



HCM 19-05

Please be advised that Gov. Kevin Stitt signed Executive Order 2019-3 on Jan. 24, 2019, and amended the same on Feb. 26, 2019, regarding personnel guidelines for state government. The following information is offered to provide clarification on this subject.

[Amended Executive Order 2019-3](#)

- The personnel freeze does not apply to non-IT unclassified employee positions; however, reallocation of unclassified positions shall be specifically approved by the cabinet secretary or statewide elected official per Executive Order 2019-3.
- Classified personnel transactions (all hiring, reinstatement, salary raises, performance bonuses, promotions, career progressions, detail to special duty or acceptance of transferred employees) started on or after Jan. 24, 2019, are subject to the Personnel Guidelines. If transactions dated after Jan. 24, 2019 have been entered into the system of record prior to the dissemination of this memo, the transaction will be audited according to previously established guidelines.
- All classified personnel transactions (all hiring, reinstatement, salary raises, performance bonuses, promotions, career progressions, detail to special duty or acceptance of transferred employees) that were started prior to Jan. 24, 2019, are subject to the requirements of the Executive Order 2015-06.
- All critical need and hard-to-fill position exceptions (example: child welfare specialist; correctional officers; correctional food service personnel; correctional case managers; social service specialists; etc.) that were previously approved will remain unless otherwise determined by the cabinet secretary or statewide elected official.
- The Office of Management and Enterprise Services does not require an approved Personnel Restriction Exception Request (HCM-92) prior to posting vacant classified positions for agencies. However, the approval is required prior to extending an offer of employment.
- In consultation with agencies, OMES will contact agencies in order to conduct a study of all classified positions to address the following:
 - Identify classified job families, or levels within job families, that are better suited for the unclassified service.
 - Determine the extent to which each Merit System agency is required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs.
 - Define a framework for the management and maintenance of an unclassified workforce that maximizes organizational flexibility without compromising essential merit and fitness employment principles.

- New blanket freeze exceptions must be approved by new secretaries as the preexisting blanket exemptions from previous secretaries no longer apply. If the agency's cabinet secretary remains unchanged, seek confirmation of existing blanket freeze exceptions. **Notify OMES of any confirmations.**

PERSONNEL TRANSACTIONS REQUIRING AN EXCEPTION TO THE RESTRICTIONS

The Personnel Guidelines apply to all personnel transactions listed below. Agencies are required to have a Personnel Restriction Exception Request (HCM-92) approved before proceeding with any of the following personnel transactions:

Transactions	Approved Personnel Restriction Exception Request Needed (HCM-92)	Other Information
Classified Position Audits	Yes	Audits of classified positions shall not be initiated or conducted at the request of the agency unless specifically approved by the Cabinet Secretary or statewide elected official (EO 2019-3).
Unclassified Position Reallocations	Yes	Reallocations of unclassified positions shall not be initiated or conducted at the request of the agency unless specifically approved by the Cabinet Secretary or statewide elected official (EO 2019-3).
New Hires, reinstatements, and accepting a transferred employee from another agency (Classified Only)	Yes	New hires include but are not limited to: noncompetitive, direct hire, student appointment, intern appointment, temporary appointment, state work incentive, and unclassified appointment changes.
Granting salary raises, awarding performance bonuses (Classified Only)	Yes	Raises include: salary raises, Pay for Performance increases, equity adjustments, market adjustments, skill-based increases and non-legislative salary adjustments.
Promoting employees and career progressions (Classified Only)	Yes	
Detail to special duty (Classified Only)	Yes	

PERSONNEL TRANSACTIONS FOR INFORMATION TECHNOLOGY POSITIONS REQUIRING AN EXCEPTION

The Personnel Guidelines apply to all classified and unclassified personnel transactions (hiring, reinstatement, salary raises, performance bonuses, promotions or acceptance of transferred employees) for information technology positions, regardless of the cabinet area of responsibility in which the individual is or may be employed and shall require the approval of the secretary of agency accountability.

In addition to and regardless of job class, the restriction guidelines apply to any non-IT position for which: (1) the primary responsibilities are information technology-related, or (2) successful completion of assigned information technology-related duties would require more than half of time worked.

A Personnel Restriction Exception Request (HCM-92) approved by the secretary of agency accountability is required in order to proceed with any of the following transactions:

Transactions	Approved Personnel Restriction Exception Request Needed (HCM-92)	Other Information
All hiring, reinstatement, promotion, or transfer of IT Positions <i>or non-IT positions with substantial IT-related responsibilities</i> (Classified and Unclassified)	Yes	All hiring, reinstatement, salary raises, performance bonuses, promotions, or acceptances of transferred Information Technology positions, regardless of the Cabinet area of responsibility in which the individual is employed, shall require the exclusive written approval of the Secretary of Agency Accountability (EO 2019-3).

TRANSACTIONS: ALL OTHER

An approved Personnel Restriction Exception Request (HCM-92) is **not** required for the following transactions:

1. Change of employment type of existing employees (example: intern, students, temporary appointment, state work incentive).
2. Pay differentials (example: shift differential for select industrial occupations).
3. Demotion (voluntary or involuntary).
4. Change in percentage worked (increasing hours worked for part-time employees).
5. Classification grievances.

Please feel free to contact one of the following individuals with questions:

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