

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES

July 5, 2005

HUMAN RESOURCES MEMORANDUM 11-05

SUBJECT: FY 2006 HIRING FREEZE

**REFERENCE: EXECUTIVE ORDER 1 FY 05/06 – SPECIAL BUDGET AND
EXPENDITURE ORDER OF JULY 1, 2005**

The hiring freeze implemented November 29, 2004 (HR Memo 9-04) will remain in effect for all positions that are vacant or that become vacant in FY 06 (July 1, 2005 – June 30, 2006). This hiring freeze extends to all positions, regardless of funding source (general funds, federal funds, dedicated revenue, etc.) or position type (permanent, seasonal, intermittent, project, acting capacity, etc.). Emergency exceptions to this hiring freeze may be approved by each department or agency head with advice and recommendation of the Bureau of the Budget and the Commissioner of the Department of Administrative and Financial Services. Emergency exceptions will be limited to positions that meet the following criteria:

HEALTH, SAFETY, WELFARE AND REVENUE PRODUCING POSITIONS

1. The position provides direct, vital services essential to ensure the health, safety or welfare of the public or wards of the state;
2. The duties of the position are essential to generate revenue for the state;
3. Alternative methods to provide such essential health, safety, welfare, or revenue producing services have been explored and no cost-effective alternative to filling the vacancy is available.

Emergency exceptions to the hiring freeze must be made on a position-by-position basis, except in those circumstances where a delay in filling positions will cause unsafe conditions for staff, the public, or wards of the state, or overtime expenses in excess of the cost of filling the position will be incurred.

LIMITATION ON EXTERNAL HIRING

In the event that a vacancy is authorized to be filled under the terms of Executive Order 1 FY 05/06 and this memorandum, all efforts will be made to fill the position on an agency or statewide basis, including employees in layoff status or employees in workers compensation return-to-work status, unless the qualifications for the position or other circumstances require recruitment from outside state government.

TRANSITION PROVISION

There is no interruption of the hiring freeze protocols that were in place as of June 30, 2005. Offers of employment that were made under the previous freeze will be honored. Previously approved exceptions do not need to be resubmitted.

REVIEW AND RECOMMENDATION PROCESS

Agencies must submit all hiring freeze emergency exceptions to the Bureau of Human Resources for consideration by the Bureau of the Budget and the Commissioner of the Department of Administrative and Financial Services before proceeding to fill any position. The only exception is for positions covered under a "blanket exception" approved by the State Budget Officer.

Continue to use Form PER 125c to obtain this review and recommendation. Emergency exception forms must be sent to Brian Oliver at the Bureau of Human Resources, who will forward the requests to Ryan Low, State Budget Officer, Bureau of the Budget, Department of Administrative and Financial Services. PER 125c is available on BHR homepage [<http://www.maine.gov/bhr/>] by clicking on "BHR FORMS".

Agencies that wish to consider "blanket" emergency exception requests in response to an immediate need to fill vacancies for safety or cost containment reasons should clearly indicate this on the form and specify the conditions that make a blanket emergency exception necessary. *If an agency wants to request a "blanket" exception, the request should be sent directly to Ryan Low, State Budget Officer, Bureau of the Budget.*

Previously approved "blanket exceptions" will remain in force. The current list of approved "blanket exceptions" is shown as Attachment 1.

MFASIS PROCESSING FOR ALL HIRES EXEMPTED FROM THE HIRING FREEZE

A completed PER 125c or a memorandum indicating that the agency is honoring a prior offer for employment must be submitted to the Authorizations Unit along with all other supporting documentation when processing the Human Resource transaction to complete the hire.

