MASSACHUSETTS DEPARTMENT OF CORRECTION
50 Maple Street, Suite 3
Milford, MA 01757

LABOR RELATIONS – EMPLOYEE GRIEVANCE PROCEDURES
103 DOC 270

Effective Date: July 2, 2025
Review Date: August 5, 2026

Table of Contents

270.01 Purpose 1
270.02 Cancellation 1
270.03 Severability Clause 1
270.04 Definitions 1
270.05 GRIEVANCE PROCEDURES – Bargaining Units 1,2, 3, 4, 4A, 6, 7, And 9 2
270.06 Grievance Procedures – Bargaining Units 8 And 10 5
270.07 Time Limits In Grievance Procedure 7
270.08 Management And Confidential Employees 7
205.09 Responsible Staff 8
205.10 Access to Policy 8
205.11 Information Sources 8

270.01 Purpose

To establish Department of Correction (Department) policy concerning employee grievance procedures.

270.02 Cancellation

103 DOC 270 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding employee grievance procedures which are not consistent with this policy.

270.03 Severability Clause

If any part of 103 DOC 270 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.

270.04 Definitions

Bargaining Unit Employee: An employee of the Commonwealth in a job title in a statewide bargaining unit, as certified by the Division Labor Relations (DLR), who is covered by an

applicable collective bargaining agreement (CBA).

Collective Bargaining Unit: One of eleven (11) statewide units, established by the Commonwealth's Labor Relations Commissioner, unto which state employees with similar work responsibilities/related job functions represented by a union are grouped for purposes of collective bargaining.

Confidential Employee: A non-managerial employee whose position has been designated confidential by the Chief Human Resources Officer of the Commonwealth's Human Resources Division (HRD), and who directly assists a manager and acts in a "confidential" capacity to a managerial or other category of employee excluded from coverage under M.G.L. c. 150E.

Management Employee: An employee so designated in accordance with the provisions of M.G.L., c. 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 CBA or in Personnel Administration. A management employee is not included in a bargaining unit.

270.05 GRIEVANCE PROCEDURES – Bargaining Units 1,2, 3, 4, 4A, 6, 7, And 9

NOTE: In the case of bargaining unit employees, always consult the relevant CBA for changes that may have occurred since the last revision of this policy.

A. A bargaining unit employee and/or the employee's union may file a grievance in accordance with the following four (4) step procedure:

1. Step I: Superintendent/Division Head
   An employee and/or the union shall submit a grievance in writing or to the person designated by the agency head for such purpose not later than twenty-one calendar days after the date on which the alleged act or omission giving rise to the grievance occurred or after the date on which there was a reasonable basis for knowledge of the occurrence. The person so designated by the agency head shall reply in writing by the end of ten (10) calendar days following the date of submission. In the case of bargaining units 1, 2, 3, 4, 4A, and 6, the designated person shall reply in writing by the end of twenty-one (21) calendar days following the date of submission of the grievance, if a meeting is held to review the grievance. In the case of bargaining units 1, 3 and 6, a meeting will be held upon request by either party or the matter will be waived to Step II.

2. Step II: Commissioner of Correction or a Designee
   In the event the employee or the union wishes to appeal an unsatisfactory

decision at Step I, the appeal shall be presented in writing to the person designated by the agency head for such purpose within ten (10) calendar days following the receipt of the Step I decision. In the case of bargaining unit 1, 2, 3, and 6 employees, the designee shall issue a decision within thirty (30) calendar days following the day on which the appeal was filed or, if a meeting was held to review the grievance within twenty-one (21) days of the meeting. In the case of bargaining unit 4, 4A, 7 and 9 employees, the designee shall meet with the employee and/or union for review of the grievance and shall issue a written decision within fourteen (14) calendar days following the day on which the appeal was filed. In the case of bargaining unit 1, 3 and 6 employees, a meeting will be held upon the request of either party.

3. Step III: Human Resources Division

In the event the employee or the union wishes to appeal an unsatisfactory decision at Step II, the appeal must be presented to the HRD within seven (7) calendar days of the receipt of the unsatisfactory decision in the case of bargaining unit 4 and 9 employees, or within ten (10) calendar days of the receipt of the unsatisfactory decision in the case of bargaining unit 1, 2, 3, 4A, 6 and 7 employees. The HRD shall issue a written reply by the end of twenty-one (21) calendar days following the day on which the appeal was filed in the case of bargaining unit 4 and 9 employees, or thirty (30) calendar days following the day on which the appeal was filed in the case of bargaining unit 1, 2, 3, 4A, 6, and 7 employees. If a conference is held, HRD shall reply by the end of fourteen (14) working days following the close of the conference in the case of bargaining unit 4 and 9 employees, or by the end of twenty-one (21) calendar days following the close of the conference in the case of bargaining unit 1, 2, 3, 4A, 6, and 7 employees.

NOTE: The Commonwealth has agreed to Memoranda of Understanding on Alternative Dispute Resolution for the processing of grievances at Step III or to arbitration with the National Association of Government Employees (NAGE) for bargaining units 1, 3 and 6.

