtained during scheduled work hours; and
 - d. Has not previously claimed COVID-19 Testing Leave during that calendar month.
2. An eligible employee may receive up to two hours of paid leave to obtain a COVID-19 test once during a calendar month, through December 2020, if he or she provides documentation of the testing to his or her appointing authority during the pay period in which the leave is claimed.
3. The appointing authority may specify the time in which the eligible employee is approved to be absent from work to obtain a COVID-19 test.
4. Eligible employees will be credited with compensatory time for any unused testing leave or if he or she does not miss any work hours.

5. An employee who attempts to get tested and is turned away by the testing center will be excused for the time spent attempting to be tested but will not qualify for COVID-19 testing leave that day and must provide proof to his or her appointing authority of the attempt to be tested.
6. Any employee who claims testing leave shall be subject to disciplinary action if he or she did not obtain COVID-19 testing on that day as he or she claimed.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 7th day of August 2020.


CHIEF JUSTICE

All sitting; all concur.