

**MASSACHUSETTS DEPARTMENT OF CORRECTION  
SELECTION AND HIRING  
103 DOC 201**

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| <b>MASSACHUSETTS<br/>DEPARTMENT OF CORRECTION</b> | <b>DIVISION: ADMINISTRATION</b> |
| <b>TITLE: SELECTION AND HIRING</b>                | <b>NUMBER: 103 DOC 201</b>      |

**PURPOSE:** To establish Department of Correction ("Department") policy concerning the selection and hiring of all employees.

**REFERENCES:** M.G.L., Chapter 124, §§ 1 (c) and (q).  
Applicable Executive Orders  
Department's Affirmative Action Plan

**APPLICABILITY:** Staff **PUBLIC ACCESS:** Yes

**LOCATION:** Department's Central Policy File  
Deputy Commissioner of Administrative Services  
Division Policy File  
Each Institution's Policy File  
Department's Personnel Policy Manual  
Office of Diversity and Equal Opportunity Policy File

**RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:**

- Deputy Commissioner of Administrative Services Division
- Assistant Deputy Commissioners
- Director of Diversity and Equal Opportunity
- Superintendents and Division Heads

**EFFECTIVE DATE:** 04/10/2009

**CANCELLATION:** 103 DOC 201.00 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding selection and hiring which are inconsistent with this policy.

**SEVERABILITY CLAUSE:** If any part of 103 DOC 201.00 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

## 201.01 DEFINITIONS

Affirmative Action: Executive Order 478 for the Commonwealth mandates the development of an employment program encompassing goals for non-discrimination, diversity, equal opportunity and affirmative action. To accomplish these goals, guidelines are provided to address any disparities in the public workplace. To that end, specific steps are taken to implement a program to identify opportunities for recruiting, hiring, retaining and providing advancement opportunities for all persons. No state agency may base employment decisions such as selection, retention, rate of pay, demotion, transfer, layoff, termination and promotion or take actions that unlawfully discriminate based on race, color, age, gender, ethnicity, sexual orientation, religion, creed, ancestry, national origin, disability, veteran status (including Vietnam Era Veterans) or background.

### AFFIRMATIVE ACTION GROUPS:

- a) Black - All persons having origin from any of the black racial groups of Africa or origin in the Cape Verde Islands.
- b) Hispanic/Latino(a) - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.
- c) Native American/Alaskan Native - Persons having documented written evidence of origin in any of the original peoples of North America, and who maintain cultural identification through tribal affiliations or community recognition.
- d) Asian or Pacific Islander - All persons having origin in any of the Far East, Southeastern Asia, the Indian Subcontinent or the Pacific Islands. (Areas include China, India, Japan, Korea, the Philippine Islands and Samoa).
- e) Women - adult female persons.
- f) Veteran - A person who 1) served on active duty for a period of more than 90 days, any part which occurred between August 5, 1964, and May 7, 1975, and was discharged or 2) was discharged or released from active duty for a service connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975, (EEO 7). (Must self-declare to receive certification - form J). Veteran is defined in Chapter 4 s. 7 Clause 43 of the M.G.L. as anyone that served in the Armed Forces of the United States and was honorably discharged for a period of

not less than 90 days during wartime and 180 days during peacetime. The exceptions to this would be the National Guard and Reservists who must have been called to active duty for 180 days under Title 10 of the U.S.C.A or 90 days under Title 10 or Title 32 during wartime and anyone who suffered a service connected disability. For detailed information about eligibility please review the employee statute or check Commonwealth's HRD website at <http://www.mass.gov/?pageID=veteransmodulechunck&L=1&L0=Home&sid=Eveterans&b=terminalcontent&f=definitionveteran&csid=Eveterans>

- g) Individual with a Disability - Any person who has physical or mental impairment which substantially limits one or more "major life activities", or has a record of such an impairment; or is regarded as having such an impairment.

Americans with Disabilities Act (ADA): A common name for the federal law, 42 U.S.C.A. §§ 12101 et seq., which guarantees equal opportunities to individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications.

Appointing Authority: The Commissioner of Correction.

Civil Service Position: An office or position, appointment to which is subject to the requirement of civil service law (M.G.L., chapter 31) and rules.

Collective Bargaining Agreement: The contract that applies to an employee's bargaining unit.

Collective Bargaining Unit: One of 11 statewide units, established by the Commonwealth's Labor Relations Commissioner, into which state employees with similar work responsibilities/related job functions represented by a union are grouped for purposes of collective bargaining.

Criminal Offender Record Information (CORI): CORI is defined as records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceeding, sentencing, incarceration, rehabilitation, or release.

CORI is limited to:

- a. Records and data which set forth the fact or results of an individual's movement through any

one or more of the formal stages of the criminal justice process; and,

- b. Factual statements about the occurrence or outcome of an arrest, indictment, warrant, arraignment, bail, continuance, default, trial, appeal, disposition, sentence, probation, commitment, parole, commutation, release, termination or revocation of probation or parole, pardon, or similar occurrences or outcomes.

