

# Law 360

## Trump Freezes Federal Hiring, With Some Exceptions

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Law360, New York (January 23, 2017, 7:19 PM EST) -- President Donald Trump signed an executive memorandum on Monday that freezes federal hiring but gives agency heads the power to make exceptions for national security or public safety and lets the [Office of Personnel Management](#) grant carve-outs where “otherwise necessary.”

The directive prevents agencies from filling positions that were vacant as of noon Sunday or creating new ones until the OPM establishes a “long-term plan to reduce the size of the federal government's workforce through attrition.” The memo asks the OPM to do so within 90 days.

White House Press Secretary Sean Spicer said at a press briefing that the move is meant to promote “effective and efficient government” and a respect for American taxpayers.

“To see money get wasted in Washington on a job that is duplicative is insulting to the hard work they do to pay their taxes,” Spicer said.

The memo encouraged agencies to make “reallocations” where necessary to fill their positions that are high priority or relate to security.

The policy also contained a broad exception for military personnel but did not go into detail about whether that means, for example, that current and former members of the armed services can continue to apply for vacant civilian positions.

The federal government's employment website currently lists more than 4,500 vacancies outside of the Department of Defense. Those jobs include vacancies listed as critical, including nursing jobs at the Department of Veterans Affairs, human resources specialists at the [Department of Energy](#) and six other agencies, and auditing jobs at the Department of Justice, among others.

Spokespersons for multiple government agencies including the OPM either declined to comment or did not reply to requests for information on how the memorandum will be applied.

It was not immediately clear if any part of the [DOJ](#) would fall under the public safety exemption, including the office that oversees the immigration courts. The judges for the courts are DOJ employees.

The courts handling deportation and asylum petitions are currently experiencing a historic backlog of [500,000 cases](#) and recently drew criticism from Circuit Court Judge Richard Posner, who blamed what he called the [agency's incompetence](#) on “severe underfunding.”

According to an internal report, the entire DOJ already faces a [looming personnel crisis](#) because a third of its workforce will be eligible to retire within two years.

The [Government Accountability Office](#) found in a report issued in the 1980s that government-wide hiring freezes under Presidents Ronald Reagan and Jimmy Carter were not effective in lowering government spending. Managers instead filled the gap with overtime and temporary or part-time employees to keep up with an unchanged agency workload, the GAO found.

J. David Cox Sr., president of the [American Federation of Government Employees](#), responded to the directive Monday by claiming that the number of federal employees had remained at about 2 million since the 1960s and that cutting the workforce only encouraged the government to hire contractors.

The language of the memo released late Monday prohibits hiring contractors to circumvent the freeze.

The hiring freeze was one of Trump's campaign promises, along with [withdrawing from the Trans-Pacific Partnership](#), which the new Republican president did via an executive order on Monday. The agreement had envisioned a broad Asia-Pacific trade bloc but met with resistance from the U.S. Congress.

Trump also [approved](#) acting agency heads, [nominated](#) a retired officer and congresswoman as Air Force secretary and [signed a memorandum](#) pulling government funding from overseas organizations that advocate for abortion as a method of family planning.

--Editing by Sara Ziegler.

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