CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order #77 Pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21 and 2020-23

An order amending and restating Emergency Order #37 (An Order relative to Executive Branch hiring and out-of-state travel)

WHEREAS, on March 13, 2020, the Governor issued Executive Order 2020-04, An order declaring a state of emergency due to Novel Coronavirus ("COVID-19"); and

WHEREAS, the outbreak of COVID-19 has confronted the State with an unprecedented public health emergency and with financial and economic devastation resulting therefrom, which require the State to respond rapidly to ensure that necessary supplies, economic infrastructure, and other appropriate emergency responses are provided immediately; and

WHEREAS, on April 28, 2020, the Governor issued Emergency Order #37, An order relative to Executive Branch hiring and out-of-state travel, after determining that the projected state revenues for State Fiscal Years 2020 and 2021 would be insufficient to fund the state expenditures as authorized by Chapters 345 and 346 of the New Hampshire Laws of 2019 ("The State Budget"); and

WHEREAS, changes in State revenue projections for State Fiscal Years 2020 and 2021 allow for some additional flexibility in the provisions of Emergency Order #37.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21 and 2020-23, Emergency Order #37 is hereby amended and restated to read as follows:

1. All full-time and part-time classified and unclassified employee positions within the agencies of the Executive Branch ("Agencies"), which are vacant on the effective date of this Order or which become vacant after the effective date of this Order, shall remain vacant during the State of Emergency declared in Executive Order 2020-04 unless otherwise explicitly exempted by this Order or granted a waiver to this Order by the Governor.

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2. All full-time and part-time classified and unclassified employee positions whose roles are related to the COVID-19 pandemic response, direct care at a state facility, child protective services, and/or the enterprise functions of the Liquor and Lottery Commissions, are exempted from the provisions of this Order.

3. All full-time and part-time classified and unclassified employee positions which are funded either with 100 percent Federal funds, 100 percent restricted revenues, or a combination of federal funds and restricted revenues may be posted for internal and external applicants, conditioned on the agency certifying in writing to the Governor before the posting is made that the projected federal funds or restricted revenues used to pay the salaries, benefits, and ancillary costs of the position are sufficient to support the position for the duration of the contract period or, if the position is intended to be permanent, though the end of State Fiscal Year 2023. Any certification submitted under this paragraph shall be on a form provided by the Governor's Office.

4. All full-time and part-time classified and unclassified employees regardless of funding sources may post internally or externally, conditioned on the agency certifying in writing to the Governor before posting is made that the projected revenues used to pay the salaries, benefits, and ancillary costs of the positons is sufficient to support the position for the duration of the contract period or, if the position is intended to be permanent, through the end of the State Fiscal Year 2023. As part of the certification that is submitted by the agencies they should also certify that the agency will continue to meet agency General Fund and Highway Fund, if applicable, lapse targets for the biennium ending June 30, 2021. Any Certification submitted under this paragraph shall be on a form provided by the Governor Office.

5. No funds appropriated for out of state travel, for the duration of the State of Emergency declared in Executive Order 2020-04, shall be expended without the approval of the Governor.

6. This Order shall remain in effect through the end of the State of Emergency or until such date on which this Order is terminated, whichever comes first.

Given under my hand and seal at the Executive Chambers in Concord, this 23rd day of December, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Chris Sununu

GOVERNOR OF NEW HAMPSHIRE

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