Massachusetts Department of Correction **POLICY**		Effective Date 1/21/2025 Annual Review Date 8/5/2026	Responsible Division Deputy Commissioner, Human Resources
Policy Name 103 DOC 213 ALTERNATIVE WORK OPTIONS		Regulation Reference: M.G.L. c. 7, § 6(F) (Chapter 500 of the Acts of 1974); M.G.L. c. 124, § 1(c) and (q); M.G.L. c. 149, §§ 30A, 30B and 100. DOC Policy Reference: ACA/PREA Standards:	
Attachments Yes ☒ No ☐	Library Yes ☒ No ☐	Applicability: Department employees, excluding BU 4 employees, as well as employees in job titles involved in twenty-four (24) hour a day shift coverage including, but not limited to, CPOs, power plant engineers, steam fireman and sewage treatment plant operators.	
Public Access Yes ☒ No ☐		Location: Department's Central Policy File Each Institution's Policy File Department's Personnel Policy Manual	

PURPOSE:
To establish Department of Correction (Department) policy concerning alternative work options.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner, Human Resources
Assistant Deputy Commissioners
Superintendents and Division Heads

CANCELLATION:
103 DOC 213 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding alternative work options, which are inconsistent with this policy.

SEVERABILITY CLAUSE:
If any part of 103 DOC 213 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.

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213.01 DEFINITIONS

Bargaining Unit Employee: An employee of the Commonwealth in a job title in one of eleven (11) statewide bargaining units, as certified by the Massachusetts Labor Relations Commission, who is covered by an applicable collective bargaining agreement.

Business Day: Monday through Friday, excluding holidays.

Business Hours: Monday through Friday, 9:00 a.m. to 5:00 p.m. excluding holidays.

Headquarters: The Department's administrative offices, located in Milford, Massachusetts.

Collective Bargaining Agreement: The contract between the employee's bargaining unit and the Commonwealth of Massachusetts governing an employees terms and conditions of employment.

Collective Bargaining Unit: One of eleven (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.

Director of Employee Relations: The staff person within the Department's Administration Division responsible for directing operations in areas of labor relations, contract administration and the Commonwealth's Civil Service Merit System.

Holiday: Those legal holidays set forth in M.G.L. c. 4, sec. 7: Presidents' Day, New Year's Day, Martin Luther King Day, Patriot's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day.

Part-Time Employee: An employee who works less than a regular full-time schedule (37.5 or 40 hours per week) in the same title, and who is committed to an assigned tour of duty.

Unsubstantiated Absence: An absence charged to sick leave for which no medical evidence has been provided, or for which unsatisfactory medical evidence has been provided.

213.02 ALTERNATIVE WORK OPTIONS

A. Pursuant to M.G.L., c. 7 § 6F and M.G.L. c. 149, §§ 30A, 30B and 100 employees may be approved for participation in the following alternative work options.

1. Flextime: Flextime permits employees to set their own schedules within limits of the bandwidth. The bandwidth of a flextime plan is the span of time between the earliest an employee may arrive at the office and the latest an employee may leave. The bandwidth established for the Department's Headquarters and Administrative offices are 7:00 a.m. - 6:00 p.m. The office or work site is not necessarily open to the public during the entire bandwidth. The bandwidth for institutions shall be determined by the Superintendent and may vary depending on work schedules. Arrival and departure times may vary, as can the number of hours worked each day. Employees shall work the total number of hours that are required of full-time employees each week. The four-day work week is a form of flextime.

2. Job-Sharing: Job-sharing enables two (2) (or more) individuals within the same Job Title to divide the responsibilities assigned to one specific position. Together, the job-sharing employees work the same number of hours each week as a full-time employee. Any combination of time that adds up to the equivalent of one full-time position is acceptable.

3. Part-time: Part-time employees are scheduled to work at least half-time, but less than full-time.

4. Staggered Work Hours: This scheduling option enables employees to set arrival and departure times to fit their needs. The same schedule is followed every day, five (5) days a week (e.g., 8:00 a.m. - 4:00 p.m. or 9:30 a.m. - 5:30 p.m. five days a week).

213.03 ELIGIBILITY

A. Department employees excluding bargaining unit 4 employees, as well as employees in job titles assigned to twenty-four (24) hour a day shift coverage (including, but not limited to, Correctional Program Officers, Power Plant Engineers, Steam Firemen and Sewage Treatment Plant Operators) may be eligible for an alternative work option. In addition, those employees with an identified performance problem for which there is an action pending, may be excluded from participating in an alternative work option.

