

 <p style="text-align: center;">Massachusetts Department Of Correction POLICY</p>	Effective Date 11/29/2021	Responsible Division Deputy Commissioner, Administration
	Annual Review Date 11/29/2021	
Policy Name <p style="text-align: center;">103 DOC 222 EMPLOYEE PERFORMANCE EVALUATION</p>	M.G.L. Reference: M.G.L., Chapter 124, § 1 (c) and (q).	
	DOC Policy Reference: 103 DOC 204	
	ACA/PREA Standards: 4-ACRS-7B-06; 2-CO-1C-21; 1-CTA-1C-01; 1-CTA-1C-08	
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Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department's Central Policy File Deputy Commissioner, Administration Policy File Each Institution's Policy File Department's Personnel Policy Manual	
<p>PURPOSE: To establish Department of Correction ("Department") policy concerning employee performance evaluations.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner of Administration Executive Director of Human Resources Superintendents and Division Heads</p> <p>CANCELLATION: 103 DOC 222 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding employee performance evaluations, which are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 222 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.</p>		

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DEFINITIONS

Mass Performs: Management tool used to evaluate and provide professional development to Executive Branch managers.

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

Business Day: Monday through Friday, excluding holidays.

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

Department of Correction: A Commonwealth agency, under the auspices of the Executive Office of Public Safety and Security, that is charged with the detention of those committed to the custody and control of the Commonwealth.

Division of Human Resources (DHR): The Department of Correction's Division of Human Resources.

Employee Performance Review System (EPRS): Tool designed to aid in the communication between employees and their supervisors. Consisting of three stages, the EPRS helps define employee duties and the criteria for which job performance shall be evaluated.

Human Resources Division (HRD): The Commonwealth's Human Resources Division, which is a state agency falling under the Executive Office of Administration and Finance, responsible for the oversight of human resources and civil service administration for the Executive Branch.

Management Employee: 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.

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.

222.02

GENERAL POLICY

1. Performance evaluations shall be completed on all Department employees at the intervals specified in 222.03 utilizing one of the following methods:
 - a. The Employee Performance Review Form - Correction Officer (Attachment #1): All employees in the title of Correction Officer I.
 - b. The Employee Performance Review Form (Attachment #2): All other bargaining unit and confidential employees.
 - c. Mass Performs: All management employees.
2. The July, 2000 Supervisor's Guide to Employee Performance Review System (EPRS) shall be utilized in conducting performance evaluations on bargaining unit and confidential employees, and beginning in July, 2021 the Mass Performs Online System and E-Learning modules shall be utilized in conducting performance evaluations on management employees.
3. The performance dimensions utilized in completing evaluations shall be as objective and job-related as practicable.
4. Evaluations shall be made by the employee's immediate supervisor and reviewed by the next level supervisor.

222.03

FREQUENCY

1. Annual: All employees shall be evaluated annually. Additionally, pursuant to Article 24A, Section 2.K of the current unit 8 and 10 collective bargaining agreement, a copy of the Statement of Employee Rights (Attachment #4) shall be given annually to each employee covered by this agreement at the time of his/her/their final performance review.
2. Probationary: There shall be one (1) evaluation performed during the probationary period of a new or promoted bargaining unit employee, which shall be completed by the mid-point of the probationary period.

NOTE: No more than two (2) evaluations shall be completed on a confidential or bargaining unit employee in a one-year period.

222.04

RECORDS MAINTENANCE

1. One (1) copy of the completed evaluation shall be given to the employee evaluated and the original shall be filed in the employee's personnel file.
2. Evaluations are confidential and access to them shall only be granted in accordance with 204.06 of 103 DOC 204, *Personnel Records*.

3. The Executive Director of Human Resources, Administration is responsible for the proper filing and safeguarding of performance evaluations in the Department's Division of Human Resources (DHR).

