

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES
November 29, 2004

HUMAN RESOURCES MEMORANDUM 9-04

SUBJECT: FY 2005 HIRING FREEZE

**REFERENCE: EXECUTIVE ORDER 26 FY 04/05 – SPECIAL BUDGET AND
EXPENDITURE ORDER OF NOVEMBER 24, 2004**

The purpose of this memorandum is to provide instruction and guidance to agencies and departments on limitations to the filling of all positions.

A hiring freeze is in effect immediately for all positions that are vacant or that become vacant in FY 05. This hiring freeze extends to all positions, regardless of funding source or 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 26 FY 04/05 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

Offers of employment that were made prior to November 29, 2004 will be honored.

All pending hiring processes will be cancelled. Cancelled certifications must be returned to the Bureau of Human Resources.

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.

Form PER 125c is to be used to obtain this review and recommendation. Emergency exception forms must be sent to Robin Danforth 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.

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 Bureau of Human Resources 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