Work unit productivity must be maintained with appropriate coverage of work responsibilities provided at all times. Therefore, a Superintendent or Division Head may also exclude employees whose presence is critical during standard work hours. Superintendents and Division Heads retain the right to establish minimum levels of staffing and adequacy for coverage.

In addition, those employees with an unsatisfactory EPRS, MyPath, or disciplinary action within the previous twelve (12) months may be excluded from participating in an alternative work option.

B. In the event that two (2) or more employees requesting the same schedule cannot be authorized for that modified schedule, the authorization to utilize that schedule shall be based on seniority within the Department, unless operational needs dictate to the contrary.

C. This program is a benefit and participation in the program is completely voluntary.

213.04 APPLICATION

A. Any employee who wishes to participate in an Alternative Work Option shall complete the attached Alternative Work Options Request (Attachment #1) and submit it to their supervisor for approval.

B. The request shall be reviewed by the supervisor for approval/denial.

C. The request shall then be reviewed by the Superintendent/Division Head for approval/denial, and then forwarded to the Executive Director of Human Resources for review relative to compliance with current policy.

D. After review by the Executive Director of Human Resources, or their designee, the request shall be returned to the employee via their Superintendent/Division Head with a copy being retained in the Division of Human Resources for record-keeping purposes.

E. If the request is denied or determined to be non-compliant, the request shall be returned to the employee with an explanation of said denial/determination.

F. If approved, the employee must remain in the program for at least one (1) month.

213.05 RESPONSIBILITY

A. It shall be the responsibility of each employee authorized to utilize an alternative work option to ensure that their weekly schedule allows for fulfillment of all job responsibilities.

B. It is the responsibility of each participating employee's supervisor to ensure that the employee meets all employment responsibilities while utilizing an alternative work option.

C. Supervisors may require that timecards/timesheets be used for employees.

213.06 WITHDRAWAL

If an employee chooses to withdraw from the program, an Alternative Work Options Withdrawal Request must be submitted (Attachment #2) to their supervisor no less than five (5) business days before the intended withdrawal date. Part-time or job-sharing employees may not be guaranteed to return to a full-time position.

213.07 REMOVAL FROM PROGRAM

A. An employee may be removed from the alternative work options program, if upon review by the Commissioner or a designee, it is determined that operational needs require said removal.

B. An employee may be removed from the program, if upon review, it has been determined that there has been abuse of the program. Some examples of abuse may be, but are not limited to, the following:

1. Inaccurately filling out the time sheet/time cards.

2. Failing to share duties or cover for other employees as required by the agreed upon arrangement.

3. Decreased productivity when staying late or coming in early indicating that the employee is not working when others are not around.

4. Habitually working long hours Monday through Thursday and then calling in sick on Friday.

213.08 APPLICATION OF BENEFITS

A. **Part-time**

1. Part-time employees shall earn sick leave, vacation time and personal leave on a pro-rated basis.

2. Part-time employees shall earn holiday pay as follows:

   a. Part-time bargaining unit employees will earn holiday pay in the same proportion that their service bears to full-time service. Part-time employees who are scheduled but not required to work on a holiday, and would receive less in holiday pay than in regular pay for the hours they were regularly scheduled to work may use other available leave time, or with the approval of their Superintendent/Division Head, may make up the difference in hours that same work week. When a holiday occurs on a day that is not an employee's regular workday, they, at the option of the employer, shall receive pay for that portion of a day that the employee's service bears to full-time service or an equal amount of compensatory time off with pay to be taken at a time approved by the supervisor.

   b. Part-time management and confidential employees shall earn holiday pay only if they were regularly scheduled to work on the holiday.

   c. An employee (with the exception of a bargaining unit 7 employee) who is on leave without pay or absent without pay for that part of their scheduled workday immediately preceding or immediately following a holiday that occurs on a regularly scheduled workday for which the employee is not required to work shall not receive holiday pay or, where applicable, a compensatory day off. A bargaining unit 7 employee who is on leave without pay or absent without pay for any part of their scheduled workday immediately preceding or immediately following a holiday shall not receive holiday pay or a compensatory day off for the holiday.

   d. An employee granted sick leave for a holiday on which they is scheduled to work shall not receive holiday pay or a compensatory day off for that holiday.

B. **Job-Sharing**

1. In general, part-time job-sharing employees are entitled to the same benefits as full-time employees, with some of those benefits granted on a pro-rated basis. Sick leave, vacation time and personal leave are pro-rated, but eligibility for group health and life insurance is the same as for full-time employees. Consideration for promotion is on an equal basis with full-time employees and seniority is accrued on a pro-rated basis.

