COMMITTEE FOR PUBLIC COUNSEL SERVICES

PERSONNEL POLICIES MANUAL

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Table of Contents

WELCOME TO THE COMMITTEE FOR PUBLIC COUNSEL SERVICES

The Committee for Public Counsel Services (Committee, CPCS, or agency) welcomes you to our team.

The Committee is committed to protecting the fundamental constitutional and human rights of its clients by providing zealous advocacy, community-oriented defense, and excellent representation. We are dedicated to building a strong professional relationship with each of our clients, understanding their diverse circumstances, and meeting their needs.

The Committee owes its success to the quality and good work of our employees, and in return, strives to provide employees with as favorable a work environment as possible. The Committee supports a stimulating, congenial, and rewarding environment for all employees. We encourage and expect respectful communication and cooperation between all employees. All employees have a responsibility to treat others with dignity and respect at all times.

This Personnel Policies Manual has been designed to provide employees with ready access to some basic guidelines, which make such a work environment possible, and to set forth certain policies and procedures that may affect an individual's employment relationship with the Committee.

The Chief Counsel, or designee, is the appointing authority. No representative of the Committee other than the Chief Counsel has the authority to enter into any agreement for employment with an individual for any specified period of time or to make any promise or agreement contrary to the foregoing. All positions in the Committee are subject to appropriation and the needs of the agency.

The policies and benefits described here may be modified or discontinued from time to time. In certain situations, operational guidelines may be promulgated. We will try to inform you of any changes as they occur. Any changes in law which may impact existing policies are hereby incorporated by reference into all CPCS policies.

Please review this Personnel Policies Manual carefully. A policy may have procedural guidelines with more detail than is provided here. Questions regarding any specific policies or any questions not answered in this Personnel Policies Manual should be directed to the Human Resources Department (HR).

Section 1: Employment

Section 1.1 Equal Employment Opportunity Policy

1.1.1 Applicable to:

This policy shall apply to all CPCS employees, retired 960 employees, contract employees, interns, and volunteer personnel. All are expected to support the principle of, and contribute to, the realization of equal employment opportunity and to take appropriate measures to ensure that prohibited conduct does not occur.

1.1.2 Policy:

It is the policy of the Committee to promote and retain a diverse workforce with representation from protected groups that is free of discrimination in all aspects of the employment relationship. CPCS will endeavor to make all personnel decisions, programs, and policies formulated and conducted in a manner that will attempt to provide equal access for all people and to prevent discrimination. CPCS strives to create and maintain a work environment where people are treated with dignity, decency, and respect. CPCS will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, CPCS will seek to prevent, correct, and discipline behavior that violates this policy.

CPCS prohibits discrimination in employment on the basis of race, color, ancestry, age, religion, national origin, ethnicity, sexual orientation, gender, gender identity and expression, disability, military and veteran's status, genetic information, pregnancy or condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, or on any other basis protected by local, state, or federal law.

CPCS is committed to strive to appoint and retain a diverse workforce through equal and fair employment practices.

In its efforts to achieve a diverse workforce, CPCS will create and maintain a Diversity/Equal Employment Opportunity Plan (EEO Plan), which it will strive to update every two (2) years.

Diversity and Inclusion Mission Statement

CPCS embraces diversity and inclusion as core values and is steadfast in our commitment to ensuring that CPCS staff members represent a broad range of human differences and experiences, striving to provide a work climate that is respectful and that supports success, and attempting to promote the dignity and well-being of all staff members. CPCS leadership is responsible for ensuring excellence, diversity, and inclusion. Our ability to achieve these goals depends on the efforts of all of us.

Diversity Leadership:

The Chief Counsel has overall responsibility for fostering diversity and ensuring that equal employment opportunity is achieved throughout the agency. To this end, the Chief Counsel will designate an employee as a diversity officer and Americans with Disabilities Act coordinator (ADA coordinator), and an advisory committee to support diversity in the agency.

Each supervisor and manager is responsible for implementing the Diversity/Equal Employment Opportunity (EEO) Plan by ensuring equal opportunity for employment, placement, transfer, promotion, compensation, training, and for all other terms and conditions of employment.

Hiring and Professional Development:

The Human Resources Department (HR) is responsible for implementing this policy to achieve a diverse workforce through equal employment opportunity goals. HR oversees fair, uniform recruitment and hiring practices for all staff, including attorneys, management, interim appointments, post-retirees, interns, volunteers, and temporary help.

To assure best hiring practices for attracting, hiring, promoting, and retaining highly qualified attorneys and professional staff, CPCS utilizes an online applicant tracking system as the required tool for all paid and unpaid positions.

Depending upon the nature and level of the position, a variety of search strategies may be necessary. Hiring divisions, regardless of the source of funds, are obligated to conduct a fair and open search process in conjunction with the Human Resources Department. HR is prepared to work closely with any Division/Department on outreach and recruitment strategies. Positions are publicly advertised in accordance with HR standards to promote effective outreach and strategies that will attract a diverse pool of qualified candidates.

The appointing authority is the Chief Counsel. This authority can be delegated. The Chief Counsel approves the filling of all positions, and the Human Resources Director oversees the recruitment and hiring process.

At the beginning of the recruitment process, the Human Resources Director or designee will communicate with the hiring manager to ensure that all participants are clear about expectations, including the degree of delegation.

Once hired, the Committee will strive to ensure that all staff is provided with equal opportunity to attend available training and development programs, by requiring supervisors and managers to:

a. notify staff of all opportunities for training and development by posting the relevant information in a conspicuous place;
b. meet regularly with staff to discuss their needs and to support their professional development. At a minimum, this should be addressed during the employee evaluation meeting and reviews.

1.1.2 A Prohibited Conduct:

The following conduct is prohibited under this policy:

Discrimination:

Discrimination is an intentional or unintentional act that adversely affects the terms and conditions of employment based on a person's membership in a protected class or association with a member(s) of a protected class. Discrimination may be classified as either disparate impact (practices that are facially neutral in their treatment of different groups, but in fact fall more harshly on one group than another and cannot be justified by business necessity), or disparate treatment (treatment of an individual that is less favorable than treatment of others based on discriminatory reasons).

Retaliation:

Retaliation is taking an adverse employment action against a person who files claims, complaints, or charges under these procedures or under applicable local, state or federal statutes; who is perceived to have filed such claims, complaints, or charges; who has assisted or participated in an investigation, or resolution of such claims, complaints, or charges; or who has complained of practices alleged to be violative of the non-discrimination policy of CPCS, or local, state, federal, regulations or statutes.

Discriminatory Harassment:

It is the goal of CPCS to promote a workplace that is free of discriminatory harassment, including sexual harassment. Sexual harassment or other discriminatory harassment, including harassment on the basis of race, color, ancestry, age, religion, national origin, ethnicity, sexual orientation, gender, gender identity and expression, disability, military and veteran's status, genetic information, pregnancy or condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, or on any other basis protected by local, state, or federal law, occurring in the workplace or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about discriminatory harassment, including sexual harassment or retaliation against individuals for cooperating with an investigation of such a harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discrimination, including sexual harassment, the conduct that is described in this policy will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees, pursuant to 1.1.2 F, Discriminatory Harassment Investigation.

Because the Committee takes allegations of all discriminatory harassment seriously, including sexual harassment, we will respond promptly to complaints of such harassment, and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discriminatory harassment, including without limitation, sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of discriminatory harassment.

1.1.2 B Definition of Sexual Harassment:

In Massachusetts, the legal definition for sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

a. submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
b. such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitute sexual harassment.

