

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 914.00: COUNTY CORRECTIONAL FACILITIES -- PERSONNEL

Section

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914.01: Personnel Manual

(1) Each county correctional facility shall provide a personnel manual which includes, but is not limited to, policy and procedure for the following areas:

- (a) organizational structure;
- (b) recruitment and selection;
- (c) equal employment opportunity provisions;
- (d) reasonable accommodation to the known impairments of an employee or applicant having a disability;
- (e) job qualifications, descriptions and responsibilities;
- (f) job classification plan;
- (g) wage and benefit plan;
- (h) holidays, leaves and work hours;
- (i) personnel records;
- (j) performance evaluations;
- (k) promotions, retirements, resignations, layoffs and terminations;
- (l) employee-management relations;
- (m) physical fitness;
- (n) employee discipline;
- (o) grievances and appeals;
- (p) insurance and professional liability provisions;
- (q) code of ethics to include statement regarding conflict of interest;
- (r) drug-free workplace
- (s) sexual harassment prohibition;
- (t) sexual misconduct; and
- (u) domestic violence.

(2) A copy of the personnel manual shall be accessible to each employee and its contents shall be explained at employee orientation.

914.02: Selection and Hiring

(1) Written policy and procedure shall specify that the selection, retention, and promotion of all personnel is on the basis of merit and specified qualifications to include the following:

- (a) eligibility for appointment as a correction officer or other security employee a person shall be at least 19 years old, have a high school diploma or its equivalent, and be physically fit; and,
- (b) eligibility requirements for professional, treatment, administrative and other positions shall be established by the Sheriff/facility administrator in accordance with the duties and responsibilities of the position and with any legal requirements for certification, licensing or training.

(2) Written policy and procedure shall encourage promotion from within the organization.

(3) Written policy and procedure shall specify that equal employment opportunity exists for all positions. There shall be no discrimination in hiring on the grounds of race, color, religion, national origin, handicap, creed or sex.

(4) In accordance with state and federal statutes, the county correctional facility shall conduct a criminal record check on all new employees to ascertain whether there are criminal convictions which may have a specific relationship to job performance.

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(5) Written policy and procedure shall provide that all employees who have daily direct contact with inmates receive a physical examination prior to job assignment. All other employees shall receive a medical screening prior to job assignment. Provisions shall exist for re-examination when necessary.

914.03: Personnel Actions

(1) Written policy and procedure shall specify that permanent employees are appointed initially for a probationary term of not less than six months but not more than one year.

(2) Written policy and procedure shall require that a written performance evaluation of all employees is completed at the end of the probationary period and at least annually thereafter, and shall be based on defined criteria related to job performance. The evaluation shall bear a direct relationship to the skills, knowledge areas, aptitudes and personal characteristics defined in the job analysis and the duties and responsibilities listed in the job description. The employee shall have the opportunity to review and discuss the evaluation with the individual who completes the form. This evaluation shall be signed by both parties indicating a review has been completed. If the employee disagrees with the evaluation, he/she shall have the right to express his/her opinions in writing without concern of reprisal. This statement shall be included with the evaluation in the personnel file.

(3) Written policy and procedure shall specify that selection, assignment, or transfer of an employee is based on facility need and the ability of the employee to perform the job.

914.04: Compensation and Benefits

(1) A written compensation and benefit plan and a written job classification plan shall exist within the Personnel Manual. Employees shall have access to information on compensation and benefits and receive this information during new employee orientation.

(2) Written policy and procedure shall provide for an employee assistance program approved by the Sheriff.

914.05: Minimum Staff Requirements

(1) The Sheriff/facility administrator shall systematically determine the workload requirements for all categories of personnel and review them on an ongoing basis in order to ensure inmate access to staff, availability of support services and adequate security supervision of the inmates, staff, and the facility. A Security Staff Post Analysis, to include the calculation of a shift relief factor, shall be conducted, reviewed annually and updated as necessary.

(2) Written policy, procedure and practice shall require that when both males and females are incarcerated in the county correctional facility at least one male and one female staff members is on duty at all times.

(3) Written policy and procedure shall provide for provisional appointments or reserve security staff to ensure the availability of trained personnel for short-term, full-time or part-time work in special or emergency situations.

914.06: Employee Personnel Record

(1) The Sheriff/facility administrator shall maintain a current, accurate and confidential personnel record for each employee.

(2) Written policy and procedure shall specify the confidentiality of the personnel record and restrict the record's availability to the employee who is the subject of the record, to administrators and supervisors directly responsible for the employee, and to other personnel who need the information for the performance of their duties, in accordance with the Fair Information Practices Act, M.G.L. c. 66A and 501 CMR 3.00: *Privacy and Confidentiality*.

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(3) Written policy and procedure shall make provision for employees to challenge all information in their personnel file and establish a process for correction or removal of inaccuracies.

REGULATORY AUTHORITY

103 CMR 914.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE