The Federal Hiring Freeze
On Jan. 23, President Trump fulfilled a campaign promise to freeze federal hiring, issuing an executive order that prohibits agencies from filling many civilian positions.

The hiring freeze will last only as long as it takes the Trump administration to come up with an alternative plan to cut the workforce through attrition, according to a memorandum released by the White House, and soon came to include many exemptions.

Trump said the hiring moratorium would “be applied across the board in the executive branch” and apply to any positions vacant as of Jan. 22. It would bar agencies from creating new positions. Agency heads can exempt positions they deem “necessary to meet national security or public safety responsibilities.”

The memorandum gave the directors of the Office of Management and Budget and the Office of Personnel Management 90 days to come with a “long-term plan to reduce the size of the federal government through attrition.” Once that plan is implemented, the hiring freeze will expire.

Outsourcing jobs to the private sector to get around the freeze will not be permitted, Trump wrote. Similar provisions were included in OMB guidance implementing freezes put into place by presidents Jimmy Carter and Ronald Reagan, though the General Accounting Office (now the Government Accountability Office) found agencies frequently ignored the guidance and circumvented the intent of the moratorium by hiring contractors anyway. That, in part, led to the federal government saving very little money through the freeze, GAO said.

Trump’s freeze will apply to all agencies, regardless of their funding stream. Some agencies can reallocate funds to deliver essential services, the president said.

“In carrying out this memorandum, I ask that you seek efficient use of existing personnel and funds to improve public services and the delivery of these services,” Trump said.

“Accordingly, this memorandum does not prohibit making reallocations to meet the highest priority needs and to ensure that essential services are not interrupted and national security is not affected.”

The order does not apply to any political hires, nor does it repeal any collective bargaining agreements.

Exemptions Emerge
Shortly after Trump issued his order, OMB and OPM issued guidance clarifying exemptions to the freeze.

In the guidance, issued by Mark Sandy and Kathleen McGüttigan, the respective acting OMB and OPM directors, said national security positions exempted include foreign relations responsibilities, while public safety exceptions include “essential activities to the extent that they protect life and..."
property.” The acting directors referred agency heads to OMB’s guidance for determining exemptions during a government shutdown for further clarification.

In addition to those general exemptions, OPM and OMB laid out specific exceptions.

All uniformed military personnel are exempt from the freeze, including the Coast Guard, Commissioned Corps of the U.S. Public Health Service, and Commissioned Officer Corps of the National Oceanic and Atmospheric Administration.

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  (including the Coast Guard, Commissioned Corps of the U.S. Public Health Service, and Commissioned Officer Corps of the National Oceanic and Atmospheric Administration)

- U.S. Postal Service
- Central Intelligence Agency

- Office of the Director of National Intelligence
- Internal career ladder promotions
- Politically appointed positions
  (including Schedule C appointments and non-career Senior Executive Service vacancies)
- Temporary and seasonal positions
- Jobs in areas in that Congress has required hiring by law
- Appointments under the Pathways and Presidential Management Fellows programs

Areas in which Congress has required hiring by law are also exempted from the freeze.

Some agencies are exempted altogether: positions at the U.S. Postal Service, the CIA and the Office of the Director of National Intelligence are all exempt.

Internal career ladder promotions are not subject to the freeze, nor are appointments made under the Pathways and Presidential Management Fellows programs. Employees onboarded as part of industry exchange programs are exempted as long as the workers hired under that authority do not exceed the total from before the freeze went into place.

Employees detailed between agencies are not affected as long as reimbursements are not being used to “circumvent the intent of the freeze.” Reallocations of current employees within an agency are allowable if they are used to “meet the highest priority needs,” such as national security and essential services.
Agencies also can accept voluntary transfers of current SES members between agencies to “secure the leadership capacity,” subject to OPM approval.

In earlier guidance issued after Trump’s memo, Sandy said employees with an offer in hand as of Jan. 22 and a start date of Feb. 22 or before should report to work on the agreed-upon date. He told agency directors to determine whether job offers should stand for those who had an offer as of Jan. 22, but did not have a first day established or it was determined to be after Feb. 22.

Even before OMB and OPM issued their guidance on exemptions, the Veterans Affairs Department announced its own set of exceptions to the freeze. In addition to front-line patient caregiver jobs (doctors, nurses, therapists, etc.), positions at major VA construction projects were exempted. They include project manager, professional engineer, contracting specialist and realty specialist. VA left open the possibility that other positions also could be excepted.

The Defense Department followed up with its own specific guidance, creating five different categories of potential exemptions to the freeze: positions necessary to meet national security or public safety responsibilities, those determined additionally necessary by the aforementioned officials, exemptions required by law, exemptions that do not require approval and those that require advanced coordination with department leadership. Specific exemptions are to be spelled out by the secretaries of each service, the Office of the Chairman of the Joint Chiefs of Staff, the inspector general’s office or the deputy chief management officer.

If agency heads across government want additional exemptions, they can write to the OPM director to request them. The leaders must explain the critical need and why reallocation of staff is not possible.

**KEY DATES**

**JANUARY 22**
New hires with an offer in hand by this day and a start date within the next month allowed to report to work.

**JANUARY 23**
President Trump signs freeze order.

**JANUARY 31**
OMB, OPM issue guidance on exemptions from freeze.

**FEBRUARY 22**
Last day for new hires with a previous offer to begin work.

**APRIL 22**
OMB and OPM directors must submit plan to reduce size of federal workforce by attrition. Freeze expires upon implementation of the plan.