

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES
July 1, 2007

HUMAN RESOURCES MEMORANDUM 4-07

SUBJECT: FY 2008 HIRING FREEZE

**REFERENCE: EXECUTIVE ORDER 01 FY 08/09 – SPECIAL BUDGET
AND EXPENDITURE ORDER OF JULY 1, 2007**

A hiring freeze will remain in effect for all positions that are vacant or that become vacant in FY 08 (July 1, 2007 – June 30, 2008). *This hiring freeze extends to all positions, regardless of funding source (general funds, federal funds, dedicated revenue, etc.) or position/appointment type (permanent, seasonal, intermittent, project, acting capacity, etc.).* Emergency exemptions to this hiring freeze may be approved by each department or agency head with advice and recommendation of the State Budget Officer and the Commissioner of the Department of Administrative and Financial Services. Emergency exemptions 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 exemptions 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 01 FY 08/09 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

Effective July 1, 2007, *previously approved exemption requests (competitive and direct hire) are rescinded and a new exemption request is required unless one of the circumstances listed below exists. Previously issued certifications for unfilled positions should be returned to BHR.*

- There has been *an actual offer of employment* for a vacancy approved under the previous freeze. Documentation that an actual offer of employment was made prior to July 1, 2007 will be required with the "New Hire" paperwork.
- Interviews have *actually commenced* (at least one candidate has actually been interviewed) for a competitive or direct hire vacancy approved under the previous freeze. In this case the interview and selection process may continue. Documentation that interviews had commenced prior to July 1, 2007 will be required with the "New Hire" paperwork.

REVIEW AND RECOMMENDATION PROCESS

BHR Form PER 125c must be used to process a hiring freeze exemption. A separate Form PER 125c is required for *each position* being considered for a hiring freeze exemption; a single Form PER 125c may not contain multiple position numbers. PER 125c is available on the BHR homepage by clicking on "EMPLOYEE CENTER" and then "FORMS."

{ HYPERLINK "http://www.maine.gov/bhr/employee_center/index.htm" }

Exemption forms should be sent directly to the State Budget Officer, Bureau of the Budget, Department of Administrative and Financial Services.

Agencies must receive exemption approval by the State Budget Officer *before* proceeding to post or otherwise advertise for any vacancy, or to fill any position. The only exception to this requirement is for positions covered under the "blanket exception" list approved by the State Budget Officer effective July 1, 2007, which is included herein as Attachment 1.

Agencies that wish to consider "blanket" emergency exemption request in response to an immediate need to fill vacancies for safety or cost containment reasons should clearly indicate this on the Form PER 125c and specify the conditions that make a "blanket" emergency exception necessary. *If an agency wants to request a "blanket" exemption, the request should also be sent directly to the State Budget Officer, Bureau of the Budget.*

PROCESSING FOR ALL HIRES EXEMPTED FROM THE HIRING FREEZE

A completed PER 125c and a memorandum indicating that the agency is honoring a prior offer for employment or that interviews were in progress must be submitted to the Authorizations Unit, Office of the State Controller, along with all other supporting documentation when processing the human resource transaction to complete the hire.

Sl Alicia Kellogg
Alicia Kellogg, Director
Bureau of Human Resources

AK/pjs

HRM 4-07 Attachment 1

07/01/07

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	
ASST DISTRICT ATTORNEY	0206	BLANKET	AG	
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	
CONSERVATION AIDE	9455	BLANKET	ALL	
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	
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	
DIET COORDINATOR	1261	BLANKET	BDS	
DIRIGO HEALTH	ALL	BLANKET	DIRIGO	
DISABILITY CLAIMS ADJUD	3065	BLANKET	DHS	
DISABILITY CLAIMS EXAMINER	3066	BLANKET	DHS	
DIST TAX AUDIT MGR	0673	BLANKET	DAFS	
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	
FERRY ABLE SEAMAN	8471	"PROJECT"	DOT	
FERRY CAPTAIN	8473	BLANKET	DOT	
FERRY ENGINEER	8472	BLANKET	DOT	
FERRY ORDINARY SEAMAN	8468	"PROJECT"	DOT	
FERRY SVC TERMINAL AGENT	8469	"PROJECT"	DOT	
FLD HVY VEH & EQUIP TECH	8305	"PROJECT"	DOT	

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TITLE	CODE	POS#	AGNCY	Comments
FLEET SUPPORT SPEC	8300	BLANKET	DPS	
FOOD SERVICE WRKR	1201	BLANKET	BDS	
FOREST RANGER II	9341	BLANKET	CONSERV	
GAME WARDEN	ALL	BLANKET	IFW	
GOVERNOR'S OFFICE	ALL	BLANKET	GOV	
H S CASEWORK SUPV	5067	BLANKET	DHS	
H S CASEWORKER	5069	BLANKET	DHS	
H S CASEWORKER (AP)	506901	BLANKET	DHS	
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	
HVY VEH & EQUIP SUPV	8307	"PROJECT"	DOT	
HVY VEH & EQUIP TECH	8304	"PROJECT"	DOT	
IDENTIFICATION SPEC II	0523	BLANKET	DPS	
IDENTIFICATION SPEC II	0524	BLANKET	DPS	
INST CUSTODIAL WRKR	4024	BLANKET	BDS	
IT POSITIONS	ALL	BLANKET	DAFS	
JANITOR/BUS DRIVER	8000	BLANKET	ED	
JUVENILE COMM CORR OFFICER	5271	BLANKET	CDOC	
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	
MARINE PATROL LIEUTENANT				
MARINE PATROL OFFICER				
MARINE PATROL PILOT				
MARINE PATROL PILOT SUPERVISOR				
MARINE PATROL SEREGEANT				
MARINE PATROL SPECIALIST			MAR RES	
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	