S/ Frank A. Johnson
Frank A. Johnson, Acting Director
Bureau of Human Resources

FAJ/pjs

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ATTACHMENT 1

TITLE	CODE	POS#	AGNCY	Comments
BAXTER STATE PARK	ALL	BLANKET	BSP	
MAINE MILITARY AUTHORITY	ALL	BLANKET	MMA	
ALLAGASH PARK RANGER	9208	BLANKET	CONSERV	
ASSISTANT ENGINEERS	6349	"PROJECT"	DOT	
ASSISTANT PARK RANGER	9209	BLANKET	CONSERV	
ASSISTANT TECHNICIANS	6424	"PROJECT"	DOT	
ASST ATTORNEY GENERAL	0186	BLANKET	AG	added 1/11/05
ASST DISTRICT ATTORNEY	0206	BLANKET	AG	added 1/20/05
ASST TEAM LEADER	4012	BLANKET	BDS	
AUTO MECHANIC II	8303	BLANKET	DPS	
BRIDGE MAINT SUPV	8156	"PROJECT"	DOT	
BRIDGE OP I	8141	BLANKET	DOT	
BRIDGE OP II	8142	BLANKET	DOT	
BRIDGE WORKER I	8153	"PROJECT"	DOT	
BRIDGE WORKER II	8154	"PROJECT"	DOT	
BRIDGE WORKER III	8155	"PROJECT"	DOT	
CIVIL ENGINEER II	6342	"PROJECT"	DOT	
CIVIL ENGINEER III	6344	"PROJECT"	DOT	
CIVIL ENGINEER IV	6346	"PROJECT"	DOT	
CIVIL ENGINEER V	6347	"PROJECT"	DOT	
CONSENT DECREE COORDS	****	BLANKET	BDS	removed 12/13/04
COOK I	1231	BLANKET	BDS	
COOK I	1231	BLANKET	ED	
COOK II	1232	BLANKET	BDS	
COOK II	1232	BLANKET	ED	
COOK III	1233	BLANKET	BDS	
CORR SERGEANT	5208	BLANKET	DOC	added 1/14/05
CORRECTIONAL CASEWORKER	5266	BLANKET	DOC	
CORRECTIONAL NURSES	*****	BLANKET	DOC	
CORRECTIONAL OFFICER	5207	BLANKET	DOC	
CORRECTIONAL TEACHERS	*****	BLANKET	DOC	
CUSTODIAL WRKR II	1012	BLANKET	BDS	
CUSTODIAL WRKR III	1010	BLANKET	BDS	
DATA ENTRY SPEC (PS)	014201	BLANKET	DPS	
DIET COORDINATOR	1261	BLANKET	BDS	
DISABILITY CLAIMS ADJUD	3065	BLANKET	DHS	
DISABILITY CLAIMS EXAMINER	3066	BLANKET	DHS	
DIST TAX AUDIT MGR	0673	BLANKET	DAFS	added 12/02/04
DRIVER LICENSE EXAM I	7302	BLANKET	MV	added 1/14/05
DRIVER TRAINER	7314	"PROJECT"	DOT	
EDUCATION SPEC III	3060	BLANKET	ED	
EMER. COMMUNICATIONS SPEC	8600	BLANKET	DPS	
ENVIRONMENTAL SPEC II	9252	"PROJECT"	DOT	
ENVIRONMENTAL SPEC III	9253	"PROJECT"	DOT	
ENVIRONMENTAL SPEC IV	9254	"PROJECT"	DOT	
FAMILY INDEPENDENCE SPEC	5073	BLANKET	DHHS	added 12/13/04
FERRY ABLE SEAMAN	8471	"PROJECT"	DOT	
FERRY CAPTAIN	8473	BLANKET	DOT	ADDED 6/16/05
FERRY ORDINARY SEAMAN	8468	"PROJECT"	DOT	
FERRY SVC TERMINAL AGENT	8469	"PROJECT"	DOT	
FLD HVY VEH & EQUIP TECH	8305	"PROJECT"	DOT	
FLEET SUPPORT SPEC	8300	BLANKET	DPS	
FOOD SERVICE WRKR	1201	BLANKET	BDS	
FOREST RANGER II	9341	BLANKET	CONSERV	
H S CASEWORK SUPV	5067	BLANKET	DHS	
H S CASEWORKER	5069	BLANKET	DHS	
H S CASEWORKER (AP)	506901	BLANKET	DHS	