The legal definition of sexual harassment is broad, and in addition to the above examples, other sexually oriented conduct, whether intended or not, that is unwelcome and which has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances and on the severity or pervasiveness of the conduct:

a. unwelcome sexual advances whether they involve physical touching or not;
b. sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
c. displaying sexually suggestive objects, pictures, or cartoons;
d. unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive, or insulting comments;
e. inquiries into one's sexual experiences; and
f. discussion of one's sexual activities.

The legal definition of what may constitute other types of discriminatory harassment is also broad, but conduct that could contribute includes slurs or other derogatory comments, objects, pictures, cartoons, or physical conduct, including demeaning gestures based on legally protected characteristics or membership in a protected class.

All employees should take special note that, as stated above, retaliation against an individual who has complained about discriminatory harassment, including sexual harassment and retaliation against individuals for cooperating with an investigation of such harassment, is unlawful and will not be tolerated by this organization.

1.1.2 C Americans with Disabilities Act and Massachusetts Fair Employment Practices Act:

Both the Americans with Disabilities Act (ADA) and the Massachusetts Fair Employment Practices Act (FEPA) were enacted to address the problem of discrimination against individuals with disabilities. They seek to dispel stereotypes and assumptions about disabilities and to ensure equal opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

A disability is defined, in part, as a physical or mental impairment that (1) substantially limits one (1) or more major life activities, (2) is regarded as having such impairment as a result of the attitudes of others toward such impairment, or (3) no longer exists, but has resulted in a record of impairment. CPCS provides reasonable accommodations to qualified individuals with disabilities to enable them perform the essential functions of their jobs, as long as such provisions do not impose an undue hardship on the operation of the agency.

If an accommodation is needed, direct your request to the Human Resources Department which will give you a Request for Reasonable Accommodation Form to fill out and submit.

1.1.2 D Pregnant Workers Fairness Act:

The Massachusetts Pregnant Workers Fairness Act requires that pregnant women and women with conditions due to pregnancy be provided reasonable accommodations if requested, including, but not limited to, lactation or the need to express breast milk for a nursing child, provided that the accommodation does not pose an undue burden on the employer. G.L. c. 151B, §4 (amended).

If an accommodation is needed, direct your request to the Human Resources Department which will give you a Request for Reasonable Accommodation Form to fill out and submit.

1.1.2 E Gender Identity:

Examples of gender identity discrimination may include the following:

a. "An employee takes a leave of absence to obtain gender affirming surgery, and upon her return from leave, her employer reduces her hours, downsizes her office, and demotes her.
b. A job applicant who identifies as a man is rejected solely because the employer learns after checking his employment references that the applicant identified as a woman in previous employment.
c. A man is constantly harassed or mocked by his supervisors for mannerisms perceived to be feminine.
d. A supervisor ridicules a transgender subordinate and refuses to respect the employee's request for gender-appropriate pronouns.
e. A transgender employee is consistently excluded from office meetings, office parties, and work-related events, to which all other employees are invited.
f. A transgender employee notifies his employer that his coworkers persistently mock and deride him because of his gender identity, and the employer fails to take prompt, remedial action to stop the harassment.
g. An employer denies an employee access to the restroom that corresponds to the employee's gender identity***."***

Massachusetts Commission Against Discrimination, "Gender Identity Guidance" revised December 5, 2016.

1.1.2 F Discriminatory Harassment Investigation:

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will generally include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed the harassment will also be interviewed. When the investigation is complete, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of that investigation.

If it is determined that inappropriate conduct has occurred, prompt remedial action will be taken to eliminate the offending conduct, and where appropriate, the imposition of disciplinary action, up to and including termination will result.

1.1.2 G Complaints of Discrimination, Harassment, and Retaliation:

If employees believe that they have been subjected to discrimination, discriminatory harassment, including without limitation, sexual harassment, or retaliation, they have the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting the Human Resources Director, 44 Bromfield Street, Boston, MA 02114 at (617) 910-5720, or General Counsel, 44 Bromfield Street, Boston, MA 02114, phone (617) 910-5717. Individuals in these offices are also available to discuss any concerns you may have and to provide information about our policy on harassment and on our complaint process.

In addition to the above, if you believe you have been subjected discrimination, discriminatory harassment, including without limitation, sexual harassment, or retaliation, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commission (EEOC)

   10 Congress Street
   10th Floor
   Boston, MA 02114
   (617) 565-3200

2. The Massachusetts Commission Against Discrimination (MCAD):

   Boston Office:
   One Ashburton Place
   Rm. 602
   Boston, MA 02108
   (617) 994-6000

   Springfield Office:
   424 Dwight Street
   Rm. 220
   Springfield, MA 01103
   (413) 739-2145

Worcester Office:
484 Main Street
Rm. 320
Worcester, MA 01608
(508) 453-9630

New Bedford Office:
800 Purchase Street
Rm. 501
New Bedford, MA 02740
(508) 990-2390

The United States Equal Employment Opportunity Commission (EEOC): https://www.eeoc.gov.

The Massachusetts Commission Against Discrimination (MCAD): https://www.mass.gov/mcad/.

Section 1: Employment

Section 1.2 Hours of Employment & Overtime

1.2.1 **<u>Applicable to</u>**:

All employees.

1.2.2 **<u>Policy</u>:**

The standard workweek for full-time employees consists of five (5) days totaling thirty-five (35) hours per week, excluding meal periods. Each workday shall consist of seven (7) hours. Standard office hours are Monday through Friday, 9:00 a.m. to 5:00 p.m. For the purposes of the Federal Student Loan Forgiveness Program, full-time equals thirty (30) hours per week. Individual work schedules may vary depending on the needs of each office.

When required, due to the needs of the agency, employees may be asked to work overtime. Overtime is actual hours worked in excess of forty (40) in a workweek. Nonexempt employees will be offered compensatory leave credits for each hour worked from thirty-six (36) to forty (40) hours and will be offered compensatory leave credits of one and one-half (1.5) times for each hour worked beyond forty (40) hours, up to a cap of two hundred forty (240) hours. Compensatory leave credits are defined as time off with pay in lieu of overtime pay for irregular or occasional overtime work.

1.2.2 A <u>Non-Exempt Staff</u>:

In accordance with the Federal Fair Labor Standards Act (FLSA), full-time and part-time employees who hold non-exempt positions are eligible to earn compensatory leave credits. For purposes of this policy, non-exempt positions include those designated as support staff (supervisory and non-supervisory) and investigative staff.

Except where otherwise provided by state or federal law, non-exempt employees on full travel status are prohibited from earning compensatory leave credits.

1.2.2 B <u>Exempt Staff</u>:

In accordance with the Federal Fair Labor Standards Act (FLSA), full-time and part-time employees who hold positions designated as an executive, administrative, managerial, professional, or computer professional are exempt from earning compensatory leave credits for overtime services. For purposes of this policy, and in accordance with the FLSA, as amended, exempt positions shall include: legal staff, managerial staff (including computer professionals), audit specialist staff, social services staff, psychologists, and administrative analysts.

The Committee recognizes that exempt staff may on occasion be required to perform official duties outside of their scheduled hours of employment. Such duties would include: conducting a CPCS-sponsored training program; serving as a designated CPCS representative at a formal meeting or hearing within the judicial, legislative, or executive branches of government; performing critical computer systems maintenance, performing Human Resources or Finance Department activities; or, in the case of part-time employees, appearing in court when required to do so on an unscheduled workday.

Exempt employees who perform such duties shall be entitled to equivalent time-off provided that the employee or his or her supervisor has obtained prior authorization from the Division/Department Head.

The supervisor shall be responsible for monitoring and coordinating the usage of equivalent time-off.