4. Step IV: Arbitration

Grievances unresolved at Step III may be brought to arbitration solely by the union by filing a completed Request for Arbitration Form with the HRD within fourteen (14) calendar days in the case of bargaining unit 9 employees; or within thirty (30) calendar days in the case of bargaining unit 1, 2, 3, 4, 4A, 6, and 7 employees.

NOTE: A bargaining unit 1, 3 or 6 employee and/or the employee's union filing a grievance at the Step I, II or III level shall submit said grievance on the grievance form in Appendix B of the applicable CBA between the NAGE and

the Commonwealth. A bargaining unit 1, 2, 3, 4A, or 6, employee and/or the employee's union filing a grievance at the Step I, II, or III level shall submit said grievance on the grievance form in the Appendix of their respective CBA.

B. Appeals of Disciplinary Action

1. Any bargaining unit 1, 2, 3, 4, 4A, 6, 7, or 9 employe who has completed a nine (9) month probationary period, (three (3) years for teachers) who is discharged, suspended, or demoted for disciplinary reasons may file a grievance as follows:

   a. In the event that the employee was not given a Departmental hearing prior to the imposition of discipline or discharge, then a grievance shall be submitted in writing by the aggrieved employee to the Commissioner within eight (8) working days of the date such action was taken in the case of a bargaining unit 1, 3, 4A or 6 employee or within ten (10) working days of the date such action was taken in the case of a bargaining unit 2, or 9 employee, and said grievance shall be treated as a Step II grievance.

   b. In the event that the employee was given a departmental hearing prior to the imposition of discipline or discharge, then a grievance shall be submitted in writing by the aggrieved employee to the Commissioner of Correction within ten (10) working days of the date such action was taken. Upon receipt of the grievance at Step II, the Commissioner or a designee shall review the actions taken at the lower level and shall either:
      i. Hold a full Step II conference and the provisions of the grievance procedure shall apply.
      ii. Issue a written decision to waive the grievance to Step III and the provisions of the grievance procedure shall apply.

      NOTE: The Waiver of the Right to Appeal Disciplinary Action on the applicable grievance form shall be signed by both the employee and the Union as a condition precedent to submitting a disciplinary grievance.

2. Any bargaining unit 4 employee who has completed a six (6) month probationary period (nine (9) months for entry level correction officers) who is discharged, suspended or demoted for disciplinary reasons may file a grievance within eight (8) working days of the date such action was taken. Any bargaining unit 2, 7 or 9 employee who has completed a nine (9) month probationary period who is discharged, suspended, or demoted for disciplinary reasons may file a grievance within ten (10) working days of the date such action was taken. In the event that the employee was not given a prior Departmental hearing, the grievance shall be submitted to the

Commissioner, and it will be treated as a Step II grievance as described in Subsection 1 (b). If a prior Departmental hearing was held, the grievance shall be submitted to the HRD, and it shall be treated as a Step III grievance as described in subsection 1 (c).

3. If the bargaining unit employee holds permanent civil service status, they may appeal the disciplinary action taken against them to the Civil Service Commission (CSC) in accordance with the provisions of M.G.L., c. 31, § 43.

4. An employee may not appeal under both the contractual grievance procedure and to the CSC. If they choose to appeal under the grievance procedure, then they must waive any and all rights to appeal the disciplinary action to any other forum.

270.06 Grievance Procedures – Bargaining Units 8 And 10

NOTE: In the case of bargaining unit employees, always consult the relevant CBA for changes that may have occurred since the last revision of this policy.

A. Step I: Director of Employee Relations

1. An employee and/or the Union shall submit a grievance in writing, or by facsimile machine, on the grievance form included in Appendix F of the CBA, to the person designated by the agency head for such purpose not later than twenty one (21) calendar days after the date on which the alleged act or omission giving rise to the grievance occurred or after the date on which there was a reasonable basis for knowledge of the occurrence. Such grievance shall identify the Article(s) believed to have been violated, state how and when the Article(s) was violated and state the remedy sought. The person so designated by the agency head shall reply in writing by the end of thirty (30) calendar days following the date of submission, or if a meeting is held to review the grievance, by the end of twenty-one (21) calendar days following the date of the conference. The Agency Head's designee at Step I shall have the authority to sustain, vacate or modify a decision or action taken at the lower level.

2. Disciplinary grievances filed at Step I or Step II of the grievance procedure must also contain the "Waiver of Right to Appeal Disciplinary Action" form as outlined in Article 23 of the CBA. Grievances not containing the signed waiver by the date of the scheduled conference, or the rendering of a decision shall be considered denied and are in-arbitrable.

3. In disciplinary matters for which the agency head or their designee issues a decision to waive the grievance to Step II as described in Article 23, Section 3, such written decision shall be issued within thirty (30) calendar days following the day on which the grievance is filed at Step I. In such instances,

the agency head or their designee shall forward a copy of the decision to waive the grievance to Step II, along with a copy of the disciplinary notice and the documentation presented by both parties at the pre-disciplinary hearing, to the Human Resources Division.