222.05

APPEALS

1. A bargaining unit 1, 2, 3, 4A, 6, 8 or 10 employee who receives an annual review summary rating of "below" on his/her/their performance evaluation may file an appeal through his/her/their union with the Human Resources Division (HRD) of the Executive Office for Administration and Finance within fourteen (14) days.
2. A bargaining unit 7 or 9 employee who receives an annual review summary rating of "below" may file an appeal with HRD within twenty-one (21) days.
3. A bargaining unit 4 employee who receives an annual review summary rating of "below" may file a grievance through step II of his/her/their contractual grievance procedure upon an allegation that the rating is clearly erroneous.
4. A management employee may appeal the denial of his/her/their merit increment or the summary performance rating received on his/her/their step increase form pursuant to the appeal process prescribed in the Management Compensation Review User's Guide.
5. A confidential employee may appeal the denial of a step raise resulting from a performance evaluation by filing a grievance under the procedures prescribed in the Rules and Regulations Governing Classification and Pay Plan of the Commonwealth, (Salary Administration Rules for Managers, Confidential and Unclassified Employees).
6. M.G.L., Chapter 31, § 6 (c) provides an appeal procedure for permanent civil service employees who have completed their probationary period. However, the appeal procedures in 222.05 (1), (2) and (3) are not available to any bargaining unit employee who chooses to appeal his/her/their evaluation rating under the provisions of § 6 (c).

222.06

RESPONSIBILITIES OF EVALUATORS

The evaluator shall:

1. Prior to each evaluation period discuss with each employee the performance dimensions and the forms and procedures to be used in evaluating the employee's performance. In addition, inform such employee that such evaluation may be utilized in future personnel determinations.
2. At least once during the evaluation period, at or near the mid-point of the employee's evaluation period, meet with the employee to review the employee's progress, and in the case of a bargaining unit 1, 2, 3, 4A, 6, 7,

8, 9 or 10 employee, allow the employee two (2) business days to review the evaluation prior to signing it. In addition, if the mid-term review of a bargaining unit 1, 2, 3, 4A, 6, 7, 8, 9 or 10 employee results in a rating of “below”, jointly formulate a remedial development plan (Attachment #3) with the employee.

3. In the case of a bargaining unit 1, 3, 4A or 6 employee nearing a “below” rating, counsel said employee as soon as possible in advance of his/her/their final stage of the evaluation as to the specific areas that must be improved and what the employee must do to attain a “meets” rating. In the case of a bargaining unit 2, 7, 8, 9 or 10 employee nearing a “below” rating, counsel said employee at least three (3) months in advance of his/her/their final stage of the evaluation as to the specific areas that must be improved and what the employee must do to attain a “meets” rating (“meets” or “exceeds” rating - bargaining unit 7 employee).
4. At or near the end of the evaluation period, meet with the employee and do the following:
 - a. Inform the employee of the results of the evaluation;
 - b. Have the employee sign the evaluation indicating whether he/she/they agrees or disagrees with its contents;
 - c. Submit the evaluation to the reviewing authority for review and in the case of a bargaining unit or confidential employee a determination of the final rating the employee receives;
 - d. In the case of a bargaining unit 1, 2, 3, 4A, 6, 7, 8, 9 or 10 employee, allow the employee two (2) business days to review the evaluation prior to signing it.
5. In the case of a bargaining unit 2, 7, 8, 9 or 10 employee receiving an annual review summary rating of “below”, develop a remedial plan and re-evaluate the employee thirty (30) days after completion of the employee’s final evaluation. The employee shall be re-evaluated each thirty (30) day period until a “meets” rating is received or six months pass, whichever is first.

NOTE: During the process of re-evaluation, a bargaining unit 2, 7, 8, 9 or 10 employee who continues to receive a “below” rating, shall be able to make a one-time appeal of the re-evaluation. This appeal must be filed within ten (10) days of the last re-evaluation with HRD. However, such appeal may not be filed if the employee has already filed an appeal at the time of the final “below” review in accordance with 222.05 (2).

6. Submit, the results of the review/re-evaluation of a bargaining unit 1, 2, 3, 4A, 6, 7, 8, 9 or 10 employee evaluation completed in accordance with 222.06 (6) to the reviewing authority for review and final determination of the rating.