1.2.2 C Overtime:

a. Prior to an employee actually performing overtime services, he or she must obtain the written or email authorization of the office supervisor. The requested time for the use of compensatory leave credits will be granted unless the agency assesses that its use would unduly disrupt operations.
b. All hours worked beyond thirty-five (35) hours shall be recorded in self-service time and attendance in the Human Resources system.
c. CPCS offers compensatory leave credits for any overtime services performed.
d. For unused compensatory leave credits at the time of separation, see the Separation of Employment Policy, 1.10.2 F, Separation Pay and Benefits.

Paid leaves, such as holiday, paid time off, bereavement time, and jury duty do not apply toward work time.

1.2.2 D Skeleton Force:

Compensatory leave credits may be earned by an exempt or a non-exempt employee who works on a designated skeleton force. Prior to authorizing a skeleton force, the Chief Counsel or designee shall consider the potential impact on the operations of the agency. It is the responsibility of the Division/Department Head to ensure that adequate coverage is provided during a skeleton force. An employee who is required to work during an authorized skeleton force shall earn compensatory leave credits equal to the actual time worked.

An employee shall be treated the same as if a skeleton force had not been authorized in any of the following instances:

a. when a skeleton force is designated on a day on which an employee is not scheduled to work;
b. when the employee is on an authorized leave of absence;
c. when the employee has received approval prior to the skeleton force to use accrued vacation, personal, or compensatory leave credits to account for his or her absence on that day; and
d. when the employee who is scheduled to work on the designated skeleton force fails to do so, he or she must apply the appropriately accrued leave credit(s) for the unplanned absence.

Section 1: Employment

Section 1.3 Access to Employee Records

1.3.1 <u>Applicable to</u>:

All employees.

1.3.2 <u>Policy</u>:

Employee records are located in the Human Resources Department and contain the official personnel records of each individual employee. Personnel records may include, but are not limited to, documents containing employment and salary history, career progression, performance evaluations, and, if applicable, disciplinary action(s). In order to preserve the confidentiality of the information contained in the personnel records and to protect employees from unnecessary invasion of privacy, the Committee strictly limits access to its personnel records. A personnel record may be accessed by the employee, the employee's supervisor(s) or manager(s), the Chief Counsel or designee, Human Resources, agents designated in writing by the employee, a party under authority of the court, and where appropriate, a state or federal agency.

1.3.2 A <u>Requesting Access</u>:

In accordance with G.L. c. 149, § 52C, an employee may review or obtain a copy of his or her own personnel record within five (5) business days of submitting a written request to the Human Resources Department. Review of an employee's personnel record will take place at the agency during normal business hours.

If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the employee and the Human Resources Department, with the advice and input of the Senior Management Members, individually, in their respective areas or departments. If an agreement is not reached, the employee may submit a written statement explaining his or her position. The employee's statement shall become a part of the personnel record.

The agency will notify any employee within ten (10) days of placing in the employee's personnel record any information that has been used, or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation, or the possibility that the employee will be subject to disciplinary action.

Section 1: Employment

Section 1.4 Adverse Weather/Emergency Skeleton

1.4.1 Applicable to:

All employees.

1.4.2 Policy:

Since weather conditions vary throughout the state and emergencies may be site-specific, procedures for delayed opening, early release, or closing of offices will be based on location. In the Boston offices, it shall be at the discretion of the Chief Counsel or designee to authorize a skeleton force. A skeleton force may be authorized at the discretion of the Attorney in Charge in an office outside Boston whenever site or traveling conditions affect staff safety.

1.4.2 A Adverse Weather:

A broadcast message, announcing the decision of the Chief Counsel or designee shall be recorded on the main telephone system. Staff is advised to call the Boston Office at (617) 482-6212 on or after 6:30 a.m. to listen to this announcement. When possible, a message will also be posted on the CPCS web site.

The delayed opening, early release, or closing of a branch office outside of the metropolitan Boston area may be authorized at the discretion of the office supervisor, who will be responsible for implementing a notification system. Attorneys in Charge will have in place procedures for determining if local courts are closed and a method for communicating with their staff regarding office closures. Generally, CPCS offices will follow the action of the Trial Courts. It should be noted that courts are closed very rarely, even when jurors are not required to report to court. The office supervisor should promptly notify the Chief Counsel or the appropriate Deputy Chief Counsel who will advise the Human Resources Department. Division/Department Heads in sites with multiple Divisions/Departments should make one (1) decision for the location.

Any announcement by the Governor that non-essential state employees should remain at home due to weather conditions does not apply to CPCS employees, except when state offices and courts are closed through a declaration of emergency pursuant to the Civil Defense Act.

1.4.2 B Emergency:

In the Boston office, the Chief Counsel or designee shall authorize the closing of the office due to emergency and shall instruct the Human Resources Department to make the announcement. If it is necessary to close a branch office due to loss of power or heat or any other office-specific emergency such as fire, the office supervisor shall notify the Chief Counsel or the appropriate Deputy Chief Counsel, and he or she shall advise the Human Resources Department. The Chief Counsel or designee shall be responsible for authorizing a skeleton force in all other emergency situations that do not require closing an office but necessitate having only a skeleton work force.

1.4.2 C Leave with Pay:

Under the following circumstances, employees will not be charged for time lost and will be granted leave with pay:

a. if the Governor declares a state of emergency and closes state offices and the courts pursuant to the Civil Defense Act;
b. if the Chief Counsel or designee closes an office or the agency due to adverse weather conditions;
c. if the Office Head closes the office because of adverse local weather conditions;
d. if the opening of an office is delayed due to adverse weather conditions;
e. with the approval of the appropriate Deputy Chief Counsel, managing director, or office supervisor, if an employee reports to work late due to unsafe traveling conditions;
f. if an employee does not report to work because public transportation is unavailable due to adverse weather conditions; and
g. if an office is closed due to an emergency.

Under all other circumstances, employees who do not report to work due to adverse weather conditions will be required to apply available personal, compensatory, or vacation leave credits toward this absence. It is also important to note that any employee who is on sick leave, a scheduled vacation leave, or a leave of absence with or without pay when the agency or an office is closed in accordance with this policy will be charged through the use of appropriate, available leave credits. If an office is closed in accordance with this policy, attorneys who have cases scheduled in courts that are in session are required to appear unless adverse weather conditions prevent them from doing so.

1.4.2 D Skeleton Force Coverage:

If an emergency skeleton force results in the early release of some staff, “essential personnel” (as determined by the office supervisor) will be required to remain at work. These staff members will be required to stay until the close of business and will be eligible to earn compensatory leave credits for actual time worked. The compensatory time does not expire, but the expectation is that it will be taken within a reasonable amount of time following the skeleton day.

Staff members who are released from work early will not be required to apply available leave credits to account for time taken.

Section 1: Employment

Section 1.5 Travel Policy

1.5.1 <u>Applicable to</u>:

All employees.

1.5.2 <u>Policy</u>:

CPCS will reimburse staff for reasonable and necessary expenses incurred in connection with approved travel on behalf of the agency. Travelers should review reimbursement guidelines before spending personal funds for business travel to determine if such expenses are reimbursable and the timeframes for such reimbursements. Travelers will be reimbursed after the trip occurs and proper documentation is submitted.

In every case, the means of transportation which is least expensive to the Commonwealth and which is in the best interest of economy, with proper consideration to the circumstances, should be used. Public transportation is preferred to transportation by privately owned automobiles, taxi or similar, or plane.

Travel reimbursement policy is the same whether the employee is traveling individually or using his or her personal vehicle to transport others while on duty.