2. In accordance with the guidelines for the Merit Pay Plan for managers, part-time job-sharing employees are eligible for pro-rated bonuses based on performance.

3. Two (2) employees, who each work half-time in a job-share situation, are both eligible for the benefits due to any part-time employee. If they both normally work on a day when a holiday falls, they are both paid for the hours they normally work.

C. **Flextime**

In general, employees utilizing the flextime option shall accrue and utilize benefits in the same manner as employees working a regular schedule. The various collective bargaining agreements provide that the term "day" shall mean either seven and one-half (7.5)or eight (8) hours for holiday pay purposes. Therefore, a full-time employee who normally works more than seven and one-half (7.5) or eight (8) hours on a day that falls on a holiday may utilize personal leave to be compensated beyond the seven and one-half (7.5) or eight (8) hours or, with the approval of their supervisor, may make up the difference in hours that same work week.

D. **Staggered Work Hours**

Employees utilizing the staggered work hours option shall accrue and utilize benefits in the same manner as employees working a regular schedule.

213.09 COMPLAINT RESOLUTION

Employees may file a complaint in writing alleging that the policy has been violated or that they have been arbitrarily or capriciously denied participation in an alternative work option (Attachment #3) with the Director of Employee Relations. The decision of the Director of Employee Relations or their designee shall be final and binding. Complaints over the implementation of this policy shall not be subject to contractual grievance procedure.

213.10 EVALUATION REVIEW

Evaluation of an employee's alternative work option shall be completed every six (6) months by utilizing the Alternative Work Options - Evaluation Review Form (Attachment #4).

Attachment #1

ALTERNATIVE WORK OPTIONS REQUEST

Section I

Employee Name: _____ DOC start date: _____
Employee Signature: _____ Date: _____
Institution/Division: _____ Union affiliation: _____
Official job title: _____ Employee ID # _____
Functional title: _____
Current status: Full-time: _____ Part-time: _____
Current hours per week: _____ Current days: _____

Request (please state in detail which work option you are requesting and why):
NOTE: "Personal reasons" or "Family reasons" alone are NOT sufficient reasons for Alternative Work Option Status

_____

_____

_____

Section II

Supervisor Signature: _____ Date: _____
Supervisor Print Name: _____
Approved: _____ Denied: _____
If denied, reason:

_____

_____

Section III

Superintendent/Division Head Signature: _____ Date: _____
Superintendent/Division Head Print Name: _____
Approved: _____ Denied: _____
If denied, reason:

_____

_____

Section IV

Executive Director of Human Resources/Designee: _____ Date: _____

Complies with policy: _____ Does not comply: _____

If in non-compliance, reason and/or modifications needed for compliance: _____

_____

This form to be returned to employee via Superintendent/Unit Director.

Attachment #2

ALTERNATIVE WORK OPTIONS WITHDRAWAL REQUEST

Employee Name:_____ Institution/Division:_____
Date: _____

Description of current work option:

_____

_____

_____

Requested date to end current work option: _____

Description of work option to take place after this date:

_____

_____

_____

_____

Reason for withdrawal request:

_____

_____

Supervisor:_____ Date:_____

Approved:_____ Denied:_____

Attachment #3

ALTERNATIVE WORK OPTIONS COMPLAINT FORM

Employee Name: _____ Title: _____

Institution/Division: _____ Date: _____

Reason for complaint:

_____

_____

_____

Attachment #1 (Alternative Work Options Request) must be attached to this form and forwarded to the Director of Employee Relations, Department of Correction, 50 Maple Street Milford, MA 01757.

Director of Employee Relations decision:

_____

_____

_____

Director of Employee Relations Signature: _____

Date: _____

Attachment #4

ALTERNATIVE WORK OPTIONS EVALUATION REVIEW

Employee Name: _____ Title: _____

Institution/Division: _____ Date: _____

Work options start date: _____

Program Evaluation:

1. Discuss job performance since start of alternative work option.
Comments:

_____

_____

2. Discuss productivity since start of alternative work option.
Comments:

_____

_____

3. Changes recommended:

_____

_____

_____ _____
Supervisor Signature Date

****

I agree _____ disagree _____with supervisor's comments.

Employee comments:

_____

_____

_____ _____
Employee Signature Date

Attendance since start of alternative work option:

sick days used:_____ days off payroll:_____