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 #37 Pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05 and 2020-08

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, on April 3, 2020, the Governor issued Executive Order 2020-05, an order extending the state of emergency declared in Executive Order 2020-04 for an additional 21 days through April 24, 2020; and

WHEREAS, on April 24, 2020, the Governor issued Executive Order 2020-08, an order extending the state of emergency declared in Executive Order 2020-04 for an additional 21 days through May 15, 2020; and

WHEREAS, as of April 24, 2020, during the State of Emergency, the Governor has issued Emergency Orders that, among other things, (i) require public K-12 schools to transition to remote instruction and support, (ii) prohibit scheduled gatherings of 10 or more and require restaurants and bars to transition to take-out and delivery only, (iii) temporarily prohibit disconnection or discontinuance of certain services, including public utilities, in the event of non-payment, (iv) temporarily prohibit evictions and foreclosures, (v) dramatically expand access to State unemployment benefits for individuals impacted by COVID-19, (vi) close non-essential businesses and mandate that Granite Staters stay home with limited exceptions, (vii) expand access to Telehealth Services to protect the public and healthcare providers, and (viii) restrict hotels and other lodging providers to provision of lodging for vulnerable populations and essential workers; 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

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WHEREAS, the Governor has determined that the projected state revenues for State Fiscal Years 2020 and 2021 are 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, Federal funds made available to the state of New Hampshire under Title VI ("Coronavirus Relief Fund") of the Federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") cannot be used for expenses authorized by The State Budget; and

WHEREAS, the Governor has a fiduciary responsibility to take such steps as are required to achieve a balanced budget by the end of the biennium; and

WHEREAS, while the Governor previously directed Executive Branch agencies to pause hiring and non-essential out of state travel, the ongoing State of Emergency necessitates formalizing these directives.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05 and 2020-08, it is hereby ordered, effective immediately, that:

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.

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 applicants only, 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. Agencies may submit a written request to the Governor for a waiver to this Order in order to post full-time and part-time classified and unclassified employee positions not otherwise covered by exceptions in this Order. Agencies that have made internal postings covered in paragraph 3 of this Order, and have not found a qualified applicant, may request a waiver from the Governor to post the position for external applicants. Any waiver request submitted under this paragraph shall be on a form provided by the Governor's Office.

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5. All waivers to this Order granted by the Governor shall be posted on the Governor's Office webpage.

6. 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.

7. 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 28th day of April, 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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