1.5.2 A <u>Definitions</u>:

Full travel status is a temporary absence from home on assignment to duty for more than twenty-four (24) hours.

For full travel status, the following are the allowances on the first day:

a. When the travel status begins before 8:00 a.m., the employee will be entitled to breakfast, mid-day and evening meals.
b. When the travel status begins between 8:00 a.m. and noon, the employee will be entitled to mid-day and evening meals.
c. When the travel status begins between noon and 5:00 p.m., the employee will be entitled to the evening meal.
d. When the travel status ends between 8:00 a.m. and noon, the employee will be entitled to breakfast.

e. When the travel status ends between noon and 5:00 p.m., breakfast and mid-day meals will be allowed;
f. When the travel status ends after 8:00 p.m., breakfast, mid-day and evening meals will be allowed.

For travel of one (1) day's duration, which is not to your assigned work location, and which begins two (2) hours or more before the regularly scheduled start time, the employee will be entitled to a breakfast allowance.

For travel of one (1) day's duration ending two (2) hours or more after the regularly scheduled end time, such employee will be entitled to the evening meal allowance.

In no event will the mid-day meal be allowed for travel of less than twenty-four (24) hours duration.

In case of breakfast allowance, the receipt must state the time of departure and the start time. In the case of the evening meal allowance, the receipt must state the end time and the time of arrival home.

A temporary assignment is any destination or location that the employee's supervisor has approved for the employee to visit while acting within the scope of his or her office or employment, such as court visits, jail visits, investigative requirements, etc.

1.5.2 B Private Mileage:

A valid driver's license issued within the United States and personal automobile insurance are required for expenses to be reimbursed. Travel by private auto shall be reimbursable at a rate not to exceed the maximum rate approved by the Chief Counsel. This rate covers expenses incurred in the operation of the motor vehicle, excluding parking and toll expenses. The current rate of reimbursement is on the CPCS Intranet under Finance-Travel in our electronic expense report reimbursement system.

In the event of more than one employee traveling in the same vehicle, private auto mileage shall be payable to one employee only.

The use of auto rentals must be pre-approved. See the CPCS intranet for instructions under Finance-Travel.

1.5.2 C Mileage Reimbursement:

Employees have an assigned CPCS office. The shortest distance between either their home or assigned office and the destination is the maximum amount to be reimbursed.

Shortest Point Rule:

> The shortest point rule allows for reimbursement for the shortest distance between travel locations. The shortest point is calculated by using either the home or assigned office of the employee to the destination to calculate reimbursable mileage. In the event that an employee travels from his or her home address rather than from the assigned office, the employee is required to deduct the mileage from the home to the assigned office on the submission.

Example:

> If a person travels from home to a temporary assignment rather than to his or her assigned office, transportation expenses shall be allowed for such portion of the actual commuting costs to the place of temporary assignment, including tolls and parking, that are in excess of the costs normally incurred by the individual in traveling to his or her assigned office. If such person is required to travel on a workday other than his or her regularly scheduled workday, transportation shall be allowed for the distance from his or her home to the temporary assignment, regardless of distance.

When traveling to a place of temporary assignment, necessary and reasonable parking and toll expenses shall be reimbursable, and the receipted bills shall be submitted.
No parking expenses shall be reimbursable if a temporary assignment is readily accessible by public transportation or by walking.

1.5.2 D Out-of-State Travel:

No expenses for out-of-state travel shall be allowed unless approved by the Chief Counsel or designee.

1.5.2 E Meals:

Expenses for meals shall be reimbursable in accordance with the rules and rates established by G.L. c. 7, § 28.

Employees who are required to travel to other locations for business shall receive a meals per diem payment for each whole day during which they are on assignment. For travel for partial day periods, individual meal allowances will apply except the mid-day meal. Per diem rates are on the CPCS intranet under Finance-Travel.

The meal reimbursement rates shall apply only when meals are not included in the rate charged for lodging or otherwise included in registration or conference fees.

Employees who are required to travel to other locations for business shall receive a per diem payment of $30.00 for meals for each whole day for which they are on assignment. For travel for partial day periods, individual meal allowances are as follows:

Breakfast	$6.00
Lunch (mid-day meal)	$8.00
Dinner (evening meal)	$16.00

The maximum for lunch and dinner may be reversed at the option of the person when he or she is entitled to both meals in one day.

1.5.2 F Hotels:

Reasonable charges for hotel rooms while on full travel status shall be reimbursable. The receipted bill shall be submitted for hotel charges.

1.5.2 G Foreign Travel:

Persons traveling in foreign countries shall report their expenditures by items in dollars. The person shall note on hotel bills and other receipts submitted, the current rate of exchange and the equivalent value in dollars. Supplemental expenses such as fees for passports, visas, photographs, birth and marriage certificates and inoculations shall be reimbursable.

1.5.2 H Non-reimbursable Expenditures:

a. expenses incurred for the sole benefit of the traveler, such as valet services, entertainment, laundry service, etc.;
b. bag fees for more than two (2) bags;
c. travel expenses for a co-worker’s funeral, bereavement or memorial services;
d. parking fees greater than $40;
e. first class tickets;
f. commuting between home and the primary work location;
g. travel accident insurance premiums or purchase of additional travel insurance; and
h. other expenses not directly related to the business travel.

1.5.2 I Use of Personal Vehicles to Transport Others:

Pursuant to G.L. c. 258, § 2, the Commonwealth of Massachusetts limits the liability of all state employees, including those who work for CPCS for "injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment." As a result, transportation by anyone employed by CPCS of anyone other than the employee must be limited to work-related transportation.

The scope of employment as defined in the employee’s job description, or reasonably inferred from the job description, establishes the parameters of what is work-related. Transporting others should be limited to clients, witnesses, or family members of clients who are necessary to the case. However, non-employees who are in need of transportation should be encouraged to use their personal vehicles, those of family and friends, or public transportation. Counsel should seek to use indigent court cost funds where appropriate.

All employees shall comply with all applicable laws when transporting any non-employee with special attention to the use of seat belts and child restraints. Employees are not expected to transport anyone who is unstable or creates an unnecessary risk of harm to them or to provide transportation that is not related to their job.

If a claim arises, the employee must "provide reasonable cooperation to the public employer in the defense of any action brought under this chapter. Failure to provide such reasonable cooperation on the part of a public employee shall cause the public employee to be jointly liable with the public employer, to the extent that the failure to provide reasonable cooperation prejudiced the defense of the action. Information obtained from the public employee in providing such reasonable cooperation may not be used as evidence in any disciplinary action against the employee." G.L. c. 258, §2.

Indemnification will not be granted if the employee has acted in a grossly negligent, willful, or malicious manner.

With few exceptions, if a public employee is sued in his or her official capacity or for actions related to official duties, the employee will be represented by the Attorney General's Office. Employees shall immediately notify the General Counsel in writing of any incidents that may or have given rise to a claim or potential claim.

Employees are encouraged to review this policy with their own insurance company to make sure that they have adequate and appropriate coverage.

1.5.2 J Procedures:

All travel expenses must be submitted in the manner prescribed by the Finance Department. Expense reimbursements are managed through a CPCS automated system. Mileage and distance calculations shall be determined by this system.

Procedures for submitting reimbursement requests are issued by the Finance Department on the CPCS intranet under Finance-Travel, including the Reimbursement Schedule and Deadlines.

Section 1: Employment

Section 1.6 Transfers

1.6.1 <u>Applicable to</u>:

All full-time and part-time employees.

1.6.2 <u>Policy</u>:

Upon hire, all employees will receive notification in their offer letter of the initial work location or region to which they are assigned. This assignment is subject to change depending upon the needs of the agency in the event of an emergency.