CORI shall not include:

- a. Evaluative information - e.g., classification reports, psychiatric reports - as defined in 103 DOC 153.06(5);
- b. Intelligence or investigative information - e.g., informant reports, surveillance reports - as defined in 103 DOC 153.06(6); and,
- c. Statistical reports in which individuals are not identified and from which identities are not ascertainable.

Direct Care Positions: Include the titles of Correction Officer, Correction Officer (Head Cook), Correctional Program Officer, Recreation Officer and Industrial Instructor series of position titles.

Employee: A full-time or regular part-time bargaining unit, managerial, or confidential employee of the Department of Correction, excluding all persons paid through other subsidiary accounts.

Employer: Any employer, either public or private, other than the Department of Correction.

Equal Employment Opportunity (EEO): Guarantees the opportunity for all individuals to compete for employment and promotion free from unlawful discrimination based on race, color, gender, ethnicity, sexual orientation, religion, creed, ancestry, national origin, disability, veteran status (including Vietnam Era Veterans) or background.

Hiring Authority: That senior staff person (Deputy Commissioner, Superintendent or Division/Department Head) responsible for selection and hiring of positions that fall under his/her managerial jurisdiction.

Hiring Panel: A diverse selection committee, of three or more members, convened to review and conduct interviews in an effort to fill a vacant position with the most qualified candidate(s). This committee should possess knowledge and insight on the position to be filled.

Major Life Activities: functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Management Position: An employee so designated in accordance with the provisions of M.G.L., chapter 150E who (a) participates to a substantial degree in formulating or determining policy, or (b) assists to a substantial degree in preparation for the conduct of collective bargaining, or (c) has substantial responsibility, not initially in effect, in the administration of collective bargaining agreements or in Personnel Administration, and (d) is not included in a bargaining unit.

Occupational Group: A job family into which related non-management position classes were placed for purposes of the Statewide Classification Study. For example, Occupational Group 01 - Police, Guard and Correctional Institution Management included such titles as Correction Officer, Senior Correction Officer and Supervising Correction Officer (now Correction Officer I, II and III).

Office of Diversity and Equal Opportunity (ODEO): A Division of the Department that provides employees with assistance in resolving complaints of discrimination or retaliation.

Permanent: An appointment from a certified eligible list to a permanent position on a permanent basis as a result of having taken and passed a civil service examination.

Policy: A definite course of action adopted or pursued by the Department that guides and determines present and future decisions, statement(s) of guiding principles directing activities toward the attainment of objectives, and overall goals of the Department.

Posting/Vacancy Announcement: A posted notice which details the knowledge, skills and ability requirements of a particular position which are in accordance with Massachusetts Human Resources Division regulations.

Probationary Period:

(a) That period of time a new or rehired bargaining unit employee must be employed, as specified in the various

collective bargaining agreements, before he/she may file a grievance challenging disciplinary action taken against him/her.

(b) The period of time that a promoted employee must serve in the grade to which he/she has been promoted, as specified in the various collective bargaining agreements, during which he/she may be returned to his/her previous job title without recourse to the grievance procedure.

Protected Class or Group: Legally identified groups that are specifically protected by statute against discrimination.

Provisional Employee: An employee in a civil service position, who does not have any civil service status (i.e.: an employee who is neither permanent nor temporary).

Recruit Training Program: A twelve (12) week program of prescribed pre-employment training presented by the Division of Staff Development, specifically for Correction Officers, Recreation Officers, Correction Officer Cooks, Correction Officer Chefs,, Correctional Maintenance Workers and Correctional Programs Officers. Industrial Instructors attend a five (5) week course program.

Requests for Approval/Authorization to Hire Form: Department form used by hiring authorities to notify the Department's central/facility personnel office that an employee has been hired or promoted. The Department's central facility payroll office is then notified to place a new employee on the payroll or to notify same of changes in an employee's payroll status.

Vietnam Era Veteran: A person who served on active duty for a period of more than 90 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was released or discharged under honorable conditions. Executive Order 478 defines Vietnam Era Veterans and the Commonwealth's commitment to a program to promote their welfare.

Wartime Service: service performed by a "Spanish War veteran", a "World War I veteran", a "World War II veteran", a "Korean veteran", a "Vietnam veteran", a "Lebanese peace keeping force veteran", a "Grenada rescue mission veteran", a "Panamanian intervention force veteran", a "Persian Gulf veteran", or a member of the "WAAC" as defined in M.G.L. c. 4 § 7 cl. 43.

