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TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: Robert L. King

SUBJECT: Statewide Hiring Freeze -- Changes to the Department of Civil Service's NYSTEP System

This Bulletin provides guidelines pertaining to the statewide hiring freeze and its administration via the New York State Electronic Personnel system (NYSTEP) of the Department of Civil Service (DCS). It updates established administrative procedures to conform them to NYSTEP processing requirements, and provides agencies with guidance on issues related to the State's transition to electronic processing of hiring freeze actions. This Bulletin supplements other guidelines and instructions related to hiring freeze administration, such as Budget Bulletins B-1148 and G-1027, Civil Service General Information Bulletins #95-02 and #98-01 or any other guidelines which may have been issued pertaining to the statewide hiring freeze.

While this Bulletin modifies hiring freeze terminology and describes a new process for requesting and approving hiring freeze actions, it does not supercede the substantive content of the above mentioned bulletins, documents or of any other guidelines. For agencies' convenience, this Bulletin includes two attachments. [Attachment A provides revised hiring freeze definitions and terminology.](#) [Attachment B describes the criteria](#) for approval of hiring freeze actions and the circumstances when approval of a hiring freeze waiver or exemption is required to fill a position.

NYSTEP

Release 2.0 of the NYSTEP system was made available to State agencies on Monday, February 22, 1999. As a result, administration of the statewide hiring freeze has been modified and improved.

From Monday, February 22, 1999 through Friday, March 19, 1999 (a transitional period), agencies will continue to submit hiring freeze requests to their Budget examination units on paper. Please note, however, that the definitions and terminology relating to the various types of hiring freeze waiver and exemption requests have been modified ([see Attachment A](#)).

Beginning Monday, March 22, 1999, State agencies with access to NYSTEP will use that system to electronically request DOB approval of hiring freeze waivers and exemptions. State agencies will be responsible for initiating those requests as NYSTEP transactions. This improvement is intended to significantly reduce, and in many cases eliminate, the paperwork formerly associated with administration of the hiring freeze. In support of this objective, agencies are encouraged to discuss potential hiring freeze waiver and exemption requests with DOB examination units before those requests are submitted for formal Division of the Budget action via NYSTEP.

After March 22, 1999, Division of the Budget examination units will no longer accept paper based hiring freeze waiver and exemption requests from agencies which use NYSTEP for Title and Position Management (TPM) and other activities. Such agencies must transmit requested hiring freeze actions to the Budget Division via the NYSTEP system. However, DOB staff may still require agencies to provide additional justification for requested actions. In those circumstances, DOB staff will use established lines of communication with agencies to obtain additional or supplementary information regarding an agency's request. State agencies which are not users of the NYSTEP system should contact their DOB examination unit for guidance on alternative procedures for administering the hiring freeze.

State agencies should implement internal control and communication procedures which ensure that hiring freeze waiver and exemption requests are fully authorized by agency management and reviewed by the appropriate personnel and fiscal units for accuracy before they are submitted to DOB via NYSTEP. DOB staff cannot make corrections to hiring freeze actions which have been submitted by State agencies; requested waivers and exemptions which contain errors will have to be disapproved by DOB and agencies will have to submit new, corrected requests to replace such disapproved actions.

Agencies must also determine which of their employees will be involved in the data entry of hiring freeze waiver and exemption request transactions via NYSTEP. Due to the similarity of the hiring freeze panels to other TPM transactions, agencies are encouraged to rely upon employees who are already familiar with the NYSTEP system for actual data entry of these requests. If, however, an agency determines that expansion or modification of its complement of authorized NYSTEP users is warranted, the agency should contact Ms. Barbara DeFruscio (518-485-2122) or Ms. Sigrid Reiser (518-457-2634) of the Department of Civil Service by March 8, 1999 to make any necessary arrangements.

ORIENTATION AND TRAINING

The Division of the Budget is offering orientation and training to agency personnel who will participate in the administration of the hiring freeze. An orientation meeting will be held on **March 11, 1999 in Meeting Room #1 of the Empire State Plaza (Concourse level) from 9:30 until 11:30 AM**. This session will provide an overview of NYSTEP processing of hiring freeze waiver and exemption requests. Agencies are asked to notify DOB of the number of their employees expected to attend the orientation

session by contacting one of the individuals listed below.

Additionally, all agency personnel who will be responsible for direct interaction with the NYSTEP system for purposes of entering and/or submitting hiring freeze waiver and exemption transactions are encouraged to attend one of the hands-on training sessions offered below. Due to a limited number of computer terminals available for each of the hands-on training sessions, agency personnel must register for a specific session in advance. Please contact Deb Morwin (518 402-4309), Wendy Jordan (518 473-1070), or Anne Grignon (518 402-4125) of the Budget Division to sign up for one of the training sessions.

