

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 453.00: SELECTION PROCEDURES FOR CADRE POSITIONS

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453.01: Purpose

To establish criteria and procedures for selecting inmates to fill cadre positions at state correctional institutions.

453.02: Cancellation

103 CMR 453.00 cancels all previous Departmental or institutional policy statements and rules and regulations regarding criteria and procedures for selection for cadre positions.

453.03: Applicability

103 CMR 453.00 is applicable to all male pre-release and minimum security level correctional institutions.

453.04: Statutory Authority

103 CMR 453 is issued pursuant to M.G.L. c. 124, §§ 1(e), (f), (g), (q) and c.127, §§ 48 and 83B. 103 CMR 453.00 is not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, nor any private cause of action.

453.05: Access

103 CMR 453.00 shall be maintained within the central policy file at the Department and shall be accessible to all Department employees. A copy of 103 CMR 453.000 shall also be maintained in each superintendent's central policy file and at each inmate library.

453.06: Definitions

Assistant Deputy Commissioner of Classification – A senior level manager who reports to the Deputy Commissioner of the Classification, Programs and Reentry Division, and is responsible for ensuring policy compliance and standardization of procedures in such areas as classification, date computation, sex offender management, victim services, central records and inmate risk and placement.

Cadre - A core group of criminally sentenced inmates with special skills or abilities (*e.g.*, cooking, maintenance, clerical) who are utilized in providing direct services to a pre-release state correctional institution on a standard work schedule basis.

Cadre Position - A previously established full-time work placement within a pre-release state correctional institution.

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453.06: continued

Classification Board - A committee of institutional or Departmental employees which makes recommendations concerning an inmate's custody level and program participation.

Commissioner - Chief executive officer of the Department of Correction

Department - The Department of Correction

453.07: Number of Cadre Positions at Each State Correctional Institution

The superintendent of each pre-release state correctional institution may identify the cadre needs and establish the number of cadre positions for the institution, subject to the approval of the Assistant Deputy Commissioner of Classification.

453.08: Minimum Eligibility Criteria for Cadre

(1) An inmate cadre applicant shall have established minimum security status in accordance with 103 CMR 420.00: *Classification*.

(2) Inmates serving sentences for violations of M.G.L. c. 265, §§ 22, 22A, 23 or 24 or for an attempt to commit a crime referred to in M.G.L. c. 265, §§ 22, 22A, 23, and 24 shall not be eligible to fill cadre positions at MCI-Plymouth in accordance with M.G.L. c.127, § 83B.

453.09: Preparation and Posting of Job Descriptions for Cadre Positions

(1) When a cadre position is established in a pre-release state correctional institution or when there are no more than 60 days remaining before an existing cadre position will become vacant the superintendent or designee, shall screen his/her population for eligible and suitable candidates. If the superintendent cannot identify an eligible and suitable candidate, then a job description shall be prepared containing detailed job information, including skills and experience required and duties and responsibilities of the job.

(2) The superintendent of said institution shall submit the cadre posting to the Assistant Deputy Commissioner of Classification.

(3) The Assistant Deputy Commissioner of Classification or designee shall notify each minimum security level state correctional institution of the cadre position vacancy and shall disseminate a copy of the cadre posting with a final date for submission of inmate requests.

(4) Cadre wages are as provided in 103 CMR 405.00: *Inmate Funds*.

453.10: Applications for Cadre Positions

Inmates interested in applying for a cadre position shall submit a request to the superintendent of their respective institutions and such inmates shall provide information and evidence that qualify them for the position.

453.11: Screening Applications for Cadre Positions

The superintendent, or designee, at each minimum security level state correctional institution shall schedule a classification board in accordance with 103 CMR 420.00: *Classification* to consider the eligibility of inmate applicants for cadre positions. In determining eligibility, the classification board shall consider the inmate meets the minimum eligibility criteria as set forth in 103 CMR 453.08 and further meets the specifications set forth in the cadre posting. All recommendations shall be processed in accordance with 103 CMR 420.00: *Classification*.

453.12: Departmental Selection Procedures

The Assistant Deputy Commissioner of Classification or designee shall review the classification board's recommendation and make a final decision regarding the inmate's suitability and eligibility for the vacant cadre position. All classification board recommendations that are approved by the Assistant Deputy Commissioner of Classification or designee shall be forwarded to the superintendent of the facility with the vacant cadre position. The superintendent or designee shall review the classification material of all approved inmates and select an inmate to fill the position.

453.13: Termination of Cadre Status

Whenever a superintendent believes that the cadre status of an inmate should be terminated for failure to fulfill the duties and responsibilities of his cadre position, or because the inmate has been found guilty and received a sanction for a serious disciplinary infraction, the inmate's cadre status should be reviewed by the superintendent or designee to consider possible termination of that status and transfer from the state correctional facility in accordance with 103 CMR 420.00: *Classification*.

453.14: Responsible Staff

The Commissioner or a designee shall be responsible for monitoring 103 CMR 453.00 throughout the Department. The superintendent of each correctional institution shall be responsible for the implementation of 103 CMR 453.00 within the institution.

453.15: Annual Review

103 CMR 453.00 shall be reviewed annually by the Commissioner or a designee. The party or parties conducting the review shall submit a memorandum to the Commissioner with a copy to the central policy file, indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included.

453.16: Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 453.00 is contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 453.00.

REGULATORY AUTHORITY

103 CMR 453.00: M.G.L. c. 124, §§1(e),1(f),1(g),1(q) and c. 127, §§ 48 and 83B.

NON-TEXT PAGE