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DEPARTMENT OF ADMINISTRATION

Bureau of Human Resources
Telephone (207) 289-3761

MEMORANDUM
July 5, 1990

TO: Agency/Department Heads, Personnel Officers

FROM: Donald A. Wills, Acting Director
Bureau of Human Resources

SUBJECT: Attached Human Resources Memorandum 16-90

The attached Human Resources Memorandum 16-90 addresses changes in the hiring freeze in effect pursuant to Executive Order #1 FY 1990/91.

To summarize, this amended memorandum:

1. Extends the provisions of the hiring freeze to all funding sources except highway funds;
2. Removes the exemption to the freeze previously in effect for positions filled through promotion of permanent employees within the agency or department; restricts the use and exemptions of all forms of temporary appointments, including acting capacity, and project appointments, and advises agencies to assign duties to higher paid positions in lieu of acting capacity;
3. Provides instructions where special restrictions apply for the filling of any vacancy that is a result of the Retirement Incentive Program, and the temporary replacement of an employee out on voluntary unpaid leave or sabbatical; and
4. Provides a standard format for requesting exceptions to the freeze.

Please read the attached memorandum carefully. Any questions should be directed to this Bureau, Attn: Laura Boyett, Tel. 289-4422.

DAW:mg

Attachment

STATE OF MAINE
DEPARTMENT OF ADMINISTRATION
Bureau of Human Resources

July 5, 1990

HUMAN RESOURCES MEMORANDUM 16-90

TO: Agency/Department Heads, Personnel Officers

SUBJECT: Filling of Positions

PURPOSE: This memorandum consolidates policy and procedural instructions that will control the filling of positions for FY 1990/91. This memorandum replaces and supersedes Human Resources Memoranda 10-89, 19-89 and 11-90.

EFFECTIVE DATE: This memorandum is effective immediately. The filling of all vacancies must comply with its provisions. This memorandum does not void any approvals to fill vacancies or employment commitments already made under previous policies.

GENERAL PROVISIONS

Coverage

No vacancy may be filled for positions funded by all funding sources except highway funds regardless of type (permanent, seasonal, intermittent, project, acting capacity, etc.); unless one of the following exceptions apply:

- (a) Department of Mental Health and Mental Retardation institutional direct care classifications or positions;
- (b) State Police Trooper and Officer classifications or positions;
- (c) Classifications or positions responsible for the care and custody of inmates of the State's correctional facilities;
- (d) Teaching and direct care classifications or positions at educational facilities operated by the State;
- (e) Other classifications or positions required to protect the well-being of the public or wards of the State;
- (f) Classifications or positions that would cause significant loss of revenue to the State if left vacant;

- (g) Positions that will result in an unreasonable hardship to the operations of an agency if not immediately filled;
- (h) Positions filled through supported employment or special appointment programs;
- (i) Positions filled through recall of employees on layoff.

NOTE 1: Special restrictions apply to all positions vacated through the Retirement Incentive Program, and temporary appointments made in conjunction with employees on voluntary unpaid leave or voluntary sabbatical. These special restrictions are described in detail elsewhere in this memorandum.

NOTE 2: Personal services contracts including \$1200 contracts shall not be used in lieu of filling positions.

Exception Requests

Agencies may request authorization to fill all positions within a classification by submitting the classification titles to the Bureau of Human Resources for verification of their exception status by the Governor's Office or designee. Exemptions by classification that have previously been approved shall remain in effect.

Agencies may request authorization to fill individual positions that meet any of the exception criteria by submitting a "Requisition for Employee" (Form PER 15) and a completed "Request for Hiring Freeze Exception" form (copy attached) to the Bureau of Human Resources. All decisions will be made by the Governor's Office or designee.

Use and Extension of Acting Capacity and T-Position Appointments, and Project Appointments

All forms of temporary appointments are limited to emergency situations that cannot be met with permanent staffing and are subject to the provisions of this memorandum. Additionally, all efforts should be made to assign duties to higher level positions in lieu of positions for which temporary compensation would be required.

If a department or agency requests to make or to extend an acting capacity appointment to a position from which an employee is currently being paid, a memo identifying salary savings must be approved by the State Budget Officer.

Requests to extend acting capacity or project appointments need to be submitted well in advance of end date with a "Request for Hiring Freeze Exception" form describing the impact the vacancy will have on the well-being of either the public or a ward of the State, or on the critical operations of the department. **No employee may be employed beyond the current end date unless approval for extension is received in advance.**

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. **No classification will be opened for recruitment or advertised until approval to fill the position has been granted.**

SPECIAL RESTRICTIONS

Retirement Incentive Program

The following procedures must be followed for all positions vacated through the Retirement Incentive Program.