In order to provide its clients with the highest quality of service, the Committee for Public Counsel Services, in its discretion, may transfer employees when necessary to ensure that appropriate staffing levels are maintained at all times and may transfer in the event of emergencies.

CPCS retains the managerial right to determine whether approved vacancies will be filled through external or internal postings, promotions, or transfers. The Division/Department Head or designee will consult with the Human Resources Director or designee regarding which option is in the best interests of the organization.

Vacancies determined to be transfer opportunities can be filled in one of two ways:

1. through an internal or external posting available to all qualified employees; or
2. from a transfer request list maintained by Human Resources.

In order to promote stability for CPCS clients and staff offices, newly hired employees must work for a minimum of two (2) years in their assigned office before being eligible to be placed on the transfer request list unless granted a hardship waiver (see below). Transfer assignments made from a transfer request list shall be based on the following factors:

a. the date the transfer request was received;
b. the operational needs of the office the employee has asked to transfer to and of the office the employee has asked to transfer from; and
c. whether an employee is qualified for the available position.

During the pendency of a Performance Improvement Plan (PIP), employees are not eligible for a voluntary transfer.

1.6.2 A Types of Transfers:

A transfer can occur in one (1) of the following ways: voluntary, administrative, rotation, or emergency.

Voluntary Transfer:

Employees seeking a voluntary transfer for a posted position shall apply pursuant to the directions in the posting. Requests are filled at the discretion of the agency. The office supervisor will have the opportunity to meet with the employee and make a recommendation to the Managing Director. The Managing Director shall forward the recommendation to the Human Resources Director who will make the final decision.

Requests shall be reviewed and considered using such criteria as, for example, experience level required for the position or Division/Department knowledge, the ability to perform the job, specialized training and formal education, dependability, a sense of responsibility, and other such criteria deemed relevant by the agency. The agency will also review the employee's most recent performance evaluation in assessing the request.

Once an employee has been selected for a transfer, the employee, his or her current supervisor, and the new supervisor will meet to coordinate the handling of current and new workloads and to negotiate a transfer date.

Administrative Transfer:

The Division/Department Head or designee may transfer an employee if deemed to be in the best interests of CPCS or its clients.

At times agency needs, as determined by the agency, may require the reassignment of an employee from the current Division/Department to another Division/Department. In determining whether the needs of the agency warrant such reassignments, the Division/Department Head or designee should consider the employee's accessibility to the newly-assigned location and its impact upon the employee's personal responsibilities.

Upon request, an employee will be provided with a written explanation of the reasons for the transfer. As with a voluntary transfer, the employee, his or her current supervisor, and the new supervisor will meet to coordinate the handling of current and new workloads and to negotiate a transfer date.

Rotation:

A rotation is a designated position that is occupied by staff on an alternating basis. Rotational positions have been created to facilitate employees' professional development, to re-energize long-term employees, and to provide a training source for co-workers of the rotated employee. While most rotations are for a minimum of one (1) year, the specific rotation period will be included in the position posting. Positions designated for rotations are identified by the Division/Department Head.

If the employee fails to achieve a satisfactory level of performance, the supervisor may submit a written recommendation to the appropriate Division/Department Head requesting that the employee be immediately returned to the pre-rotation position as detailed below.

Return to Pre-Rotation Position:

When an employee completes a rotation, either successfully or unsuccessfully, he or she will be restored to the same position that was held prior to commencing the rotation or an equivalent position, as determined by the agency.

Emergency:

Employees may request an emergency transfer for family medical reasons (any requests to reasonably accommodate an employee's disability should be considered through the reasonable accommodations request process), as part of a domestic or workplace violence safety plan, or for other occurrences or situations that rise to the level of an unexpected, serious, or potentially serious event that significantly impacts an employee's ability to travel to work.

1.6.2 B Hardship Transfer Waiver:

Notwithstanding the requirement of a two (2) year commitment before transfer, CPCS recognizes that emergencies (see the definition of an emergency transfer) may occur where it will be in the best interest of the agency and its employees to waive the two (2) year requirement in individual cases. A request for such waiver shall be made in writing to the Human Resources Director or designee. The Human Resources Director will consult with the Division/Department Head or designee about the operational impact of the requested transfer waiver. The decision whether to grant such waiver will be made by the Human Resources Director within twenty (20) business days, or as soon as is practicable.

Employees who are asking for a transfer as a reasonable accommodation do not need to request a hardship waiver. Those requests will be considered through the reasonable accommodations process, which is coordinated by the Benefits Coordinator and overseen by the Human Resources Director.

Section 1: Employment

Section 1.7 Promotions

1.7.1 Applicable to:

All full-time and part-time employees who meet the minimum qualifications are encouraged to apply for posted positions at CPCS.

1.7.2 Policy:

It is the intent of this policy to recognize and reward employees who exhibit the skills, abilities, and leadership required for the increased responsibilities associated with promotional opportunities.

The Committee encourages employees to advance in their careers by applying for posted positions. To ensure that all interested employees are afforded an equal opportunity to apply for vacancies, at the discretion of CPCS, positions may be posted on the CPCS intranet internally or posted externally.

A promotion is career advancement within the organization involving greater responsibilities at a higher salary level. CPCS ensures that all promotion decisions shall be made on the basis of an individual's merit and qualification without regard to race, color, ancestry, age, religion, national origin, ethnicity, sexual orientation, gender, gender identity and expression, disability, military and veteran's status, genetic information, pregnancy or condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, or on any other basis protected by local, state, or federal law.

Newly promoted employees are subject to the probationary periods in their new positions, pursuant to Probationary Periods, 1.9.

Section 1: Employment

Section 1.8 Alternative Work Schedules

1.8.1 Applicable to:

Full-time and part-time employees are eligible, with the exception of those employees whose presence is necessary on site during standard hours of administrative operation.

1.8.2 Policy:

It is the policy of the Committee to facilitate alternative work schedules that are mutually beneficial to employees and the agency and that enhance the Committee's ability to recruit and retain valuable employees. This policy seeks to accommodate, in appropriate circumstances, the creation of flexible work schedule opportunities for employees. Depending on the needs of the Division/Department, flexible work options that support a work/life balance may be an alternative to a traditional work schedule and may expand customer service hours or business operations. Alternative work arrangements provide employees with more control over their work lives, thereby increasing morale and productivity.

Schedules are dependent on the operational needs of the unit, as defined by the agency. Generally, alternative work schedules allow flexibility in commuting time schedules within the approved office bandwidth between the hours of 7:00 a.m. and 6:00 p.m.

In exercising discretion whether to allow an alternative work schedule and in determining the conditions of such arrangement, the Human Resources Director, with the advice and input of the Senior Management Members, individually, in their respective areas or departments, will consider the impact of the proposed arrangement on the nature of the position and the substantial needs of the Division/Department. All approved alternative work schedules are subject to a three (3) month trial period. Alternative work schedules are to be reviewed as part of the written performance evaluation process. They are subject to renewal, modification, or discontinuance at the agency's discretion at any time. The Alternative Work Schedule Request Form is on the intranet at http://cpcs-intranet/.

A request for a work arrangement may be initiated by the Senior Management Team, their designees, or by the employee.

For job sharing arrangements, each member of the job sharing team must complete the Alternative Work Schedule Request Form.

Alternative work schedules may be discontinued by a supervisor at any time if job performance standards are not met.

