

 <p style="text-align: center;">Massachusetts Department Of Correction <b>POLICY</b></p>	Effective Date <p style="text-align: center;">2/28/2022</p>	Responsible Division <p style="text-align: center;">Deputy Commissioner, Administration</p>
	Annual Review Date <p style="text-align: center;">2/28/2022</p>	
Policy Name <p style="text-align: center;">103 DOC 223 SEPARATIONS</p>	M.G.L. Reference: M.G.L., c. 124, § 1 (c) and (q)	
	DOC Policy Reference: 103 DOC 211; 103 DOC 230	
	ACA/PREA Standards:	
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Applicability: Staff
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department's Central Policy File Each Institution's Policy File Department's Personnel Policy Manual	
<p><b>PURPOSE:</b> To establish a Department of Correction ("Department") policy concerning employee separations.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b>          Director of Employee Relations          Assistant Deputy Commissioners          Superintendents and Division Heads</p> <p><b>CANCELLATION:</b> 103 DOC 223 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding employee separations which are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b> If any part of 103 DOC 223 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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**223.01**

**DEFINITION**

Employee: A full-time or regular part-time bargaining unit, managerial, or confidential employee of the Department of Correction, excluding all persons paid through other subsidiary accounts.

**223.02**

**RESIGNATION**

- A. A Department employee who intends to resign his/her/their position is required to submit a letter of resignation to his/her/their supervisor at least two (2) weeks prior to his/her/their anticipated resignation date.
- B. An employee who fails to submit a letter of resignation two (2) weeks prior to the resignation date may be discharged, unless he/she/they is granted permission to leave without said notice for sufficient reason.

**223.03**

**RETIREMENT**

- A. A Department employee that intends to retire shall first obtain the necessary retirement forms from the State Board of Retirement (SBR), One Winter Street, Boston, Massachusetts 02108. Staff members of the SBR are available to explain the employee's rights under the retirement system and answer any questions. A prospective retiree may file for retirement up to one-hundred and twenty (120) days before he/she/they plans to retire.
- B. In the case of mandatory or voluntary retirement, the SBR notifies the Department in writing of the intended date of the employee's retirement. However, in the case of a disability retirement, the SBR notifies the agency it has approved or denied the retirement of the employee. This notification also contains a request for certain information needed to finalize the employee's retirement, including the date on which the employee's name last appeared on the agency's payroll. This date is normally the date on which the SBR retires the employee.
- C. Employees are encouraged to consult 103 DOC 211, *Employee Benefits*, for additional information on retirement.

**223.04**

**LAYOFF**

- A. Circumstances may arise which necessitate that the Department implement a reduction in work force plan. This would be based upon programmatic and/or financial analysis of the Department.

- B. When the decision is made by the Commissioner to abolish positions, or it is determined that funds are insufficient to continue filling existing positions, the Commissioner makes the initial decision as to which titles shall be affected by layoff.
- C. Once that decision is made, the Department shall submit the plan to the Executive Office of Public Safety and Security for approval who in turn submits it to the State Office of Diversity and Equal Opportunity and the Office of Employee Relations (OER) for their approval.
- D. The Commonwealth of Massachusetts Human Resources Division Guide to Managing Staff Reductions revised October 20, 2010 contains specific procedures to insure that all layoffs are implemented in accordance with all statutory and contractual requirements for the protection of the rights of individual employees.

**223.05**

**TERMINATION FOR CAUSE**

It is the policy of the Department that an employee who is terminated for cause shall be notified in writing of said termination and that such notification shall advise the employee of applicable appeal rights under M.G.L., c. 31. 103 DOC 230, *Discipline and Terminations*, should be consulted for additional information.

**223.06**

**RETURN OF DEPARTMENT PROPERTY**

Upon separation from the Department, an employee is required to return all Department property issued to him/her/them to include such items as: the Department Identification Card, Special State Police Commission, Special State Police Badge, uniforms and the employee rule book. Upon said separation retention of such property is unauthorized and may be in violation of state laws.