222.07

RESPONSIBILITIES OF THE REVIEWING AUTHORITY

The reviewing authority shall (but is not limited to):

1. Identify supervisory personnel who shall perform evaluations;
2. Notify evaluators that evaluations are due on their staff;
3. Ensure that all evaluations are submitted on time;
4. Review evaluations and in the case of bargaining unit and confidential employees make a final determination as to the ratings each employee receives. Employees shall then sign the evaluations indicating whether they agree or disagree with the contents thereof;

NOTE: A bargaining unit 1, 2, 3, 4A, 6, 7, 8, 9 or 10 employee shall be allowed two (2) business days to review an evaluation prior to signing it;

5. Provide each employee with a copy of his/her/their completed evaluation;
6. Upon an employee's request, meet with him/her/their to discuss the evaluation. The evaluator shall be notified that the reviewing authority is meeting with the employee evaluated and said evaluator may be required to attend;
7. Upon receipt of a rebuttal from an employee concerning an evaluation, attach it to the file copy of the evaluation;
8. Review the results of the review/re-evaluation of a bargaining unit 1, 2, 3, 4A, 6, 7, 8, 9 or 10 employee evaluation and make a determination of the final rating;
9. Designate a contact person to act as a liaison with the DHR.

222.08

RESPONSIBILITIES OF CONTACT PERSON

The contact person shall:

1. Act as information liaison with the DHR;
2. Keep an accurate listing of pending evaluations within the institution or division.

MASSACHUSETTS DEPARTMENT OF CORRECTION
EMPLOYEE PERFORMANCE REVIEW FORM - CORRECTION OFFICER

EMPLOYEE: _____ TITLE (GRADE): _____
 FACILITY/UNIT: _____ PRESENT ASSIGNMENT: _____
 PERIOD OF EVALUATION: _____ LENGTH OF PRESENT ASSIGNMENT: _____
 OCCASION FOR THIS EVALUATION: Probationary _____ Annual _____ Termination _____ Special _____
 COMMENDATION DURING THIS PERIOD: _____
 DISCIPLINARY ACTION DURING THIS PERIOD: _____
 HOURS OF TRAINING DURING THIS PERIOD: _____
 SICK TIME USED DURING THIS PERIOD: _____ DAYS OFF THE PAYROLL THIS PERIOD: _____
 UNUSED SICK TIME: _____

INSTRUCTIONS: Evaluate employee only in areas relative to their duties or assignments during the evaluation period. Some employees may be evaluated on most categories while others, depending on duties or assignments, may be evaluated in fewer categories. The employee shall not be evaluated on the nature of their assignment, but rather on the performance of their designated assignments and duties.

CODE: M=Meets E=Exceeds B=Below N/O=Not Observed N/A=Not Applicable

DUTIES:	PROGRESS REVIEW					ANNUAL REVIEW				
	M	E	B	N/O	N/A	M	E	B	N/O	N/A
Writes incident/disciplinary reports when required by DOC and institutional policy within established time guidelines.										
Is alert to inmate violations of rules and regulations and takes appropriate disciplinary action.										
Written reports are detailed, factual, well organized and concise.										
Reports regarding inmate behavior are upheld upon supervisory review.										
Follows established procedures for conducting searches of inmates, packages, and visitors.										
Takes necessary and appropriate action to avert violent inmate behavior, suicide attempts, escapes or other crises.										
Controls inmate movement as required by institutional policy.										
Conducts complete and thorough room searches. Leaves room in same condition as it was found.										
In screening packages and visitors, consistently allows only appropriate items to enter the institution.										
Reviews all daily activity reports as directed by post orders and/or institutional policy.										
Consistently makes daily log entries as directed by institutional policy without having to be reminded.										
Prepares inmate evaluation reports (work reports, housing reports, etc.) These reports are timely thorough and objective as required by institutional or DOC policy.										
Uses appropriate call signs and/or follows established procedures for operation of two-way radio communications, telephone, switchboard or base station.										
Is qualified in the use of firearms and exercises all appropriate safety measures in the handling and storing of such weapons.										
Makes all rounds/head counts/security checks per institutional procedures and always makes appropriate log entries.										
Is alert to breaches of security, safety, and fire hazards, and takes appropriate corrective action and notifies appropriate staff.										
Conducts thorough strip searches and/or frisk searches of inmates.										
Maintains strict key control and adheres to all institutional and DOC policy requirements. Does not leave keys unattended and unsecured.										
During the operation of security grilles, doors, traps, etc., he/she/they maintains proper controls and ensures that institutional security procedures are consistently applied.										
Reviews post orders and policies, and consistently performs all duties and responsibilities contained therein.										
Follows both the spirit and the letter of written and oral orders.										
Wears his/her/their uniform consistently with policy.										
Is rarely, if ever, late or abusive of sick time.										
If manning an observation post, walking patrol, or transporting inmates, makes all telephone or radio check-ins as prescribed by institutional policy.										
Other duties										

The employee and supervisor should consult their EPRS Guide for a full explanation of the purpose and the process of employee performance review. Detailed instructions for completing this form are presented in the EPRS Supervisor's Guide.

