

STATE OF MAINE  
DEPARTMENT OF ADMINISTRATION  
Bureau of Human Resources

December 12, 1989

**HUMAN RESOURCES MEMORANDUM 19-89**

**TO:** Agency/Department Heads, Personnel Officers

**SUBJECT:** Filling of General Fund Positions

This memorandum addresses provisions of the Governor's Executive Order (5 FY1989/90) regarding the filling of positions and establishes procedures for exception requests.

COVERAGE

1. The Executive Order covers all positions funded by or affecting the General Fund, regardless of type (permanent, seasonal, intermittent, project, acting capacity, etc.); except the following:
  - (a) Department of Mental Health and Mental Retardation institutional direct care classifications;
  - (b) State Police Troopers and Officers;
  - (c) Classifications responsible for the care and custody of inmates of the State's correctional facilities;
  - (d) Teaching and direct care classifications at educational facilities operated by the State;
  - (e) Position vacancies that would cause significant loss of revenue to the State;
  - (f) Positions filled by employees on layoff.

Agencies with positions falling within the above-listed exception categories need to submit the classification titles to BHR for verification of their exception status by the Governor's Office. This must be done prior to initiating recruitment activity or making an employment offer.

2. All methods of filling positions are prohibited, except:
  - (a) Positions filled through the promotion, demotion or transfer of permanent employees of the agency or department;
  - (b) Supported Employment/Special Appointment Program.

3. Positions wholly funded by other than the general fund are not affected and will be processed in accordance with existing procedures.
4. Personal Services contracts including \$1200 contracts should not be used in lieu of filling positions.

#### EXCEPTION REQUESTS

Exceptions to the provisions of the Executive Order, except those described in Section 1 and Section 2 above, will not be made unless the department or agency head can demonstrate that the immediate filling of a position is required to protect the well-being of the public or a ward of the State, or will result in an unreasonable hardship to the operations of the agency/department or State.

All exception requests will be made through the Director, Bureau of Human Resources, with a "Requisition for Employee" (Form PER 15), and a "Memorandum of Justification." This memorandum must include a brief description of the position and the impact a delay in filling the position will have on the well-being of either the public or a ward of the State, or on the operations of the department. All decisions for exceptions will be made by the Governor's Office.

All classified and unclassified, direct hire and competitive positions funded by or in accounts affecting the General Fund are subject to the procedures described in this bulletin.

#### TRANSITION EXCEPTION

No certifications will be released by the Bureau of Human Resources for new positions funded by the 114th Legislature after the effective date of Executive Order (5 FY1989/90) unless an exception request has been approved by the Director of BHR and the Governor's Office.

No other General Fund position vacancies may be filled except as outlined above.

#### EXTENSIONS OF ACTING CAPACITY AND T-POSITION APPOINTMENTS

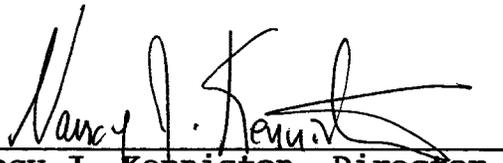
Extensions of Acting Capacity and T-position appointments funded in part or in whole by general funds are subject to the provisions of the Executive Order. All requests must be submitted to the Bureau of Human Resources for verification of their exception status prior to extension. Appointments funded in part or in whole by general funds need to be submitted well in advance of end date with a "Memorandum of Justification" describing the

impact a delay in extending the position will have on the well-being of either the public or a ward of the State, or on the the operations of the department. All decisions for exceptions will be made by the Governor's Office.

RECRUITMENT TO ESTABLISH EMPLOYMENT REGISTERS

The Bureau of Human Resources will continue to accept applications for employment for the purpose of placing people on employment registers for classifications currently open for recruitment. However, no classification will be opened for recruitment or advertised until approval to fill the position has been granted.

Questions concerning this memorandum should be directed to me at Tel: 289-4459.



Nancy J. Kenniston, Director  
BUREAU OF HUMAN RESOURCES