HRM 4-07 Attachment 1
07/01/07

TITLE	CODE	POS#	AGENCY	Comments
MV MUNICIPAL COORD	7318	BLANKET	MV	
MV SECTION MGR	7338	BLANKET	MV	
MV SR SECTION MGR	7340	BLANKET	MV	
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	
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	
PRINCIPAL	3057	BLANKET	ED	
PROBATION OFFICER	5270	BLANKET	DOC	
PROGRAMMER ANALYST	0865	BLANKET	MV	
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	
PUBLIC HEALTH NURSE II	4055	BLANKET	DHHS	
R/W APPRAISER I	0913	"PROJECT"	DOT	
R/W APPRAISER II	0914	"PROJECT"	DOT	
R/W APPRAISER III	0917	"PROJECT"	DOT	
RANGER PILOT	ALL	BLANKET	CONSERV	
RECREATION THERAPIST	4120	BLANKET	BDS	
REHAB COUNSELOR II	3082	BLANKET	LABOR	
REVENUE AGENT	0504	BLANKET	DAFS	
SECURITY GUARD	7321	BLANKET	DVEM	
SENIOR TECHNICIANS	6426	"PROJECT"	DOT	
SR REVENUE AGENT	0505	BLANKET	DAFS	
SR TAX EXAMINER	0510	BLANKET	DAFS	
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	

HRM 4-07 Attachment 1
07/01/07

TITLE	CODE	POS#	AGNCY	Comments
STATE POLICE SERGEANT	7002	BLANKET	DPS	
STATE POLICE TROOPER	7001	BLANKET	DPS	
SUBSTITUTE TEACHER	3122	BLANKET	ED	
TAX ENFORCEMENT OFFICER	7042	BLANKET	DAFS	
TAX EXAMINER	0511	BLANKET	DAFS	
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	

HR MEMORANDUM 4-07
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 4-07 and positions that may subsequently receive a "blanket exception."

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: 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.

HR MEMORANDUM 4-07
Attachment 2

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.



OFFICE OF
THE GOVERNOR

NO. _____ 01 FY 08/09
DATE _____ July 1, 2007

**SPECIAL BUDGET AND
EXPENDITURE ORDER OF JULY 1, 2007**

WHEREAS, the State of Maine and National economies continue to exhibit slow to moderate growth; and

WHEREAS, it is fiscally responsible to continue budgetary constraints that are currently in place;

NOW, THEREFORE, I, John E. Baldacci, Governor of the State of Maine, do hereby order, effective immediately, that each State agency and department must review its programs and implement the following procedures:

1. Financial orders that request the transfer of balances of appropriations and allocations between line categories and accounts, that request the use of savings for project or limited period positions or that request allotment in excess of allocation, except Government/Student Intern positions, will not be approved unless the State Budget Officer determines such uses are necessary to protect the health or safety of the public, to meet payroll obligations, to fund legislatively approved salary increases and adjustments or are necessary to meet unavoidable legal obligations.
2. A hiring freeze is immediately in effect for all positions that are vacant or that become vacant. Emergency exceptions to this provision may be approved by each department or agency head with advice and recommendations from the Bureau of the Budget and the Commissioner of the Department of Administrative and Financial Services, or the Commissioner's designee. Department and agency heads should make every effort to streamline operations in order to avoid the filling of vacancies. The Division of Purchases will not approve personal services contracts that are contrary to this provision. Hiring decisions by department and agency heads will be limited by available Personal Services in General Fund accounts during FY 08.
3. Unscheduled overtime shall not be permitted except in emergency or other unavoidable circumstances and only with the prior approval of the department or agency head, or his or her designee.

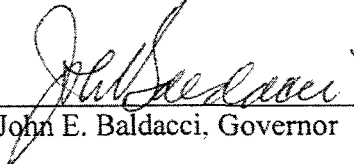
4. All travel must be reduced to the absolute minimum necessary to maintain effective operations with the following exceptions:
- Travel directly related to the care of residents, wards, foster children and other individuals under state care or protection.
 - Travel required in the execution of law enforcement investigations, interstate contracts directly related to the extradition of an individual, or the transfer of an individual to or from a correctional facility.
 - Travel directly involved in the securing of revenue, or that directly impacts revenue.
 - Travel required in emergencies or other extraordinary circumstances.

Alternatives to travel should be explored, especially the use of appropriate telecommunications technology.

5. All contracts, grants or purchases must be reviewed by each department and agency head and reduced to the absolute minimum necessary to maintain effective operations or to meet emergency situations. Each department or agency head will be responsible for making the determination that a contract, grant or purchase satisfies the emergency or cost effective operation standard in accordance with guidelines developed by the Division of Purchases. The Director of Purchases is authorized to return to a department or agency head any contracts, grants or purchases that are determined to be nonessential or that can be delayed or postponed. Federal Expenditures Fund accounts and Federal Block Grant Fund accounts are exempted, only if a General Fund match or other General Fund obligation is not required.

Nothing in this Executive Order may be interpreted to authorize departments and agencies to postpone the processing of invoices payable in fiscal year 2007-08. This Executive Order also is not intended to prevent state agencies and departments from addressing emergencies or imminent threats to health and safety, or from fulfilling legal obligations entered into prior to its effective date.

The Executive Order is effective immediately and shall remain in effect through June 30, 2008, unless modified or rescinded by Executive Order. This Order supersedes 05 FY 01/02, 02 FY 02/03, 07 FY 02/03, 01 FY 03/04, 19 FY 04/05, 26 FY 04/05, 01 FY 06/07, and 17 FY 06/07.



John E. Baldacci, Governor