TITLE	CODE	POS#	AGENCY	Comments
H S ENFORCEMENT AGENT	5009	BLANKET	DHS	
HABILITATION AIDE	4100	BLANKET	BDS	
HIGHWAY LABORER	9900	"PROJECT"	DOT	
HIGHWAY MAINT SUPV	9907	"PROJECT"	DOT	
HIGHWAY WORKER I	9901	"PROJECT"	DOT	
HIGHWAY WORKER I	9901	BLANKET	DOT	
HIGHWAY WORKER II	9902	"PROJECT"	DOT	
HIGHWAY WORKER III	9903	"PROJECT"	DOT	
HIGHWAY WORKER IV	9904	"PROJECT"	DOT	
HOSPITAL WARD CLERK	4232	BLANKET	BDS	
HOUSEPARENT I	5251	BLANKET	BDS	
HOUSEPARENT II	5252	BLANKET	BDS	
HUMAN SERVICES AIDE III	5072	BLANKET	DHHS	added 12/13/04
HVY VEH & EQUIP SUPV	8307	"PROJECT"	DOT	
HVY VEH & EQUIP TECH	8304	"PROJECT"	DOT	
IDENTIFICATION SPEC I	0522	BLANKET	DPS	
IDENTIFICATION SPEC II	0523	BLANKET	DPS	
IDENTIFICATION SPEC II	0524	BLANKET	DPS	
INST CUSTODIAL WRKR	4024	BLANKET	BDS	
JANITOR/BUS DRIVER	8000	BLANKET	ED	
JUVENILE FACILITY OPRNS SUPV	5218	BLANKET	DOC	
JUVENILE PROGRAM SPEC	5217	BLANKET	DOC	
JUVENILE PROGRAM WORKER	5216	BLANKET	DOC	
LABORER I	8001	BLANKET	CONSERV	
LABORER II	8002	BLANKET	CONSERV	
LIC PRACTICAL NURSE	4025	BLANKET	BDS	
LIEUTENANT, INTERNAL AFFAIRS	7044	BLANKET	DPS	
LIFEGUARD	9201	BLANKET	CONSERV	
LIFEGUARD SUPVR	9202	BLANKET	CONSERV	
M H WRKR I	4015	BLANKET	BDS	
M H WRKR II	4016	BLANKET	BDS	
M H WRKR III	4017	BLANKET	BDS	
M R TRAINER	****	BLANKET	BDS	removed 12/13/04
MH & MR CASEWORKER	5041	BLANKET	BDS	
MH & MR CASEWRK SUPV	5035	BLANKET	BDS	
MOTOR CARRIER INSPECTOR	0372	BLANKET	DPS	
MR RESOURCE COORD	****	BLANKET	BDS	
MV BRANCH OFFICE MGR I	7330	BLANKET	MV	added 1/14/05
MV MUNICIPAL COORD	7318	BLANKET	MV	added 1/14/05
MV SECTION MGR	7338	BLANKET	MV	added 1/14/05
MV SERVICE REP	7331	BLANKET	MV	added 1/14/05
MV SR SECTION MGR	7340	BLANKET	MV	added 1/14/05
MV TITLE EXAMINER	7299	BLANKET	MV	added 1/14/05
NURSE I	4031	BLANKET	BDS	
NURSE II	4032	BLANKET	BDS	
NURSE III	4033	BLANKET	BDS	
NURSE IV	4034	BLANKET	BDS	
NURSE V	4035	BLANKET	BDS	
OCC THERAPIST II	4122	BLANKET	BDS	
OCC THERAPY ASSIST	4119	BLANKET	BDS	
PARK MANAGER I	9221	BLANKET	CONSERV	
PARK MANAGER II	9222	BLANKET	CONSERV	
PARK RANGER	9211	BLANKET	CONSERV	
PARK RECEPTIONIST	9210	BLANKET	CONSERV	
PHARMACIST	4241	BLANKET	BDS	
PHYSICAL THERAPIST II	4126	BLANKET	BDS	
PHYSICIAN ASSIST	4307	BLANKET	BDS	
PHYSICIAN I	4092	BLANKET	BDS	
PHYSICIAN II	4093	BLANKET	BDS	
PHYSICIAN III	4094	BLANKET	BDS	
PRINC REVENUE AGENT	0672	BLANKET	DAFS	added 12/02/04

TITLE	CODE	POS#	AGENCY	Comments
PRINCIPAL	3057	BLANKET	ED	
PROGRAMMER ANALYST	0865	BLANKET	MV	added 1/14/05
PROJECT MANAGER I	6350	"PROJECT"	DOT	
PROJECT MANAGER II	6351	"PROJECT"	DOT	
PSY SOCIAL WORKER I	5031	BLANKET	DOC	
PSY SOCIAL WORKER II	5032	BLANKET	DOC	
PSY SOCIAL WRKR II	5032	BLANKET	BDS	
PSY SOCIAL WRKR SUPV	5034	BLANKET	BDS	
PSYCHOLOGIST I	****	BLANKET	BDS	
PSYCHOLOGIST II	5122	BLANKET	BDS	
PSYCHOLOGIST III	5123	BLANKET	BDS	
PSYCHOLOGIST IV	5124	BLANKET	BDS	
PUBLIC HEALTH NURSE I	4051	BLANKET	DHHS	added 12/13/04
PUBLIC HEALTH NURSE II	4055	BLANKET	DHHS	added 12/13/04
R/W APPRAISER I	0913	"PROJECT"	DOT	
R/W APPRAISER II	0914	"PROJECT"	DOT	
R/W APPRAISER III	0917	"PROJECT"	DOT	
RECREATION THERAPIST	4120	BLANKET	BDS	
REHAB COUNSELOR II	3082	BLANKET	LABOR	added 12/20/04
REVENUE AGENT	0504	BLANKET	DAFS	added 12/02/04
SECURITY GUARD	7321	BLANKET	DVEM	
SENIOR TECHNICIANS	6426	"PROJECT"	DOT	
SR REVENUE AGENT	0505	BLANKET	DAFS	added 12/02/04
SR TAX EXAMINER	0510	BLANKET	DAFS	added 12/02/04
STAFF DEVEL SPEC IV	4072	BLANKET	BDS	
STATE POLICE DETECTIVE	7023	BLANKET	DPS	
STATE POLICE FORENSIC SPEC	7012	BLANKET	DPS	
STATE POLICE LIEUTENANT	7003	BLANKET	DPS	
STATE POLICE PILOT	0224	BLANKET	DPS	
STATE POLICE SERGEANT	7002	BLANKET	DPS	
STATE POLICE SPECIALIST	7005	BLANKET	DPS	
STATE POLICE TROOPER	7001	BLANKET	DPS	
STOREKEEPER I	0231	BLANKET	MV	added 1/14/05
SUBSTITUTE TEACHER	3122	BLANKET	ED	
TAX ENFORCEMENT OFFICER	7042	BLANKET	DAFS	added 12/02/04
TAX EXAMINER	0511	BLANKET	DAFS	added 12/02/04
TAXPAYER ASSIST SPEC	0503	BLANKET	MV	added 1/14/05
TEACHER AIDE	3126	BLANKET	ED	
TEACHER BS	3125	BLANKET	ED	
TEACHER MS	3142	BLANKET	ED	
TEACHER MS +30	3143	BLANKET	ED	
TECHNICIANS	6425	"PROJECT"	DOT	
TRANSPORTATION AIDES	6423	"PROJECT"	DOT	
PROBATION OFFICER	5270	BLANKET	DOC	ADDED 7/1/05
JUVENILE COMM CORR OFFICER	5271	BLANKET	CDOC	ADDED 7/1/05

HR MEMORANDUM 11-05
Attachment 2

Q: Does the freeze apply only to positions funded entirely or in part by the General Fund?