1.8.2 A Types of Alternative Work Schedules:

The following arrangements are considered alternative work schedules:

Part-Time:

Under this arrangement, a full-time employee is assigned to a position where he or she is scheduled to work fewer than thirty-five (35) hours per week, but not greater than seven (7) hours per day (excluding lunch). A part-time schedule may be indefinite or temporary (of a specific duration), as determined by the agency. If a staffing shortage exists, or the substantial needs of the Division/Department change, the employee may be required to increase his or her work schedule or return to full-time status in order to provide sufficient coverage.

Flex-Time:

Under this arrangement, the office supervisor or designee, with the permission of the Division/Department Head, recommends, and the Human Resources Director approves, a variable full-time or part-time work schedule that allows employees to work outside the standard office hours (9:00 a.m. to 5:00 p.m.) as long as they work the prescribed number of hours per day or week. A flex-time arrangement between 7:00 a.m. and 6:00 p.m. can include: staggered hours, such as working 8:30 a.m. to 4:30 p.m., or a compressed part-time or full-time workweek, such as working a part-time, thirty (30) hour work schedule of seven and a half (7.5) hours per day over a four (4) day workweek. Part-time and full-time employees who are on an approved flex-time work schedule are prohibited from earning compensatory leave credits for work performed outside their work schedule unless pre-approved by the Human Resources Department. If a staffing shortage exists, or the needs of the Division/Department change, employees may be required to increase their work schedule, or return to the standard work hours in order to provide sufficient coverage at the agency's discretion. A supervisor will make every effort to provide an employee advance notice that he or she must increase or adjust a flex-time work schedule.

Job Sharing:

Under this arrangement, two (2) part-time employees function as a team (one (1) FTE), and depending upon the type of job-sharing arrangement, they would be responsible for coordination, communication, and performance of their shared position. Team members may be expected to provide vacation and other leave coverage for each other, as determined by the agency. If a job-sharing member leaves the team, the other member may be required to increase his or her work schedule or return to full-time status until a suitable replacement can be found. If no suitable replacement is found, the remaining job-sharing member would be required to return to full-time status, as determined by the agency. A job-sharing arrangement may be indefinite or temporary (of a specific duration) and may take one (1) of the following forms:

a. Shared Responsibility: Jointly sharing the responsibilities of one (1) full-time position, the two (2) employees perform the full range of associated tasks. There is no division of duties; instead, the partners are interchangeable.

   Example: Secretary A works seven (7) hours per day, Monday through Wednesday; Secretary B works seven (7) hours per day, Thursday and Friday. Together they perform the full range of duties required to support the same group of attorneys in the same Division/Department.

b. Divided Responsibility: Dividing the responsibilities of one (1) full-time position, the two (2) employees perform distinct tasks. While the partners are not interchangeable, they are expected to support each other whenever necessary.

   Example: Attorney A and Attorney B share one (1) position, but each is responsible for a separate caseload that represents one-half (1/2) the standard assignment. In addition, they are required to split duty days and advise appropriate parties of their arrangement, so that sufficient coverage may be readily provided.

It is within the agency's sole discretion to determine, not only whether job sharing is appropriate for any particular position, but also the appropriate form of any job-sharing arrangement for such position.

1.8.2 B Effect on Benefits:

An employee who participates in an alternative work arrangement that is of a part-time nature will receive a pro-rata proportion of the leave benefit allowances provided for in the Committee's Leave Benefits Policy.

Any employee who works at least eighteen and three-quarters (18.75) hours per week is eligible to receive health, life, dental/vision, and long-term disability insurance through the Commonwealth's Group Insurance Commission. For further information, contact the Human Resources Department.

Section 1: Employment

Section 1.9 Probationary Periods

1.9.1 Applicable to:

All full-time and part-time employees.

1.9.2 Policy:

The probationary period serves as an extension of the recruitment process and, as such, all newly-hired and newly-promoted employees are subject to a specific probationary period. The probationary period provides an opportunity for both the employee and the supervisor to discuss the goals and expectations to be achieved during the initial employment period. Supervisors are expected to provide employees with performance feedback throughout the probationary period.

1.9.2 A Terms of Probationary Periods:

Probationary periods vary in duration depending upon the type of position held by the newly-hired or newly-promoted employee.

The probationary period for newly-hired and newly-promoted administrative, investigative, social services, supervisory, and support staff is six (6) months.

The probationary period for newly-hired and newly-promoted legal staff is twelve (12) months. Supervisors are expected to conduct a written mid-year review in order to assess the attorney's progress and to provide constructive feedback. At the conclusion of the probationary period, the supervisor shall conduct a written performance evaluation. A successful probationary period shall result in approval by the Chief Counsel or his or her designee for the individual to be considered for full-time or part-time employment. An unsuccessful probationary period shall result in a recommendation by the supervisor for an extension of the probationary period, not to exceed six (6) months, or for termination of employment.

1.9.2 B Performance:

If the employee fails to achieve a satisfactory level of performance at any time during the probationary period, the supervisor may submit a written recommendation to the Chief

Counsel or appropriate Deputy Chief Counsel requesting that corrective action be taken, up to and including termination. The successful completion of the probationary period shall not be construed as creating an employment contract or as guaranteeing employment for a specific duration.

Section 1: Employment

Section 1.10 Separation of Employment

1.10.1 Applicable to:

All employees.

1.10.2 Policy:

Separation of employment may occur in several ways. This policy outlines the process for employees leaving CPCS service. Upon receiving notice of an employee's separation of employment, the Human Resources Department shall provide the departing employee with information detailing the available benefits, resources, and services.

1.10.2 A Resignation:

Employees are expected to provide advance written notice of their intent to resign from the Committee in order to ensure that the delivery of services to our clients and staff is not unduly disrupted. A written notice of resignation specifying the final date of employment should be submitted to the employee's immediate supervisor and Human Resources as far in advance as possible. A minimum notice of two (2) weeks is requested, preferably at least thirty (30) days for legal and managerial staff.

1.10.2 B Retirement:

Employees who are approaching retirement are advised to confirm eligibility and to review their available retirement benefits and options by contacting the State Retirement Board at (617) 367-7770 (Boston Office); (413) 730-6135 (Springfield Office); by emailing to srb@tre.state.ma.us; or by visiting a retirement counselor. The State Retirement Board offers pre-retirement counseling sessions to employees on a routine basis.

Upon selecting a retirement date, employees are expected to provide their immediate supervisors and Human Resources with advance written notice of their intent to retire from the Committee. A minimum notice of thirty (30) days is requested.

1.10.2 C Workforce Reduction:

A workforce reduction may be implemented by the Chief Counsel or designee to reduce the number of employees in a Division/Department or at the Committee overall. A workforce reduction may become necessary for reasons including, but not limited to, the following: decreased funding, reorganization, or reduced workload.

All staff whose positions have been identified for workforce reduction shall receive no less than one (1) week, five (5) workdays written notice of the impending termination.

In compliance with G.L. c. 32, § 16, employees who are terminated from state service must be notified of their right to a hearing before the State Retirement Board. For further information, refer to the statute or contact the State Retirement Board at (617) 367-7770 (Boston Office); (413) 730-6135 (Springfield Office); or email to srb@tre.state.ma.us.

