MASSACHUSETTS DEPARTMENT OF CORRECTION
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CIVIL SERVICE AND THE MASSACHUSETTS HUMAN RESOURCES DIVISION
103 DOC 202

Effective Date: June 22, 2026
Review Date: June 30, 2026

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202.01 Purpose

To establish Department of Correction (Department) policy concerning the Civil Service Commission, civil service law and the Massachusetts Human Resources Division.

202.02 Cancellation

103 DOC 202 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding the Civil Service Commission, civil service law and the Massachusetts Human Resources Division, which are inconsistent with this policy.

202.03 Severability Clause

If any part of 103 DOC 202 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.

202.04 Definitions

Appointing Authority: Any person, board, or commission with power to appoint or employ personnel in civil service positions.

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.

Probationary Period:

a. Period of time a new or rehired bargaining unit employee must be employed, as specified in the various collective bargaining agreements or applicable laws, before they may file a grievance challenging disciplinary action taken against them.

b. The period of time that a promoted employee must serve in the grade to which they have been promoted, as specified in the various collective bargaining agreements, during which they may be returned to their previous job title without recourse to the grievance procedure.

Tenured Employee: A civil service employee who is employed following (1) an original appointment to a position on a permanent basis and the actual performance of the duties of such position for the probationary period required by law or (2), a promotional appointment on a permanent basis.

Veteran: As defined in M.G.L. Chapter 4, Section 7, Clause 43, as amended by the Acts of 2005, Chapter 130.

202.05 The Commonwealth's Civil Service Law

M.G.L. Chapter 31 is the Commonwealth's civil service law. This statute mandates that the Department operate its personnel system in accordance with "basic merit principles."

202.06 The Massachusetts Human Resources Division

A. The Massachusetts Human Resources Division (HRD) is the state agency charged with the responsibility of administering, enforcing and complying with civil service law and decisions of the Civil Service Commission.

B. The HRD is directed by a Personnel Administrator, who is appointed by the Secretary for Administration and Finance, with the prior written approval of the Governor, from a list of three (3) names submitted by the majority vote of all members of the Civil Service Commission.

C. The Personnel Administrator has the authority, in accordance with M.G.L. Chapter 31, Section 3, to make and amend rules regulating the recruitment, selection, training and employment of persons for civil service positions.

202.07 The Civil Service Commission

A. The Civil Service Commission is a Commission within the Executive Office for Administration and Finance, not subject to its supervision or control, the powers and duties of which include, but are not limited to, the following:

1. To hear and decide appeals of disciplinary actions taken by the appointing authority against tenured employees in accordance with M.G.L. Chapter 31, Section 41.

2. To hear and decide appeals by persons aggrieved by any decision, action, or failure to act by the Personnel Administrator.

3. To hear and decide appeals concerning employee performance evaluations.

4. To recommend any proposed rule changes to the Personnel Administrator the Civil Service Commission feels would be consistent with basic merit principles outlined in M.G.L. Chapter 31 and would be in the public interest.

B. The Civil Service Commission is composed of five (5) members appointed by the Governor for a term of five (5) years. One (1) member must be a representative of labor and no more than three (3) members can be members of the same political party.

202.08 Civil Service Examinations

A. The great majority of positions within the Department are subject to the Commonwealth's civil service law and requires the taking and passing of an examination in order for an individual to be employed in a position or to continue in the position. This necessitates an individual taking an examination for a position prior to being appointed to the position, or in some cases, being appointed on a provisional basis and taking an examination at a later date. In addition, civil service examinations serve as the basis on which promotions are made in the Department.

B. The HRD is responsible for the administration of all examinations, but the Department may recommend the type of examinations to be given. However, final authority relative to the content of examinations rests with the HRD, which determines the scope, weights and passing requirements of examinations.

C. The two (2) most common types of civil service examinations administered by the HRD are as follows:

1. Open Competitive: An examination open to anyone who meets the entrance requirements (education and/or experience) for the position as set forth in the HRD announcement of the examination. This type of examination is most frequently used for entry-level positions.

2. Departmental Promotional: An examination open only to the employees of a specific state agency previously appointed or promoted from a civil service list resulting from an earlier examination and having continued to work in said agency for at least one (1) full year as of the date of the examination, and who meet any other eligibility criteria as specified in the HRD announcement of the examination. This is the most frequently used type of examination for promotions.