A. PERFORMANCE PLANNING: Employee and supervisor meet to plan the work for the year

- Discuss contributing role of employee in unit Discuss and finalize the duties and criteria

Primary Job Duties and Performance Criteria: On the reverse side list the employee's primary job duties from the most current position description and the performance criteria which will be used to evaluate the employee's performance of these duties during the performance period. Copies of the reverse may be used if more space is needed.

SIGNATURE:

EMPLOYEE/DATE SUPERVISOR/DATE REVIEWER/DATE

COMMENTS ATTACHED YES NO YES NO YES NO

B. PROGRESS REVIEW: Employee and supervisor meet to help the employee meet criteria

- Discuss progress for each duty Assign advisory rating for each duty
 Assign advisory rating for each duty

PROGRESS REVIEW SUMMARY RATING: MEETS EXCEEDS BELOW
SUPERVISOR'S COMMENTS:

SIGNATURE:

EMPLOYEE/DATE SUPERVISOR/DATE REVIEWER/DATE

COMMENTS ATTACHED YES NO YES NO YES NO

C. ANNUAL REVIEW: Employee and supervisor meet to evaluate job performance

- Discuss job performance over whole year Rate performance for entire year for each duty
 Rate overall performance for entire year Formulate a Development Plan at the option of the employee
PLAN ATTACHED: YES NO

ANNUAL REVIEW SUMMARY RATING: MEETS EXCEEDS BELOW

Supervisor's Comments (explain ratings of exceeded or below expectations, unanticipated contributions, areas of improvement and unusual attendance patterns):

SUPERVISOR: _____
SIGNATURE/DATE

EMPLOYEE: I AGREE DISAGREE WITH THIS EVALUATION
EMPLOYEE COMMENTS:

EMPLOYEE: _____
SIGNATURE/DATE

REVIEWER'S DETERMINATION: On the basis of my review I have determined that the employee's rating is:

MEETS EXCEEDS BELOW

REVIEWER'S COMMENTS:

REVIEWER: _____
SIGNATURE/DATE

EMPLOYEE: I AGREE DISAGREE WITH THE REVIEWER'S DETERMINATION.
EMPLOYEE'S FINAL COMMENTS:

EMPLOYEE: _____
SIGNATURE/DATE

The Commonwealth of Massachusetts
EMPLOYEE PERFORMANCE REVIEW FORM

Name: _____ Evaluation Year: _____
Agency: _____ Location/Unit: _____
Job Title: _____ Functional Title: _____
Supervisor: _____ Reviewer: _____

The employee and supervisor should consult their EPRS Guide for a full explanation of the purpose and the process of employee performance review. Detailed instructions for completing this form are presented in the EPRS Supervisor's Guide.

A. Performance Planning: Employee and supervisor meet to plan the work for the year

Discuss contributing role of employee in unit Discuss and finalize the duties and criteria
Primary Job Duties and Performance Criteria: On the reverse side list the employee's primary job duties from the most current Form 30 and the performance criteria which will be used to evaluate the employee's performance of these duties during the performance period. Copies of the reverse may be used if more space is needed.

Signatures: _____ Employee/Date _____ Supervisor/Date _____ Reviewer/Date
Comments attached: Yes No Yes No Yes No

B. Progress Review: Employee and supervisor meet to help the employee meet criteria

Discuss progress for each duty Assign advisory rating for each duty Assign advisory rating for overall performance
Progress Review Summary Rating: Exceeds/Excels Meets Below* Create Remedial Development Plan
Supervisor's Comments:

Signatures: _____ Employee/Date _____ Supervisor/Date _____ Reviewer/Date
Comments attached: Yes No Yes No Yes No

C. Annual Review: Employee and supervisor meet to evaluate job performance

Discuss job performance over whole year Rate performance for entire year for each duty
Rate overall performance for entire year Formulate a Development Plan at the option of the employee - Plan attached: yes no
Annual Review Summary Rating: Exceeds/Excels Meets Below* Create Remedial Development Plan

