

<b>HUMAN RESOURCES MEMORANDUM 08-029</b>		DATE ISSUED: 10/01/2008
SUBJECT: <b>Executive Order S-09-08: Freeze Exemptions for Personnel Actions</b>		REFERENCE: None
TO: DGS Managers, Supervisors, Personnel Liaisons and Attendance Clerks		SUPERCEDES: None

**PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES**

**Purpose**

This HR Memo provides clarification and additional information pertaining to the need for freeze exemptions from the provisions of Executive Order S-09-08 in relation to personnel actions.

**Actions Exempted from Process**

The Department of Personnel Administration (DPA) has lifted the freeze on range movements as listed in the provisions of the Executive Order. Range changes which had been pending the passing of the budget will now be processed by the Office of Human Resources (OHR).

Pay differentials for recruitment and retention pay, which had also been suspended due to the lack of budget, will also be processed.

**Freeze Exemption Approvals**

On September 30, 2008, Deborah Baker distributed an e-mail with the subject reference, 2008-09 Budget/EO/Exemptions. The e-mail stated that Deputy Directors may approve exemptions in their respective business area that met the criteria provided. Signed Deputy-approved exemptions may include personal services contracts, overtime, and/or the hiring of staff, and other actions described in the following table.

Copies of approved exemptions MUST be submitted to the Administration Division Executive Assistant (Carmen Llamas, 376-5025) weekly to facilitate centralized tracking and the reporting of DGS exemptions to State and Consumer Services Agency (SCSA). Office of Human Resources also needs to have a copy of the signed Deputy-approved exemption request for any hires (to attach to the submitted RPA) or overtime worked.

Exemption requests that do not meet the criteria provided in the e-mail must continue to be submitted to the Administration Division for review, approval, and submittal to SCSA for higher-level approvals.

**Freeze Exemptions**

The following table provides a reference as to when a freeze exemption is required or not required in order process certain personnel transactions during the balance of the 2008-09 Fiscal Year.

Exemption Required

- Intradepartmental transfer (lateral) to different class, but increase in salary.
- Limited-term appointment converting to permanent appointment.
- Interdepartmental transfer (other department).
- List appointment from open list for a new hire or promotion.

- New out-of-class assignments.
- New TAU appointments (including non-contract students).
- Promotions (including promotions in place).
- Overtime (including CTO).

#### Exemption Not Required

- Intradepartmental transfer (within DGS) if same class.
- Extensions of out-of-class assignments up to the maximum permitted by MOU.
- Transition of eligible incumbent from TAU to permanent appointment.
- Converting a lateral appointment to a list appointment contingent on list eligibility.

#### **Exempted Vacancies**

The Office of Human Resources 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 this HR Memo should be directed to your Classification and Pay Analyst/Manager.

/s/

MARIA J. LOPEZ, Manager  
Personnel Operations Section

Cc: OHR Staff