1.10.2 D Bar Failure:

a. If a person hired as a CPCS attorney is not yet a member of the Massachusetts bar when the attorney begins employment, the attorney must either be eligible to practice in Massachusetts under SJC Rule 3:03 or 3:04. If eligible under Rule 3:03, the attorney must take a state bar exam in the July preceding the first day of employment.
b. If a newly hired attorney practicing under SJC Rule 3:03 fails the July bar, CPCS will offer to continue to employ the attorney as a paralegal until the results of the next February bar are issued.
    1. If the attorney then passes the February bar, CPCS will continue the attorney's employment as a paralegal until the attorney is admitted to practice, or August 31st of the same year, whichever is later. The August 31st date may be extended for good cause shown.
    2. If the attorney also fails the February bar, the attorney's employment will be terminated. CPCS may offer to rehire such an attorney once the attorney is admitted to practice, if and when there is a position available.
    3. If the attorney fails to sit for the February bar, the attorney's employment will be terminated.
c. Attorneys who are not admitted to practice at the time an offer of employment is accepted may take any state bar exam, so long the attorneys will be eligible to practice in Massachusetts under Rule 3:04 if they pass the bar exam.
d. Attorneys who fail the July bar and who continue to be employed as paralegals may take either the Massachusetts bar or the bar exam they took and failed the previous July.
e. Attorneys hired in the fall who have not achieved a Massachusetts passing mark on the Multistate Professional Responsibility Examination (MPRE) must take and achieve a Massachusetts passing mark on the MPRE no later than November of the year they are hired.

f. Attorneys practicing under SJC Rule 3:04 must become members of the Massachusetts bar before their 3:04 eligibility terminates.
g. Attorneys who graduate from law school in December or January and who have accepted a position to begin employment at CPCS before the following August, must take the February bar exam immediately following graduation. Under these circumstances, "July" is substituted for "February," and "February" is substituted for "July" in each instance where those words appear in this policy; the date "December 31" is substituted for "August 31" in provision b.1., and "March" is substituted for "November" in provision e.

1.10.2 E Termination:

Any employee may be terminated for reasons including, but not limited to, the following:

a. failing to perform his or her job satisfactorily, as determined by the agency;
b. engaging in inappropriate conduct pursuant to the Equal Employment Opportunity Policy, 1.1;
c. violating the Leave Benefits, 2.2; Leaves of Absence, 3.1; Code of Conduct, 5.1; Technology Use, 5.2; Social Media, 5.3; or any other policies in this manual;
d. engaging in any conduct that the agency deems inappropriate, insubordinate, or unprofessional;
e. failing to pass the bar examination pursuant to 1.10.2 D;
f. if termination is in the judgment of senior management (as that group is defined from time to time by the Committee or Chief Counsel) in the best interests of CPCS or its clients;
g. budgetary constraints resulting in a workforce reduction.

Senior Management Members, individually, shall make decisions after review and consultation with the Human Resources Director concerning discipline and termination in their respective areas or departments. An employee may appeal a decision to terminate the employee to the Chief Counsel, whose decision is final.

1.10.2 F Separation Pay and Benefits:

When separation of employment from the Commonwealth occurs for reasons other than retirement, employees are eligible for the following:

a. payment of any earned wages, unused accrued vacation leave, and compensatory leave credits at the pay rate in effect at the final date of employment;
b. withdrawal or direct rollover of contributions to the State Employees' Retirement System;
c. continuation of group health, life, and dental/vision insurance coverage through COBRA;

d. unemployment insurance benefits if eligible and approved by the Massachusetts Division of Unemployment Assistance.

For employees who are transferring to another state agency, upon the employee's request, the Committee will transfer unused accrued sick, vacation, personal or compensatory leave credits, if the receiving agency accepts the transfer of leave credits. In cases where the receiving state agency does not allow leave credits to be transferred, the Committee will make payment of any unused vacation and compensatory leave credits at the pay rate in effect at the final date of employment with the Committee. For further information, contact the Human Resources Department.

Employees who retire from active state service are eligible for the following:

a. payment of any earned wages, unused accrued vacation leave, and compensatory leave credits at the pay rate in effect at the final date of employment;
b. payment equal to twenty percent (20%) of the value of the pay rate in effect at the final date of employment of any unused accrued sick leave credits;
c. continuation of group health and life insurance coverage administered by the Group Insurance Commission. Dental/vision insurance coverage is available through COBRA. Due to the complexity and number of available options, employees are strongly encouraged to contact the Group Insurance Commission in advance of their retirement date;
d. pre-tax deferred compensation payout.

1.10.2 G Exit Interview:

Generally, a representative from the Human Resources Department will contact the employee prior to the final date of employment to schedule time to discuss his or her experience working for the Committee.

1.10.2 H Committee Property:

Prior to the final date of employment, the departing employee is expected to complete and submit final time, attendance data, and any outstanding expense reports into Self-Service. All Committee property, including keys, access card(s), electronic equipment (such as keys or key access cards, mobile phone, computer, or laptop), identification card(s), library resources, business cards, and any other items belonging to the Committee should be returned to the employee's immediate supervisor prior to departure.

All data or documents, regardless of source or use, stored on CPCS computers, networks, or systems are the property of the Committee and may not be deleted or taken without written permission from the employee's supervisor.

1.10.2 I Knowledge, Skills, and Documentation Transfer:

The transfer of knowledge, skills, and documentation is very important to the continuing services to CPCS clients. The following must be accomplished prior to the final date of employment:

a. give all documentation and on-going projects to the immediate supervisor;
b. secure confidential materials; and
c. change voicemail and email messages.

CPCS will provide the immediate supervisor or other designated employee access to all emails and will remove/cancel access to department database(s).

1.10.2 J Change of Address:

Employees should report any address changes to the Human Resources Department to ensure the forwarding of future correspondence such as IRS Form W-2.

1.10.2 K Verification/Reference Requests:

Generally, inquiries regarding employment references are limited to verification of the dates of employment and position title. In accordance with G.L. c. 149, § 52C, and the Committee's Access to Employee Records Policy, any other inquiries must be accompanied by the employee's signed authorization to release the requested information. Only job-related, factual, and information verifiable through personnel records, as defined by the Access to Employee Records Policy, shall be released to prospective employers. Such requests should be forwarded to the Human Resources Department. The Chief Counsel and the members of the Senior Management Team or designees are the only individuals authorized to provide employment references. A copy of the employee's signed authorization and record of the employment reference shall be maintained in his or her personnel file in the Human Resources Department. An employee who does not want any information released because his or her personal safety may be compromised, should request and certify a Payroll Public Records Exemption Form and submit it to the Human Resources Director for approval.

Section 2: Leave Benefits

Section 2.1 Holidays

2.1.1 Applicable to:

All full-time and part-time employees.

2.1.2 Policy:

Full-time employees shall receive pay equal to their workday, and not greater than seven (7) hours for each of the holidays. Part-time employees shall be granted a holiday pay allowance equal to the pro-rata proportion that corresponds to their part-time status.

The designated legal holidays are the following:

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Christmas Day

Evacuation Day (March 17) and Bunker Hill Day (June 17) remain legal holidays in Suffolk County only. State law requires that all state offices be open and adequately staffed. CPCS employees may request time off for Suffolk County holidays and can use personal, vacation, or compensatory leave credits.

2.1.2 A Holidays Occurring on Weekends:

Legal holidays which occur on a Saturday shall be observed on that day. A skeleton force shall be designated on the Friday proceeding any Saturday holiday. It is the responsibility of the office supervisors to ensure that adequate coverage is provided during a skeleton force. For additional information, refer to the Committee's Hours of Employment & Overtime Policy, 1.2.

In the event that a legal holiday occurs on a Sunday, it shall be observed on the following Monday.

The Chief Counsel may exercise discretion in determining the observation of any holiday occurring on a weekend.

2.1.2 B Observance of Religious Holidays:

Employees may request time off to observe religious holidays. Employees may use personal, vacation, compensatory leave credits, or unpaid leave for the observance of religious holidays.

Section 2: Leave Benefits

Section 2.2 Leave Benefits

2.2.1 Applicable to:

These leave policies are applicable to eligible full-time and part-time employees.