D. Within seven (7) days after an examination is given, an applicant may appeal to the Personnel Administrator to review the examination to determine whether or not it was a fair test of the applicant's ability. Within seventeen (17) days after the date of mailing the notification of the examination results, an applicant may request the Personnel Administrator to conduct one (1) or more of the following reviews relating to an examination: (1) a review of the marking of the applicant's answers to essay and multiple choice questions; (2) a review of the marking of the applicant's training and experience; (3) a review of a finding by the Personnel Administrator that the applicant did not meet the entrance requirements for the examination; provided, however, that the Personnel Administrator may deny such request in the case of a competitive examination for original appointment if, at the time such request is made, the Personnel Administrator is currently accepting applications for a subsequent examination of the same type for the same position.

E. Upon completion of this review process, an eligible list is established which remains active until a new list is established, or until the Personnel Administrator revokes the list for the purpose of effectively maintaining the merit system. The Department is required to make appointments or promotions from certifications from said eligible list. (see 103 DOC 202.06)

NOTE: On many occasions both a Department promotion and an open competitive examination are held for the same position. In a situation such as this the Department is required to first use the promotional list.

202.09 The Examination Process

A. The following procedures shall be utilized by an employee to apply for and take a civil service examination:

1. The employee should read the official Department bulletin boards on a regular basis, as this is where HRD examination announcements are posted.

2. When the employee sees an announcement posted for an examination for which the employee is qualified, the employee may apply on-line at the Human Resources Division Civil Service website up until midnight on the exam's last day to file or obtain an application for the examination (HRD Application Identification Sheet) from the Department's Division of Human Resources. The form should be completed and mailed (certified mail return

receipt requested is strongly recommended) or brought in person to the Massachusetts Human Resources Division, 100 Cambridge Street, Room 600, Boston, MA 02114. If an application is sent by mail, the examination announcement number should be written in the lower left-hand corner of the envelope to ensure timely processing.

In addition, the employee should be aware of the following points with regard to this step in the process:

a. The employee must assume full responsibility for properly filling out the application to include applying for the correct type of examination (i.e.: open or promotional). Questions regarding the correct type of examination should be directed to the Department Division of Human Resources.

b. The application fee must be in the form of a money order made payable to the Commonwealth of Massachusetts. The employee's social security number and examination announcement number should be written on the front of the money order. Payments by Master Card and VISA are also accepted when applying via the web site or in person. NO CASH OR PERSONAL CHECK. There shall be NO REFUNDS of the examination-processing fee unless the examination is cancelled by HRD.

c. The last date for filing applications for open competitive and Department promotional examinations is set forth on the test announcements. Exam applications may be processed on-line at the HRD website up until midnight on the last day to file or paper applications MUST be received in HRD by 5:00 p.m. on the last day to file or be postmarked by midnight on the last day to file.

d. An applicant's address is recorded in the computer from the application. This address is used for all correspondence concerning examinations, eligible list standing and interview notices. It is essential that applicants advise the HRD of any changes in address.

NOTE: Under certain circumstances an employee may seek a waiver of the application fee. To do so, the employee must submit a completed Request for Waiver of the Civil Service Examination Fee, which may be obtained from the Department's Division of Human Resources.

3. The employee should report to the designated location to take the examination per the Notice to Appear received from the HRD approximately two (2) weeks before the examination date. If said notice is not received

within five (5) days before the examination date, the employee should contact the HRD at 617 878 9700 and leave their name, social security number and day and evening telephone numbers. Employees may also log on the HRD Civil Service site to get a copy of the notice to appear form.

B. Approximately thirty (30) days after an individual takes an examination, they will receive a score. About sixty (60) days after the examination is held an eligible list shall be established by the HRD and the certification process can commence.

C. It should be noted that the foregoing applies only to those position titles for which there is an examination. There are certain groups of positions, such as the following, for which no written examination is given:

1. Management positions MV through MXII. Said positions are not subject to M.G.L. Chapter 31.

2. The position of Institution School Teacher. Each individual in this title is appointed on the basis of their educational background and possession of a current Massachusetts Teaching Certificate. However, those that are appointed must serve a three (3) year probationary period.

D. In accordance with the provisions of M.G.L. Chapter 31, Section 31, an appointing authority, such as the Commissioner of Correction, may make an emergency appointment to a civil service position for not more than thirty (30) working days during a sixty (60) day period. Such appointment shall be made only when the circumstances requiring it could not have been foreseen and when public business would be seriously impeded by the time lapse incident to the normal appointment process. An emergency appointment may, upon the written request of the appointing authority and the consent of the Personnel Administrator, be renewed for an additional thirty (30) working days.