Training sessions will be offered in **Classroom #5 of Building #1**, the Department of Civil Service, at the **State Office Building Campus in Albany** as follows:

Monday, March 15th: 9:30 am to 11:30 am
12:30 pm to 2:30 pm

Wednesday, March 17th: 9:30 am to 11:30 am
12:30 pm to 2:30 pm

Friday, March 19th: 9:30 am to 11:30 am
12:30 pm to 2:30 pm

A copy of the training materials offered at these hands-on training sessions will be distributed to agencies under separate cover.

Any questions regarding this Bulletin should be directed to your budget examiner.

Note: This Bulletin will remain in effect until either rescinded or superseded.

Attachments

DEFINITIONS AND TERMINOLOGY

HIRING FREEZE WAIVER

A hiring freeze waiver is used to temporarily suspend the hiring freeze from being applied to an item or group of items to allow for an individual(s) to be appointed. Once approved by DOB, hiring freeze waivers remain in effect for not more than 120 days, after which the hiring freeze is reinstated for such item(s). The Division uses two types of hiring freeze waivers:

Restricted Waivers:

- *Authorize the filling of statutory salary items via NYS internal hiring or transfer.*
- *Authorize the filling of BDA (Budget Director Approval) and other non-statutory (NS) salary items via internal hiring or transfer.*

Unrestricted Waivers:

- *Authorize the external filling of statutory salary items using appropriate Civil Service mechanisms if NYS internal hiring or transfer is unavailable/unlikely.*
- *Authorize the external filling of BDA and other non-statutory (NS) salary items using appropriate mechanisms if NYS internal hire or transfer is unavailable/unlikely. (These were previously considered to be restricted waivers. However, they have been reassigned to the “Unrestricted” category due to the external nature of the appointment.)*

HIRING FREEZE EXEMPTION (New)

A hiring freeze exemption is used to indefinitely *remove* the hiring freeze from an agency, an item, positions within a range of item numbers or a title to allow for an individual(s) to be appointed. Hiring freeze exemptions also may be requested for items whose costs are supported by a particular fund, sub-fund or account, program or position pool. Once approved by DOB, hiring freeze exemptions remain in effect until such time as a subsequent action reinstating the freeze on such item(s) is approved by DOB. (This type of action was previously called a “Blanket Hiring Freeze Waiver”.)

- *Exemption from the hiring freeze allows for both internal and external filling to occur without any further DOB action or involvement until such time as the exemption is removed and the hiring freeze is reinstated.*

CRITERIA/APPLICABILITY OF HIRING FREEZE WAIVERS/EXEMPTIONS

ACCEPTABLE CRITERIA FOR HIRING FREEZE WAIVERS OR EXEMPTIONS:

- Filling of position(s) is essential to protect the public health, safety and welfare

BUDGET APPROVAL OF HIRING FREEZE WAIVERS OR EXEMPTIONS IS REQUIRED:

1. To fill any positions, be they permanent or temporary, whether by promotion, transfer between appointing authorities, transfer to upward level positions, transfer from a non-general fund to the general fund, reinstatement or new hire;
2. To engage the services of individuals on a contract or voucher basis;
3. To change funding source of filled items;
4. To make appointments for hold purposes only, including appoint/leave and appoint/continue transactions; and
5. To immediately replace a non-permanent employee with a qualified individual from an eligible list or a reemployment list.

BUDGET APPROVAL OF HIRING FREEZE WAIVERS OR EXEMPTIONS IS NOT REQUIRED:

1. To fill any positions via transfer to lateral or downward level positions within the same appointing authority, unless such appointments are from non-general fund to general fund items;
2. To change the status of incumbents from non-permanent to permanent, such as list appointments of provisional or temporary incumbents;
3. To move incumbents (not vacancies) in their items where those items have been reclassified, whether upward, downward or on a lateral basis (employees have appointment rights);
4. To replace employees who have been terminated during their probationary periods;
5. To refill vacated items within the life of a current budget approved hiring freeze waiver for such items (life not to exceed 120 days);

6. To fill positions having titles relating to Y2K which have been exempted from hiring freeze pursuant to Budget Bulletin G-1027;
7. To fill positions associated with displacements from reductions in force, such as bumping and retreating;
8. To fill positions resulting from returns from leaves of absence;
9. To change line items within the same appointing authority and funding source;
and
10. To facilitate mandatory advancements within, or completion of, approved traineeships, apprenticeships and career ladders.