

DATE: February 21, 2008

TO: Agency Heads
Deputy Commissioners
HR Directors/Designees

FROM: Patricia Anderson, Commissioner, Employee Relations



Tom Hanson, Commissioner, Finance



RE: Hiring Restrictions

Governor Pawlenty has initiated immediate hiring restrictions that affect state agencies. These restrictions emphasize the hiring of new state employees, regardless of the funding source(s) for the position(s).

According to the hiring restrictions outlined in this memo, senior agency executives at the level of Commissioner or Executive Director, Deputy Commissioner, Assistant Commissioner, or an equivalent role are responsible for overseeing and approving all agency hiring decisions. After the decision has been made to fill a vacancy, agencies must submit relevant documentation electronically to DOER prior to announcing or filling any position that could result in hiring a new state employee. The remainder of this memo clarifies relevant position-filling considerations and processes for state agencies.

Exclusions

The following situations are excluded from the current hiring restrictions:

1. Vacancies in the legislative and judicial branches, the three independent constitutional offices, and MnSCU.
2. Positions that perform the following core government functions, which are considered "essential" for the purposes of these hiring restrictions:
 - a. Medical care of inpatients and emergency outpatient care;
 - b. Activities essential to ensure continued public health and safety, including safe use of food, drugs, and hazardous materials;
 - c. Law enforcement and criminal investigations;
 - d. Care of prisoners and other persons in the custody of government;
 - e. Activities essential to the preservation of the essential elements of the financial system of the government, including the borrowing and tax collection activities of the government;

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- f. Activities that ensure the production of power and the maintenance of the power distribution system;
 - g. Emergency and disaster assistance; and
 - h. Continuance of transportation safety functions.
3. Reallocations and vacancies in the executive branch that will be filled with current state employees, including contractual posting for bids, agency and statewide promotional processes, voluntary transfers and demotions, mobility assignments, and work-out-of-class appointments.

NOTE: Hiring processes that result in hiring new or returning state employees or moving positions from the unclassified to the classified service are not automatically excluded. Situations that require prior senior agency executive approval include unclassified conversions, reinstatements, intergovernmental transfers, and post-retirement employment option (PRO) positions.

Critical Position Exemptions

Senior agency executives (i.e., Commissioner or Executive Director, Deputy Commissioner, Assistant Commissioner, and equivalent roles) have the authority to approve additional critical positions for which the flexibility to consider and hire applicants from outside of state government is needed.

Tracking of Excluded-Essential and Critical Positions

DOER will be responsible for tracking statewide hiring activities related to these hiring restrictions. As a result, agencies must send the following information electronically via e-mail or in the Notes section of VB (as described below) to the DOER agency services representative assigned to your state agency, i.e., John Carlson, Bette Chisholm, Cindy Lukas, Ron Maas, Judy Pearson, or Eric Swensson.

Include the following information for excluded “essential” positions:

- The heading “excluded essential position(s)” for the subject line of e-mails and at the beginning of the Notes section in VB.
- The job class of each position determined to be essential and the applicable letter from the list of approved core government functions provided under exclusion #2.
- A statement that the agency has examined its likely financial resources for FY09 and beyond and is able to fund this position.
- The name and title of the senior agency executive (i.e., Commissioner or Executive Director, Deputy Commissioner, Assistant Commissioner, or equivalent role) who approved filling the vacant position(s).

Other critical positions are non-excluded positions for which the flexibility to consider and hire applicants from outside of state government has been approved by a senior agency executive. Include the following information for these positions:

- The heading “critical position(s)” for the subject line of e-mails and at the beginning of the Notes section in VB.
- The job class of each position determined to be critical (i.e., each non-excluded position for which a senior agency executive has approved the internal request to consider and hire applicants from outside of state government).
- A brief rationale for filling the position(s), including why the ability to consider and hire applicants from outside of state government is needed.
- A statement that the agency has examined its likely financial resources for FY09 and beyond and is able to fund this position.
- The name and title of the senior agency executive (i.e., Commissioner or Executive Director, Deputy Commissioner, Assistant Commissioner, or equivalent role) who approved the filling of each vacancy listed in the e-mail.

Once your agency has submitted this required information to the DOER agency services representative assigned to your agency, you may fill the position(s).

Unlimited Classified Vacancies

All unlimited classified vacancies will continue to be posted on DOER’s website through the Vacancy Builder (VB) process. The date the VB was received and/or posted on the DOER website determines the decisions and actions to be taken.

Timing of Vacancy Builder (VB)	Decisions/Actions
Vacancy Builders received and posted on the DOER website BEFORE Tuesday, February 19, 2008	At their discretion, agencies may continue filling current vacancies that were posted on DOER’s website BEFORE February 19, 2008.

Timing of Vacancy Builder (VB)	Decisions/Actions
<p>Other Vacancy Builders received in DOER through Wednesday, February 20, 2008</p>	<p>Senior agency executive decides whether to fill each vacancy for which a VB was received in DOER on or before Wednesday, February 20, 2008 and not posted on DOER’s website.</p> <p>VBs being filled through open competitive processes are currently on hold, pending receipt of an approval e-mail to the appropriate DOER agency services representative for each unlimited classified vacancy being filled. The e-mail must contain “Critical position(s)” in the subject line and the information described in the “Tracking of Excluded-Essential and Critical Positions” section of this memo.</p>
<p>Vacancy Builders received in DOER from Thursday, February 21, 2008 until further notice</p>	<p>Senior agency executive decides whether to fill each vacancy for which a VB is required.</p> <p>Vacancies being filled through open competitive processes must include the information outlined in the “Tracking of Excluded-Essential and Critical Positions” section of this memo. Instead of a separate e-mail, include this information in the Notes section of the VB being submitted to DOER.</p>

Filling Other Vacancies

All hires that involve a state agency’s need to consider and hire applicants from outside of state government are subject to these hiring restrictions, including vacancies that are not posted on DOER’s website. Emergency and temporary appointments are examples of vacancies that are entered directly into SEMA4. Effective immediately, the agency must submit the following information with each hire that is entered into SEMA4 without a Vacancy Builder:

Within SEMA4

Note the name and title of the senior agency executive who approved the request to fill the position in the Comments section of “Job Data.”

E-mail

At the same time, send an e-mail to the agency's assigned DOER agency services representative with the following information:

- The heading "Excluded-essential position(s)" or "Critical position(s)" for the subject line.
- When "excluded-essential position(s)" is used, include the applicable letter from the list provided under exclusion #2 above.
- The name of the individual hired (if known), the position number, job class, and status of the hire (e.g., emergency, temporary).
- A brief rationale for filling the position(s), including why the flexibility to consider and hire applicants from outside of state government is needed.
- A statement that the agency has examined its likely financial resources for FY09 and beyond and is able to fund this position.
- The name and title of the senior agency executive (i.e., Commissioner or Executive Director, Deputy Commissioner, Assistant Commissioner, or equivalent role) who approved filling the vacancy.

Once your agency has submitted the required information to the DOER agency services representative assigned to your agency, you may fill the position(s).

If you have any questions, please contact the DOER agency services representative assigned to work with your agency.

cc: HR-All
Exclusive Representatives