

**DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES**

October 5, 2001

HUMAN RESOURCES MEMORANDUM 11-01

TO: Commissioners/Agency Heads, Administrative Services
Directors/Business Managers, Human Resources Representatives

SUBJECT: FY 01/02 Hiring Freeze

REFERENCE: Executive Order 02 FY 01/02

The purpose of this memorandum is to provide instruction to agencies and departments on limitations to the filling of all positions funded wholly or in part by the General Fund.

Effective October 5, 2001, no vacancy may be filled for positions funded wholly or in part by the General Fund regardless of type (permanent, seasonal, intermittent, project, acting capacity, etc.), without an approved exemption. Agencies must first evaluate any operational opportunities that may avoid the need to fill General Fund positions. If such opportunities cannot be identified, the agency may appeal to the Governor's office for a specific exemption from the freeze on a position-by-position basis. All vacancies will be individually evaluated and no blanket exceptions will be given. Examples of positions that may be appealed to the Governor's office would include:

- Department of Behavioral & Developmental Services (BDS) institutional direct care positions
- Law enforcement officers
- Classifications or positions responsible for the care and custody of inmates of the State's correctional facilities
- Teaching and direct care positions at educational facilities operated by the State
- Positions that would cause significant loss of revenue to the State if left vacant
- Positions required to protect the well being of the public or wards of the State
- A position that will be filled by an employee who is on layoff, that will avoid a layoff, or for return to work from workers' compensation (with or without accommodation)

All positions approved in non-emergency laws from the First Regular Session of the 120th Legislature that are funded in whole or in part by the General Fund shall remain unfilled for the remainder of the current fiscal year.

Exemption Requests

Filling a vacancy in a position that is funded wholly or in part by the General Fund requires approval from the Governor's Office. If the position is competitive (requiring a certification), agencies must request approval by submitting a form PER 15, "REQUISITION FOR EMPLOYEE" and PER 125a, "REQUEST FOR EXEMPTION TO HIRING FREEZE" to the Bureau of Human Resources. If the position is direct hire, only the PER 125a is required.

When a request to fill a General Fund vacancy has been approved or disapproved, the Bureau of Human Resources will return the PER 125a to the agency. A copy of the completed PER 125a must be submitted to the Bureau of Human Resources with the HRP when the employment transaction is entered on MFASIS.

Positions that have no impact on the General Fund may be filled without an approved PER 125a. In those cases, agency human resource staff should indicate "No GF \$" in the comment field of the HRP.

Acting Capacity, Temporary Compensation and Project Appointments

All acting capacity, temporary compensation, and project appointments to positions funded wholly or in part by the General Fund are subject to the above hiring freeze guidelines.

Extensions to existing acting capacity, temporary compensation, and project appointments are subject to the hiring freeze guidelines.

Transition Exception

Offers of employment that have been made on or before October 5, 2001 will be honored. A memorandum stating the date that an offer was made to the employee must be submitted to the Bureau of Human Resources when the employment transaction is entered on MFASIS. No appointments to General Fund positions will be authorized without either an approved PER 125a or the employment memorandum outlined above.

All outstanding certifications for General Fund positions should be returned to the Bureau of Human Resources. If an agency intends to request permission to fill the vacancy, a form PER 125a should be attached to the certification.

Form PER 15, (REQUISITION FOR EMPLOYEE) and form PER 125a (REQUEST FOR EXEMPTION TO HIRING FREEZE) may be accessed clicking on "BHR Forms" at the Bureau of Human Resources homepage, or at:

<http://www.state.me.us/bhr/bhrforms/index.htm>

S/ Donald A. Wills

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Bureau of Human Resources