

EXECUTIVE ORDER TO INSTITUTE AN IMMEDIATE HIRING AND PROMOTION FREEZE

WHEREAS: The Governor of the State of Arkansas has the responsibility to reduce government waste and ensure that tax dollars are spent wisely;

WHEREAS: Elected officials must eliminate unnecessary spending at every level of state government; and

WHEREAS: The Governor of the State of Arkansas will review current and prospective state payroll expenditures to ensure its government functions efficiently and responsibly.

NOW, THEREFORE, I, SARAH HUCKABEE SANDERS, acting under the authority vested in me as the Governor of the State of Arkansas, do hereby order the following:

(1) That Executive Order No. 15-01 is repealed in its entirety and replaced by this Executive Order.

(2) That a moratorium on hiring and promotion is necessary to promote the fiscal efficiency and financial integrity of the State of Arkansas.

(3) That this Executive Order applies to all vacant positions existing on or after January 10, 2023 at all state entities, as defined by Arkansas Code Annotated section 25-43-103, unless otherwise stated in this Order.

(a) That state entities shall terminate all ongoing hiring processes that have not yet resulted in a formal offer of employment being extended to a candidate.

(b) That state entities may only conclude hiring processes that have resulted in a formal offer of employment extended to a candidate, if the candidate has previously accepted the offer, has a start date within thirty days of the date of this Order, and the Secretary of the Department, or head of the state entity if there is no Secretary, approves.

(4) That all state entities shall refrain from filling vacant positions—including replacement positions and newly budgeted positions—unless it is determined that a legitimate business need requires the position to be filled.

(a) “Replacement position” is defined as backfilling a job at the same title and grade because of employee turnover, i.e., resignation, retirement, promotion, involuntary termination, and the like.

(b) “Newly budgeted” position is defined as a position that has been approved through the budgeting process but has not been filled.

(5) That any state entity, as defined in Arkansas Code Annotated section 25-43-103, shall submit requests to fill vacant positions to the Department of Transformation and Shared Services, to the attention of the Administrator, Office of Personnel Management, for final consideration by the Governor’s Executive Review on all requests to fill replacement positions or newly budgeted positions.

(6) That upon determination of legitimate business need and approval by the Governor, positions will be advertised in accordance with guidelines established in the Uniform Classification and Compensation Act (Arkansas Code Annotated section 21-5-210, et. Seq.) and notification of the vacancy submitted to the Department of Transformation and Shared Services, Office of Personnel Management. The Secretary of the Department, or head of the state entity if there is no Secretary, will be held accountable for adhering to these guidelines.

(7) That this hiring and promotion freeze is not applicable to:

- a) any positions authorized by federally funded public employment effort;
- b) any positions authorized for the Arkansas Department of Corrections; and
- c) any positions authorized for the Arkansas Department of Public Safety.

(8) That the Department of Transformation and Shared Services, Office of Personnel Management shall promulgate rulemaking for the implementation and administration of this Order.

(9) The provisions of this Order shall not apply to the members of the Legislature, or to any employees of, or positions in the Legislative branch of Arkansas State government; the Justices of the Supreme Court, Judges of the Court of Appeals, Judges of the Circuit Courts, Judges of the Inferior Courts, or to any employee of, or position in the Judicial branch of Arkansas State government; officers, employees, and academic personnel of State institutions of higher education; elective officers of the State and any employee of the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, Land Commissioner, State Treasurer; and members and staff of multimember boards, commissions, or committees whether the members thereof are elected or appointed by the Governor or other authority, serve ex-officio, or are otherwise chosen; employees of the Arkansas Department of Transportation, and the Arkansas Game and Fish

Commission; provided, however, that any agency, department, board, commission or office of State Government exempted as herein above stated may voluntarily agree to be covered by the provisions of this Executive Order.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive orders.

IN TESTIMONY WHEREOF, I have hereunto set my hand and cause the Great Seal of the State of Arkansas to be affixed this 10th day of January, in the year of our Lord 2023.