



Office of the Attorney General

Washington, D.C. 20530

January 21, 2011

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS AND UNITED STATES ATTORNEYS

FROM:  THE ATTORNEY GENERAL

SUBJECT: Temporary Freeze of Hiring and Non-Essential Spending

The Department is currently operating under a Continuing Resolution (CR) through March 4, 2011, with funding under the CR limited to last fiscal year's budget level. While we do not yet know what action will be taken to fund the Department for the remainder of the year, there is a realistic prospect that we will have to operate the entire year at last year's levels despite the higher cost of our staffing and operations this year. Accordingly, I am ordering a Department-wide temporary freeze on hiring. I am also ordering reductions to non-personnel spending.

The actions I am taking, including the general freeze on hiring, are designed to keep the Department operating effectively within constrained funding levels. They will also help us avoid more severe measures such as employee furloughs. I am fully aware of the difficult situation this creates for your operations and that many important activities will be curtailed. Nonetheless, we must take these actions to maintain our essential public safety responsibilities and meet our responsibility to ensure our financial solvency and accountability.

Temporary Hiring Freeze

Effective immediately, I am directing a temporary freeze on all new hiring in all DOJ Components. The following conditions will apply:

1. Written commitments formally issued by your component's servicing human resources office on or before the date of this memorandum will be honored.
2. Hiring for agents, deputy U.S. Marshals, intelligence analysts, and correctional officers is frozen, but essential backfills in these position categories, not to exceed current staffing levels or available funding, are authorized to maintain public safety and national security protections. Current staffing levels are defined as positions filled as of the pay period ending January 1, 2011.
3. Attorney General Honors Program (HP) and Summer Legal Intern Program (SLIP) commitments already built into this current budget cycle will be honored.
4. Hiring in the Working Capital Fund is frozen. Hiring in non-appropriated (e.g., fee-based) accounts is permitted subject to funding availability. Hiring with funding from reimbursable resources is subject to the same freeze restrictions as hiring with direct funding.

5. Career ladder promotions are not subject to the freeze.
6. Position changes within a component are not subject to the freeze since internal hires without backfill do not increase overall staffing levels, but any such changes must be within a component's available funding.
7. Conversion of personnel in career trainee/intern programs into permanent appointments (e.g., conversion of Federal Career Intern participants, Presidential Management Fellows) are allowed.
8. Other personnel actions that are not impacted by the freeze include non-competitive temporary promotions not to exceed 120 days, within grade increases, payroll corrections, retirements, voluntary early retirements, voluntary separation incentive payments, and disciplinary/adverse actions.

There may be hiring circumstances affected by external entities, e.g., the Merit Systems Protection Board, the Equal Employment Opportunity Commission, etc. Similarly, there may be hiring actions resulting from formal Reemployment Priority List actions. Consult the Justice Management Division (JMD) Human Resources Staff for guidance in these special circumstances.

I will consider a very limited number of exemptions from the freeze for individual positions, in extraordinary circumstances and on a case-by-case basis. Requests must include the position description and a justification regarding the critical need to fill the position, impact on mission if left unfilled, and why current staff levels are not sufficient to fulfill the duties during the hiring freeze. The request should also include confirmation that your component has available funding for the hire. Please submit exemption requests to the JMD Deputy Assistant Attorney General/Controller.

Non-Personnel Expenses

Also effective immediately and continuing through the remainder of FY 2011, components should suspend all non-essential travel, training, and conferences. The number of Department attendees at all conferences must be minimized. Component expenditures across the board – e.g., vehicles, employee permanent change-of-station moves, information technology (IT) projects, equipment, supplies, contracts – should be held to essential needs. Given the difficult funding environment, your reductions to non-personnel expenditures will help ensure you have the necessary funds for staff and essential operations.

Components are to manage their operations within apportioned budget authority. Component full year operating plans should be formulated in a manner that avoids any reliance on staff furloughs in order to maintain solvency.

We anticipate revisiting the freeze and the other measures discussed above once we have a better understanding of our full year funding situation; however, all restrictions described herein will remain in effect until further notice. For questions regarding these subjects, please contact Lee Lofthus, Assistant Attorney General for Administration, on 202-514-3101.