

STATE OF CALIFORNIA – DEPARTMENT OF GENERAL SERVICES
PERSONNEL OPERATIONS MANUAL
 POM
 Subject: HIRING FREEZE

REFERENCES	SECTIONS
Administrative Orders http://inside.dgs.ca.gov/ad/ao.aspx	AO 08-04.1 (Fiscal)
Executive Order http://gov.ca.gov/news.php?id=10333	S-09-08
Human Resources Memoranda http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx	HR 08--29
Responsible Control Agency and Program Department of Finance http://www.dof.ca.gov/ CalHR http://www.calhr.ca.gov/Pages/home.aspx	CalHR
SPB/CalHR Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML 2008-022
Other	
Budget Letter http://www.dof.ca.gov/budgeting/budget_letters	BL 08-15

Hiring Freeze

Policy

The DGS shall comply with the provisions of Executive Orders, Department of Finance (DOF) directives and California Department of Human Resources (CalHR) directives whenever a hiring freeze is implemented.

Freeze exemption approvals

- Deputy Directors may approve exemptions in their respective business area that meet the exemption criteria provided in Administrative Order 08-04.1, Budget Letter (BL) 08-15, and Executive Order (EO) S-09-08.
 - Specifies that copies of Deputy approved exemptions must be submitted to the Administration Division Executive Assistant **weekly** for State and Consumer Services Agency (SCSA) tracking and reporting purposes.
 - Specifies that exemptions that **do not** meet the exemption criteria must continue to be submitted to the Administration Division for review, approval, and submittal to the SCSA for higher level approvals. The following table depicts the steps required for hiring exemptions.
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Completing the exemption request forms

Before completing an exemption request, refer to Administrative Order 08-04.1, Budget Letter (BL) 08-15, and Executive Order (EO) S-09-08.

In summary, following are the only valid exemption categories:

1. **An emergent situation to preserve and protect human life and safety.**
2. **A need to provide 24-hour medical care.**
3. **To achieve significant revenue loss.**
4. **To achieve significant net cost savings.**
5. **Multi-year IT system and service contracts approved by the State Office of the Chief Information Officer (OCIO).**
6. **Individuals providing unique and critical functions (must be approved by the Governor's Office).**

SCSA and the Director have delegated board authority for Deputy Directors to approved exemptions for Category 3 and 4, and for critical emergent situations that impact DGS statutory business operations and/or interrupt DGS support clients.

Deputy Director approved exemptions must be tracked internally and reported weekly to Carmen Llamas in the Administration Divisions.

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Completing the exemption request forms
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This information will be provided to SCSA. Consequently, care should be taken to ensure that sufficient justification is recorded.

When completing the request, assume that the reviewer has neither an in-depth background in the affected program area, nor expertise in specific technical requirements.

Exemption documents

Please complete both the Exemption Request Information form and the EO S-09-08 Exemption Report. The primary function of the Exemption Request Information form is to fully document and justify exemptions, whereas the EO S-09-08 Exemption Report serves to comply with the requirement for Agency Secretaries to report to the Governor's Office and Department of Finance approved exemptions within 24 hours of approval. The exemption request shall include the information requested on the exemption forms: [Exemption Request Information](#), [Executive Order S09-08 Exemption Report](#).

Reminders!

- Be clear and complete, yet concise, in your description of an justification for the exemption request.
- Fully explain why the exemption is essential. What is the compelling need of this request for the program and/or customer/client agency? If the customer/client agency is requesting the activity/service, obtain a copy of the customer/client agency's approved exemption or a letter from the department's director of his/her designee. Attach this additional justification to the Exemption Request Information form.
- If a statutory authority is cited, please confirm the accuracy of the citation and explain the relevance to the request. Avoid making the reviewer research the authority.
- Quantify as much as possible, particularly if the justification is to avoid significant revenue loss and/or to achieve significant net cost savings. Include cost benefit discussion where appropriate.
- Multi-year IT service contracts are exempt from EO S-09-08; however, BL 08-15 outlines and exemption process. The Office of Technology Resources (OTR) is reporting all departmental IT exemptions to the State OCIO. Each exemption will be included on the EO S-9-08 exemption report.

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Hiring Freeze, Continued

Exempted vacancies

The Office of Human Resources (OHR) is aware that some agencies have been granted blanket exemptions for their vacancies. These agencies include the Receiver's Office, departments under constitutional officers (e.g., Department of Education, State Controllers, Department of Justice, etc.), and other positions meeting the criteria established under the Executive Order. OHR should be contacted for verification of the exemption.

Release dates

In those instances when a departmental employee has been offered an appointment with an agency which has an exemption for their vacancy, the hiring supervisor may hold the employee for either two weeks (if a promotion) or 30 calendar days (if a lateral transfer) from the date of firm commitment. It is incumbent upon the supervisor to try to negotiate a flexible release date if possible, as well as transition periods (employee to return for a few days to cross train or complete critical assignments). OHR staff will provide assistance in negotiating release arrangements.

Elements which may impact release agreements include the possibility that vacancies may be impacted by the Department of Finance's decisions on budget reductions (positions are cut and not filled) and positions which may be lost due to length of time the position has been vacant

Release dates for internal transfers

While lateral transfers within DGS are not governed by SPB rule (30-day release date), it is important to remember that the same elements stated above may apply to those positions. Supervisors must be cognizant of the implications and impact of holding an employee beyond the typical 30 days. Release dates should be negotiated based on business need (completion of critical projects).

Position management

It is important to be cognizant of the fact that some of your Program's positions may be expiring, please adjust your workload accordingly.

Questions

Questions concerning areas covered in the Administrative Order and/or Human Resources Memorandum should be directed to your Classification and Pay Analyst/Manager.

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Hiring Freeze, Continued

Attachments [Exemption Request Information](#), [Executive Order S09-08 Exemption Report](#).