B. Step II: Human Resources Division

In the event the employee or the Union wishes to appeal an unsatisfactory decision at Step I, the appeal must be presented on the grievance form included in Appendix F of the CBA to the Human Resources Division (HRD) within ten (10) business days of the receipt of the unsatisfactory decision at Step I. Such grievance shall identify the Article(s) believed to have been violated, state how and when the Article(s) was violated and state the remedy sought. HRD shall issue a written reply by the end of the thirty (30) calendar days following the day on which the appeal was filed or if a conference is held by the end of the twenty-one (21) calendar days following the close of the conference. HRD, at Step II, shall have the authority to sustain, vacate or modify a decision or action taken at the lower agency level.

C. Step III: Arbitration

Grievances unresolved at Step II may be brought to arbitration solely by the Union by filing a completed Request for Arbitration form with the Human Resources Division. Such form must be filed within thirty (30) calendar days of the receipt of an unsatisfactory Step II response.

D. Appeals of Disciplinary Action

1. Any bargaining unit 8 or 10 employe who has completed a nine (9) month probationary period, who is discharged, suspended, or demoted for disciplinary reasons may file a grievance as follows:
    a. In the event that the employee was not given a Departmental hearing prior to the imposition of discipline or discharge, then a grievance shall be submitted in writing by the aggrieved employee to the Commissioner within ten (10) working days of the date such action was taken and said grievance shall be treated as a Step I grievance.

    b. In the event that the employee was given a departmental hearing prior to the imposition of discipline or discharge, then a grievance shall be submitted in writing by the aggrieved employee to the agency head or their designee within ten (10) working days of the date such action was taken. Upon receipt of the grievance at Step I, the agency head or their designee shall review the actions taken at the lower level and shall either:
        i. Hold a full Step I conference and the provisions of the grievance procedure shall apply.
        ii. Issue a written decision to waive the grievance to Step II and the provisions of the grievance procedure shall apply.

NOTE: The Waiver of the Right to Appeal Disciplinary Action on the applicable grievance form shall be signed by both the employee and the Union as a condition precedent to submitting a disciplinary grievance.

270.07 Time Limits In Grievance Procedure

A. If a decision satisfactory to the union at any level of the grievance procedure other than Step IV, or Step III for bargaining units 8 and 10, is not implemented within a reasonable time, the union may re-institute the original grievance at the next step of the grievance procedure. A resolution of a grievance at either Step I or II shall not constitute a precedent.

B. If the employer exceeds any time limits prescribed at any step in the grievance procedure, the grievant and/or the union may assume that the grievance is denied and invoke the next step of the procedure; except, however, that only the union may request impartial arbitration. No deadline shall be binding on the grievant and/or the union until a required response is given.

C. Any step or steps in the grievance procedure, as well as time limits prescribed at each step of this grievance procedure, may be waived by mutual agreement of the parties in writing.

270.08 Management And Confidential Employees

A. Management and confidential employees are not included in any bargaining unit and thus are not afforded the protection of the aforementioned contractual grievance procedure; however, there shall be an informal grievance procedure for all management and confidential employees, consisting of the following:

1. If any management or confidential employee has a grievance relative to the general conditions of their employment, they shall submit a description of said grievance in writing to their immediate supervisor. This supervisor shall schedule an informal meeting with said employee in order to discuss and resolve the grievance. Said supervisor shall respond to the employee within a reasonable time period.

2. If an employee is dissatisfied with the discussion and resolution recommended by their immediate supervisor, they may then submit a description of said grievance in writing to the superintendent (for institution employees) or the Commissioner (for all central office and/or major division employees). The superintendent and/or the Commissioner may take whatever action they deem appropriate to discuss and resolve said grievance. (For example; they may: a) agree with the decision of the employee's immediate supervisor and decline from making their own

separate recommendations, b) schedule an informal meeting with the employee to discuss the grievance, c) hold a formal meeting or investigation to resolve said grievance, etc.). All such institutional employees may, in the same way, re-submit their grievances for final consideration to the Commissioner, who shall have the same options outlined above.

3. There is a separate and distinct informal grievance procedure for all management and confidential employees, established in M.G.L., c. 30, § 53 and the Commonwealth rules and regulations pursuant to said statute, for any grievance "...relating to classification, hours of employment, vacation, sick leave, or other forms of leaves of absences, overtime, denial of step-rate increase, and other matters relating to conditions of employment..." This procedure provides for an appeal and hearing process on such matters to the State Personnel Administrator and the CSC. However, no grievance relative to disciplinary action taken against an employee shall be accepted by said offices under this statute.

4. If a management or confidential employee holds permanent civil service status, they may appeal the disciplinary action taken against them to the CSC in accordance with the provisions of M.G.L., c. 31, § 43.

B. In the event of a department wide loss of computer infrastructure, a contingency plan for Continuity of Operations Plan (COOP) is located in the Human Resources Division Central Office.

205.09 Responsible Staff

Reviewing Authority: Deputy Commissioner of Human Resources

Responsible Staff:

- Director of Employee Relations
- Assistant Deputy Commissioners
- Superintendents
- Division Heads

205.10 Access to Policy

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

205.11 Information Sources

Legal Authority:
M.G.L., c. 124, § 1 (c) and (q).

Other Related Policies: None

Applicability: All Staff

Attachments: None