For detailed information please review the employee statute or check Commonwealth's HRD website at

<http://www.mass.gov/?pageID=veteransmodulechunck&L=1&L0->

[Home&sid=Eveterans&b=terminalcontent&f=definitionveteran&csid=Eveterans](http://www.mass.gov/?pageID=veteransmodulechunck&L=1&L0-Home&sid=Eveterans&b=terminalcontent&f=definitionveteran&csid=Eveterans)

## 201.02 VACANCY ANNOUNCEMENT PROCEDURES

1. All requests to post vacant positions shall be made by hiring authorities to the Assistant Deputy Commissioner, Administration. Upon receiving an approval to post a vacant position, the Division of Human Resources ("DHR") shall check the applicable transfer list, if any, to determine if the vacancy can be filled from said list. If it can, the position shall be filled in this manner.
2. In the event that the position cannot be filled via a transfer, DHR shall prepare a Vacancy Announcement Form (Attachment A). If an eligible civil service list for the title to be filled exists, a list shall be requested prior to posting the vacancy. In addition, applicable Massachusetts Human Resources Division Personnel Administration Rule ("PAR") 10, Special Certifications in the Civil Service, and/or bilingual certifications may be requested.
3. The Vacancy Announcement Form shall contain the following information: the position title; the position number; the entrance requirements for the position in accordance with the Massachusetts Human Resources Division (MHRD) class specifications; license and/or registration; work requirements; entry salary; job grade; location of the position; work schedule and the essential functions of the position.
4. DHR shall forward to the Office of Diversity and Equal Opportunity all Vacancy Announcements for review and approval.
5. All Vacancy Announcements shall then be forwarded to the Deputy Commissioner of Administrative Services Division, by the Division of Human Resources, for review and final approval.
6. When the review by the Deputy Commissioner of Administrative Services Division is completed, the Vacancy Announcement shall be electronically forwarded to each facility/division by DHR to Superintendents, Directors and their Assistants. It shall then be posted for ten (10) working days.
7. In addition to the foregoing procedures, all position vacancies shall be posted via the Commonwealth Employment Opportunities (CEO) job posting system for two (2) weeks or fourteen (14) days. There are exemptions to the CEO posting process including the following:

- a. Internal Transfers
  - b. Civil Service Appointments
  - c. Demotions
  - d. Reductions in force (RIF)
  - e. Position reclassifications
8. All Vacancy Announcements shall become void sixty (60) calendar days after the last date to file. Any request for an extension of this date must be approved by the Director of Diversity and Equal Opportunity or his/her designee.

**201.03 COMPOSITION OF THE HIRING PANEL**

1. Upon completion of the ten (10) day posting period of the Vacancy Announcement and the expiration of the end date of the CEO posting if applicable, a hiring panel shall be convened for all appointments made. The hiring panel shall be comprised of a minimum of three (3) members who collectively possess knowledge of this policy as well as the operational needs relative to the appointment being made.
2. The hiring panel shall be comprised of a subject matter expert of the position being filled; preferably the manager at the site of the vacancy, a Human Resources representative and a certified panel member who has completed the 103 DOC 201 Policy Training. It is required that one (1) of the members be a representative of a protected class barring any circumstances prohibiting such representation. Should such circumstances arise a waiver may be sought. If this panel cannot be filled by Department staff, individuals of needed classifications shall be sought from outside the Agency to fulfill the requirements. Centralized Hiring Panels shall be scheduled and convened by the Director of Personnel to ensure its diversity in partnership with the Office of Diversity and Equal Opportunity.
3. The Director of Diversity and Equal Opportunity or his/her designee must approve any waiver regarding hiring panel composition.
4. Composition of the hiring panel shall not change once the selection process has commenced without approval by the

Director of Diversity and Equal Opportunity or his/her designee.

5. The Commissioner of Correction may designate any employee to serve on a hiring panel.
6. The hiring panel shall not discriminate on the basis of race, color, religion, gender, age, national origin, disability or Vietnam Era Veteran status.

#### **201.04 SELECTION PROCESS**

1. All interested applicants must submit a resume/Application for Employment (Attachment B) and cover letter to DHR for vacancy announcement postings. The DHR shall then screen the applicants' qualifications. Those applicants not qualified for a position shall be notified in writing. Information on all applicants shall be entered on the Applicant Flow Data Sheet (Attachment C) listed alphabetically. The completed package shall be sent to the Hiring Authority.
2. In order to initiate the interview process, the DHR shall supply the Hiring Authority with the following: the Vacancy Announcement and resumes of those applicants qualified for the position; the Applicant Flow Data Sheet; the applicable Form 16; the Commissioner's memoranda relative to Programs for People with Disabilities and Invitation to Self-Identify for Affirmative Action Program for Vietnam Era Veterans if not previously provided to the applicants (Attachments D and E).
3. The Office of Diversity and Equal Opportunity shall refer qualified applicants for vacant positions to the DHR. The Office of Diversity and Equal Opportunity Referral Form (Attachment F) shall be utilized to assess each referral made by the ODEO. Timely referrals shall be made to provide ample time to notify applicants and arrange for interviews. Following each interview, the hiring panel shall complete the ODEO Form..
4. Upon receipt of the above documentation, a hiring panel shall be convened to review the resumes of the applicants and determine which applicants are selected for an interview. The Director of Diversity and Equal Opportunity or his/her designee may make recommendations for interviews from the resume pool. This information shall be documented on the Applicant Flow Data Sheet in the disposition code column. At this time, the hiring panel shall also develop appropriate job-related interview questions regarding the