1. Process all retirements under this program in accordance with Human Resources Memorandum 7-90. Submit a Position Add/Change Form and a PDR to freeze the position in all cases, pursuant to those instructions. The Bureau of the Budget will freeze the position for the duration of FY 90/91, and will include a position end date of 6/30/91. Any request to continue funding of the terminated position must be made as a new request in the Part II budget submitted to the 115th Legislature.
2. Positions are not available to be filled unless authorization is obtained through the hiring freeze exception request process **and** comparable savings are identified per Executive Order 8 89/90. Submit to this Bureau a "Request for Hiring Freeze Exception" form clearly stating that the vacancy is created by the Retirement Incentive Program, and PDR to remove the position from frozen status. The request must either:
 - Justify that leaving the position vacant will pose a direct threat to the health or safety of the public and identify savings that closely approximate the savings that would have been realized by leaving the position vacant, or

- Ensure that a vacancy will be created by the filling of the position. Note that savings must be identified that closely approximates the savings that would have been realized by leaving the position vacant. **As soon as a specific position can be identified, submit a PDR to freeze this alternative position in lieu of the position vacated by the Retirement Incentive Program, and a PDR to remove the freeze and the position end date from the position to be filled.**

Approval to fill the position is contingent upon approvals from the Bureau of the Budget as to funding and the Governor's Office or designee as to exemption from the hiring freeze. The Bureau of Human Resources will submit the comparable funding requests to the Bureau of the Budget. Once funding has been approved, the exception request will be submitted to the Governor's Office or designee. This Bureau will notify the agency when all necessary approvals have been granted.

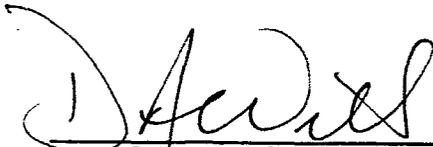
Voluntary Unpaid Leaves and Sabbaticals

The following procedures must be followed for all cases where an agency requests to replace employees on unpaid leave or sabbatical.

1. Process all leaves and sabbaticals under this program in accordance with Human Resources Memorandum 7-90. Submit a Position Add/Change Form and a PDR to freeze the position in all cases, pursuant to those instructions. The Bureau of the Budget will freeze the position for the duration of the leave.
2. Positions are not available for acting capacity or temporary compensation appointments unless authorization is obtained through the hiring freeze exception request process. Submit to this Bureau a "Request for Hiring Freeze Exception" form, a Position Add/Change Form and PDR to remove the position from frozen status. The request must justify the acting capacity in accordance with the provisions of this memorandum, and identify savings that closely approximates the savings generated by the employee's participation in the cost reduction program per Executive Order 8 FY 89/90.

Approval to fill the position is contingent upon approvals from the Bureau of the Budget as to funding and the Governor's Office or designee as to exemption from the hiring freeze. The Bureau of Human Resources will submit funding requests to the Bureau of the Budget. Once funding has been approved, the exception request will be submitted to the Governor's Office or designee. This Bureau will notify the agency when all necessary approvals have been granted.

Questions concerning this memorandum should be directed to Laura Boyett at 289-4422.

A handwritten signature in cursive script, appearing to read "D. A. Wills". The signature is written in black ink and is positioned above a horizontal line.

Donald A. Wills, Acting Director
BUREAU OF HUMAN RESOURCES

REQUEST FOR HIRING FREEZE EXCEPTION

This form must be fully completed and returned to the Bureau of Human Resources with the applicable Form PER 15.

Agency/Dept: _____ Co.# _____ Date: _____

Position Title: _____ Position #: _____

Bur/Div/Institution: _____ Location: _____

Funding Source: _____ Has this position been identified in the Agency's planning requirements for FY '91 Personal Services Savings? yes no

If yes, Plan Identifier: _____ Deappropriation of C.702 & C. 875
_____ Part M, C. 875
_____ Voluntary Cost Savings Program
[Program name: _____]
_____ April 1 Salary Adjustment
_____ Other, explain: _____

If no, Reason for Vacancy: _____

Date Position Vacated (or will be vacated): _____

Proposed method of filling vacancy: Agency Promotional Statewide Promotional
 Supported/Special Appt Prog Outside State Government Internal Transfer
 Recall of Layoff Other - explain: _____

[1] Primary duties of position: _____

[2] # of employees currently performing this work in the same unit or location: _____

[3] Manner in which this position's workload is now being met: _____

[4] What alternate means of meeting this need have been considered? _____

[5] Expected impact if request is not approved: _____

Authorized Signature of Requesting Agency:

Signature Date: _____

Title: _____

Governor's Office Review: _____ Date: _____

Approved: _____ Disapproved: _____ Hold: _____

If placed of Hold, reason or instructions: _____

Signature