

Hiring Freeze per ESHB 2921

Questions and Answers

1. **Does the hiring freeze apply to all state agencies and higher education institutions?**
Yes. The hiring freeze also applies to the legislative branches, judicial branches, and separately elected state officials.
2. **When does the hiring freeze go into effect, how long does it last, and when will it end?**
The hiring freeze is effective March 17, 2010, per Engrossed Substitute House Bill 2921. The hiring freeze lasts through June 30, 2011.
3. **To what types of positions does the hiring freeze apply?**
The hiring freeze applies to all positions, including permanent, non-permanent, classified (includes Washington Management Service (WMS)), and exempt.
4. **Does the hiring freeze apply to all fund sources?**
Yes. The only automatic exemptions relate to the activities listed below (Question 5) and in the implementation memo – regardless of type of position or fund sources. Any other exemptions would require a request to the Department of Personnel.
5. **Are there any positions that are automatically exempted from the hiring freeze?**
Yes, agencies do not need to request exemptions for positions that perform the following activities:
 - Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the School for the Blind and the School for the Deaf;
 - Direct protective services to children and other vulnerable populations in the Department of Social and Health Services;
 - Washington State Patrol investigative services and field enforcement;
 - Hazardous materials response and emergency cleanup;
 - Emergency public health and patient safety response and the public health laboratory;
 - Military operations and emergency management within the Military Department;
 - Firefighting;
 - Enforcement officers in the Department of Fish and Wildlife, the Liquor Control Board, the Gambling Commission, and the Department of Natural Resources;
 - Park rangers at the Parks and Recreation Commission;
 - Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;
 - Seasonal employment in the Department of Transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;
 - Employees hired on a seasonal basis by the Department of Agriculture for inspection and certification of agricultural products and for insect detection;
 - Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;
 - In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition; positions that are filled by enrolled students at their own institution as student workers, positions in campus police and security, positions related to emergency management and response, and positions related to student health care and counseling.
 - Operations of the State Lottery and Liquor Control Board business enterprises;
 - The unemployment insurance program of the Employment Security Department; and
 - Activities necessary to receive or maintain federal funds by the state.

Specific hiring authorization from the Director of OFM is not required for activities that agency directors determine match the above descriptions, but agencies must keep a log of all hires that specifies the related exemption.

6. What must agencies track during the hiring freeze?

Agencies must keep their own log to track hires during the hiring freeze, and be prepared to respond to inquiries regarding individual hiring decisions.

7. Will the Department of Personnel be monitoring data during the freeze?

Yes. The Department of Personnel will be monitoring and providing OFM available data on hires, separations, and payroll headcount on a monthly basis, and a running tally of the number of requests.

8. Is there a process for an agency to request an exemption to hire for a critical activity that is not directly reflected in the automatically exempt list?

Yes. If an agency needs to fill critical positions that don't fall into the automatically exempt categories, only agency directors may request an exemption by completing the "Request for Hiring Freeze Exemption" form and submitting it to the Director of the Department of Personnel at ExemptionRequests@dop.wa.gov for review. The request will be forwarded to the Director of OFM for final action.

9. What criteria will be used for reviewing hiring freeze exemptions?

An exemption will be approved for critically necessary work of an agency.

10. How soon will exemption requests be reviewed by the Department of Personnel?

The Department of Personnel will forward its recommendation to the Director of OFM within one week (five business days) of receiving the "Request for Hiring Freeze Exemption" form.

11. What if a recruitment is already in process at the time of the freeze?

The hiring freeze takes effect March 17, 2010 and applies to all hiring not specifically excepted in ESHB 2921. If an offer was extended and accepted prior to March 17, 2010, the hiring is not subject to the freeze. Agencies and institutions must keep a log of any positions where the individual has offered and accepted a position prior to March 17, 2010 but did not start in that position until after March 17, 2010.

12. Can agencies make internal agency appointments without meeting the exemption criteria?

No. All hires must either provide a service on the automatic exemption list or be submitted to the Department of Personnel for review based on the hiring freeze exemption criteria.

13. Must extensions of temporary or non-permanent employees meet the hiring freeze exemption criteria?

No. Extensions of temporary or non-permanent employees do not have to go through the hiring freeze exemption request process.

14. May I move a current employee into a vacant position without requesting an exemption?

The movement must be within the same agency and job class (or WMS band).

- If the movement is a simple change of duties and/or office, the agency does not have to request an exemption.
- If the movement includes a hiring process (e.g. active recruiting to build a pool of candidates, using a bid process, or conducting interviews), the agency must submit an exemption request to DOP.

Before moving an employee into a vacant position, the agency should first ask:

- Is the vacant position critical?
- Can the critical work be redistributed to other staff?

15. Are work study programs and supported employment positions impacted by the hiring freeze?

No, agencies can participate in both of these programs.

16. There are some programs/units moving from one agency to another as legislatively mandated, do I have to request a hiring exemption?

No. Gaining agencies will have to create new positions in the Organization Management (OM) module of HRMS for those staff being gained. Once the losing agency processes the loss, the gaining agency appoints the staff into the newly created positions as new appointments. These newly created positions to be filled by current incumbents are not considered "new hires" for the purpose of the hiring freeze. If vacancies are transferred and must be filled, a hiring exemption will need to be requested.