202.10 The Certification Process

A. The certification process begins after the examination process outlined in 103 DOC 202.06 is completed. A certification is a portion of, or in some cases an entire eligible list, for a specific position title in a particular geographic location of the Commonwealth. This certification is forwarded by the HRD to an interviewer designated by the Department, to fill specific vacancies. The number of names appearing on a certification will vary depending on the number of vacancies to be filled.

B. The HRD notifies each person whose name appears on a certification to report on or before a specific date to the designated interviewer. Each reporting individual signs the certification indicating whether they will accept appointment.

C. Once the closing date arrives, as specified by the HRD, the interview and selection process can be completed. It should be noted that selections of individuals for appointment must be made in accordance with Personnel Administration Rule PAR.09 (e.g.: when the number of appointments to be made is one (1), the appointing authority may appoint only from among the first three (3) persons willing to accept appointment).

202.11 Probationary Periods

All employees, with the exception of Industrial Instructors and Recreation Officers (serve six (6) months), receiving a permanent appointment after certification shall serve a nine (9) month probationary period in accordance with M.G.L. Chapter 31, Section 34. Correction Officers I shall serve a nine (9) month probationary period in accordance with M.G.L. Chapter 125, Section 9. These probationary periods are exclusive of the probationary periods provided for under the grievance procedure in the various collective bargaining agreements.

202.12 Veterans Preference

The Commonwealth's civil service law provides the following types of preference for veterans in employment:

A. The names of persons who pass examinations for original appointment are placed on eligible lists in the following order:
   1. Disabled veterans, in order of their examination score;
   2. Veterans, in order of their examination score;
   3. The spouse or single parent of veterans who were killed in action or died from a service connected disability incurred in wartime service, in the order of their examination score;
   4. All others in order of their examination score.

   NOTE: The foregoing placement on an eligible list does not guarantee the appointment of a veteran. It is only a priority ranking of individuals on an eligible list. Furthermore, it does not apply to eligible lists established as a result of promotional examinations. Veterans receive two (2) points added to the scores they receive on promotional examinations.

B. The names of individuals that apply for positions in the Labor Service of the Commonwealth are registered and placed, in the order of the dates on which they file their applications, on the registers for the titles for which they apply and qualify. The names of veterans who apply for positions in the Labor Service are placed on the registers ahead of the names of all other persons no matter when they file their applications. There is no distinction between a veteran and a disabled veteran in the Labor Service.

C. After deciding to make a provisional appointment, an appointing authority, pursuant to M.G.L. Chapter 31 Section 26, shall appoint a veteran. The appointing authority must obtain from the Personnel Administrator a list of all veterans who have filed, within the last twelve (12) months, applications (Form 82, Veteran's Application for Provisional Appointment) for the kind of work called for by such appointment. After receiving a list of veterans, the appointing authority shall mail a notice of the vacancy to each such veteran on the list. An appointing authority may select a qualified non-veteran after determining that no veteran is qualified for or willing to accept appointment. The term "qualified" means that the person meets the minimum qualifications or entrance requirements, if any, for the position. The word "qualified" in this law does not mean "best or most qualified." Personnel Memorandum 79-8, Civil Service Law and Procedures Relative to Provisional Appointments and Veterans, should be consulted for additional information.

NOTE: The foregoing preference applies only to original appointments, not to provisional promotions.

D. In the event that there is a reduction in force, disabled veterans shall be retained in employment in preference to all other persons, including veterans.

202.13 Responsible Staff

Reviewing Authority: Deputy Commissioner of Human Resources

Responsible Staff:

- Executive Director, Division of Human Resources
- Assistant Deputy Commissioners
- Superintendents and Division Heads

202.14 Access to Policy

Department's Central Policy File
Each Institution's Policy Files
Department's Personnel Policy Manual
Institution Library

202.15 Information Sources

Legal Authority:
M.G.L. Chapter 4, Section 7, Clause 43
M.G.L. Chapter 124, Section 1(c) and (q)
M.G.L. Chapter 31
M.G.L. Chapter 125, Section 9

Other Related Policies: None

Applicability: All Staff

Attachments:
Request for Waiver of the Civil Service Examination Fee