A: No, the freeze applies to all positions in all funds.

Q: Are there any blanket exceptions by agency or classification?

A: Yes. All positions in the Maine Military Authority and Baxter State Park are exempt, as well positions listed on Attachment 1 of HR Memo 11-05 and positions that may subsequently receive a "blanket exception."

Q: How should agencies process exception requests?

A: The processing of emergency exception requests will continue as follows: Emergency exceptions to the hiring freeze (Form PER 125c) should be directed to Brian Oliver at the Bureau of Human Resources. BHR will assure routing through the Bureau of the Budget (for funding recommendations) and DAFS Central Office for review and recommendation. Exception requests will then be returned to BHR which, in turn, will return them to the agency for final approval by the agency commissioner. All emergency exception requests will be considered as expeditiously as possible.

Since the tracking of requests is the responsibility of BHR, agencies are requested not to contact the Bureau of the Budget or DAFS central office to check on the status of individual requests.

Form PER 125c is available on the BHR website by clicking "BHR FORMS".

Q: Is there a prescribed in-house approval process before exception requests are submitted to BHR? How should this be handled?

A: Agencies are free to implement any internal pre-approval process that is appropriate to an agency's individual circumstances, but agencies are asked not to alter Form 125c. Agencies may feel free to use the reverse of the Form 125c for internal approval. The reverse of the form may also be used if the pre-printed blocks are not sufficient to explain the situation.

Q: Is an organizational chart necessary?

A: No, but you may provide one on the reverse of the Form 125c if it would better explain your request.

Q: Who is authorized to sign the exception form?

A: The agency head (generally a cabinet-level position such as a commissioner) or designee authorized by the agency head for that purpose. The important aspect is that the agency head makes, or is aware of, all decisions concerning the filling of positions.

Agencies may not use a rubber stamp or other facsimile signature on Form 125c.

Q: Will freeze exception approvals and hiring commitments made under the previous freeze be honored?

A: Yes.

Q: Do all the freeze and exception requirements apply to Direct Hire appointments?

A: Yes. The freeze requirements apply to all vacancies, including direct hire appointments. Recruitments for direct hire vacancies should be removed from websites and other advertising should be discontinued until appropriate exceptions have been approved.

Q: Are placements of State employees into temporary compensation (TC) covered by the freeze?

A: Yes. TC assignments are subject to all freeze requirements. Any TC that expires during the freeze will require that a new authorization be completed and approved or the incumbent may not be permitted to continue in TC.

Program supervisors should be reminded that the continuation of the freeze in no way supersedes Civil Service Rules or our contractual obligations, including the contract provisions pertaining to temporary assignments.

Q: Do "T" positions need to be cancelled and resubmitted for a freeze exception?

A: No. A "T" position may continue until the "T" position end date, which is shown on the HRP. Neither the "T" position nor the incumbent may be extended beyond the current end date without an approved exception.

Q: Are acting capacity (AC) assignments covered by the freeze?

A: Yes. AC assignments are subject to all freeze requirements. Any AC that expires during the freeze will require that a new authorization be completed and approved or the incumbent may not be permitted to continue in the acting assignment.

Q: Is a freeze exception required to fill a position by transfer, promotion or demotion from within an agency?

A: Yes. A freeze exception request is required for all positions that are vacant or become vacant. When an agency receives recommendations from Budget and DAFS, and then determines to fill the position, the agency must first determine if it can be filled on an agency or statewide basis. The agency may go outside if qualifications or other circumstances require.

Q: If a bargaining unit employee who promoted chooses to return to his or her former position (30 days), or fails to attain permanent status, would he or she return to his or her former position even though the position has been frozen?

A: Yes. The freeze does not supersede the terms of the bargaining agreements.

Q: Who is authorized to approve "blanket" exceptions?

A: The State Budget Officer, Ryan Low. Agencies should direct such requests to Mr. Low. Brian Oliver in BHR should be copied to ensure coordination of the implementation process.