Supervisor's comments (explain "below" ratings, unanticipated contributions, areas of improvement and unusual attendance patterns:)

Supervisor: _____ Signature/Date

Employee: I agree disagree with this evaluation.
Employee's Comments:

Employee: _____ Signature/Date

Reviewer's Determination: On the basis of my review I have determined that the employee's rating is: Exceeds/Excels Meets Below
Reviewer's Comments:

Reviewer: _____ Signature/Date

Employee: I agree disagree with the reviewer's determination. Employee's final comments:

Employee: _____ Signature/date

Attendance: Number of days sick leave used _____ Number of days off the payroll _____ Number of days tardy _____

Primary Job Duties/Performance Criteria

<p>Duty ____:</p> <p>Performance Criteria: (Performance is successful if:)</p> <p>ACTUAL PERFORMANCE: Progress Review ____ Exceeds/Excels ____ Meets ____ Below Annual Review ____ Exceeds/Excels ____ Meets ____ Below Progress Review Comments: Annual Review Comments:</p>
<p>Duty ____:</p> <p>Performance Criteria: (Performance is successful if:)</p> <p>ACTUAL PERFORMANCE: Progress Review ____ Exceeds/Excels ____ Meets ____ Below Annual Review ____ Exceeds/Excels ____ Meets ____ Below Progress Review Comments: Annual Review Comments:</p>
<p>Duty ____:</p> <p>Performance Criteria: (Performance is successful if:)</p> <p>ACTUAL PERFORMANCE: Progress Review ____ Exceeds/Excels ____ Meets ____ Below Annual Review ____ Exceeds/Excels ____ Meets ____ Below Progress Review Comments: Annual Review Comments:</p>
<p>Duty ____:</p> <p>Performance Criteria: (Performance is successful if:)</p> <p>ACTUAL PERFORMANCE: Progress Review ____ Exceeds/Excels ____ Meets ____ Below Annual Review ____ Exceeds/Excels ____ Meets ____ Below Progress Review Comments: Annual Review Comments:</p>

**EMPLOYEE PERFORMANCE REVIEW SYSTEM
REMEDIAL DEVELOPMENT PLAN**

Employee Name: _____	Supervisor: _____
Agency: _____	Location: _____
Position: _____	
Evaluation Year: <u> </u> FY	Date of Plan: _____ Plan Effective as of: _____

Part I

Remedial Action Plan

The above named employee has received a rating of “Below” at ____Stage B ____Stage C.

In order to attain a “Meets”/ rating at the next performance review meeting, the employee must:
(List specific actions that the employee must take in order to attain a “Meets” rating. List the criteria that will measure the progress of each specific action.)

- **Action:**

Criteria:
- **Action:**

Criteria:
- **Action:**

Criteria:
- **Action:**

Criteria:

The success of this plan will be reviewed every thirty (30) days, until a rating of “Meets” is achieved.

The date of the next review has been scheduled for: ____/____/____ (no more than 30 days from the Date of Plan).

Employee Signature/Date Supervisor Signature/Date Reviewer Signature/Date

Part II (Completed up to 30 days after the RDP was implemented)

Evaluation of the Remedial Development Plan

Employee ____ did ____ did not receive a rating of “Meets”.

____ The Remedial Development Plan was successful.

____ The Employee needs to continue with the Remedial Development Plan until the time of the next review (no later than 30 days).

Employee Signature/Date Supervisor Signature/Date Reviewer Signature/Date

PERFORMANCE EVALUATION

STATEMENT OF EMPLOYEE RIGHTS

BARGAINING UNITS 8 AND 10

- To know clearly what his/her/their job duties are and what his/her/their supervisor expects from him/her/their.
- To be evaluated by his/her/their supervisor in a fair and constructive manner
- To be apprised when performance is determined to be below expectations and to be given the opportunity to remedy the deficient performance.
- To have the opportunity to respond to his/her/their evaluation and, when appropriate, seek remedial review.

EMPLOYER RESPONSIBILITIES

- To administer the performance evaluation process in a fair and impartial manner.
- To meet with the employee to determine EPRS duty statements for that evaluation year.
- To meet with the employee for a mid-year review to discuss the job duties and criteria used to evaluate job performance for the remainder of the fiscal year.
- To write a Remedial Development Plan for employees receiving “below” ratings at Stage B or C of the EPRS process.