2.2.2 Policy:

The Committee offers a variety of leave benefits which may be used for absences such as vacation, illness, or for personal reasons. The use of available leave benefits should be scheduled in advance whenever possible in accordance with this policy.

2.2.2 A Vacation Leave:

All full-time and part-time employees are eligible for paid vacation leave. The vacation year is the calendar year, and vacation leave credits are earned based on an employee's length of service with the agency.

Accrual of Vacation Leave Credits:

Vacation leave credits accrue at the end of each biweekly pay period. Based on a full-time employee's length of service as of the anniversary date of employment, vacation leave credits accrue as follows:

a. from the start of employment to fewer than five (5) years of service, 4.038 hours biweekly, not to exceed fifteen (15) days per year;
b. from five (5) to fewer than ten (10) years of service, 5.38 hours biweekly, not to exceed twenty (20) days per year;
c. from ten (10) or more years of service, 6.73 hours biweekly, not to exceed twenty-five (25) days per year.

Any employee hired or promoted may be credited with additional vacation leave at the discretion of the Chief Counsel or designee, not to exceed a total of twenty-five (25) days.

Accrual While on No Pay Status:

Unless otherwise provided by state or federal law, an employee shall not accumulate vacation leave credits for unpaid time (e.g., unpaid leave of absence).

Use of Vacation Leave:

Employees may use vacation credits as they are earned or bank them for future use. Use of vacation leave time should be requested and approved in advance to ensure that time off does not interfere with the Division/Department operation. If any conflicts arise for the use of vacation time, Division/Department Heads will attempt to resolve the conflicts in an equitable manner.

Carryover of Vacation Leave Accrual:

An employee can carry over vacation leave credits into the following calendar year up to a maximum of two (2) times their annual vacation accrual limit. Any vacation leave credits accrued in excess of two (2) times of the annual accrual limit will be forfeited as of January 1st the following year.

Conversion of Vacation Leave Credits During Workers' Compensation Leave:

If an employee is on an approved workers' compensation leave and has available vacation leave credits which have not been used because of the two-year (2) rule against carry-over of vacation, and he or she would otherwise lose such vacation leave credits, the Human Resources Director**,** with the advice and input of the Senior Management Members, individually, in their respective areas or departments**,** shall convert such vacation leave credits to sick leave credits on December 31st of the year in which such vacation leave credits would be lost.

Payment of Unused Vacation Leave Credits Upon Separation of Employment:

Details are provided in the Committee's Separation of Employment Policy, 1.10.2 F.

2.2.2 B Personal Leave Benefits:

All full-time and part-time employees are eligible for paid personal leave.

Accrual of Personal Leave Credits:

Persons actively employed on a full-time basis as of December 31st of the prior calendar year, or who are returning from an unpaid leave of absence, shall receive five (5) days personal leave credits on January 1st of each calendar year.

New full-time employees, including transfers from other Commonwealth of Massachusetts state agencies, shall receive personal leave credits as follows during their first calendar year of CPCS employment:

a. For individuals hired between January 1st and February 29th, five (5) personal leave credits shall be granted.
b. For individuals hired between March 1st and April 30th, four (4) personal leave credits shall be granted.
c. For individuals hired between May 1st and June 30th, three (3) personal leave credits shall be granted.
d. For individuals hired between July 1st and August 31st, two (2) personal leave credits shall be granted.
e. For individuals hired between September 1st and October 31st, one (1) personal leave credit shall be granted.
f. For individuals hired between November 1st and December 31st, no personal leave credits shall be granted.

Use of Personal Leave:

Any personal leave not used by the end of the calendar year in which it was credited will be forfeited. Upon separation of employment, no payment of personal leave credits shall be made to an employee.

Part-Time Employees:

Part-time employees shall be granted a pro-rata proportion that corresponds to their part-time status.

2.2.2 C Sick Leave Benefits:

All agency employees can earn and use paid sick leave credits in accordance with this policy. Sick leave is not an entitlement for use in non-illness related absences.

Full-Time Employees:

Full-time employees shall be granted an annual, maximum sick leave benefit allowance of fifteen (15) days.

Part-Time Employees:

Part-time employees shall be granted a pro-rata proportion that corresponds to their part-time status.

2.2.2 D Sick Time Use:

An employee may use sick leave credits for the following reasons:

a. to care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventative, or professional care;
b. to care for a child, parent, spouse, or parent of a spouse, brother, sister, grandparent, grandchild, or person living in the employee's household who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative, or professional care; twenty (20) days of sick time may be used; if more is needed, request FMLA;
c. to attend routine medical and dental appointments for themselves or for their child, parent, spouse, or parent of a spouse;
d. to travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken; or
e. when the condition of the employee or a close relative or similar person poses a hazard to the health of other employees.

In situations where leave taken pursuant to this policy also qualifies as Family and Medical Leave (FMLA), FMLA Parental Leave, Small Necessities Leave, or Domestic Violence Leave, paid sick leave will run concurrently with such leave. For the specific terms and conditions associated with these leaves of absence, refer to the Committee's Leave of Absence Policy, 3.1.

Accrual While on No Pay Status:

Unless otherwise provided by state or federal law, an employee shall not accumulate sick leave credits for unpaid time (e.g., unpaid leave of absence).

Notification & Documentation:

If an employee needs to be absent, late, or to leave work early (for purposes that are permissible under the earned sick time law), the employee must give advance notice to the office supervisor except in an emergency.

If the absence is foreseeable (for example, if the employee will be absent to attend a previously scheduled appointment), the employee must provide up to seven (7) days advance notice, unless the employee learns of the need to use earned sick time within a shorter period of time.

If the absence is not foreseeable, the employee must provide notice to the office supervisor as soon as is practicable.

If an employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member, or other responsible party) must provide notice of the expected duration of the leave, or if unknown, provide notice of continuing absence on a daily basis unless the circumstances make such notice unreasonable.

The Committee will generally require an employee to submit a doctor's note or other documentation to support the use of sick time if the absence:

a. exceeds twenty-four (24) consecutively scheduled work hours on which the employee is scheduled to work;
b. occurs within two (2) weeks prior to an employee's final scheduled day of work; or
c. occurs after four (4) unforeseeable and undocumented absences within a three (3) month period.

Required documentation must be submitted within seven (7) days of the absence. Additional time will be allowed for good cause shown.

If an employee does not have a health care provider, he or she may personally verify in writing that the sick time was used for the purposes under this policy.

If an employee fails to timely comply with the sick time documentation requirements, the Committee may recoup the sick time paid from future wages.

<u>Carryover of Sick Leave Credits</u>:

Unused sick leave credits may be carried over from year to year and accumulated throughout the course of employment.

<u>Sick Leave in Coordination with Approved Workers' Compensation Leave</u>:

To supplement any disability compensation provided by G.L. c. 152, the Workers' Compensation Act, employees may use accrued sick leave credits up to the level of their full salary.

If an employee is injured at work, and such injury could result in a potential workers' compensation claim, he or she shall be paid sick leave up to the extent of the available sick leave credits until payments under the Workers' Compensation Act begin. Any adjustments due to the effects of this policy shall be made thereafter. Any absence resulting from such injury which is in excess of available sick or other credits shall be deemed absence without pay.

<u>Payment of Unused Sick Leave Credits Upon Separation</u>:

Employees are not paid accrued but unused sick time at separation. Employees who retire from active state service are allowed to cash in twenty percent (20%) of the monetary value of their unused sick time.

Payment of Unused Sick Leave Credits Upon Death of Employee:

If an employee dies while actively employed by the Committee, his or her estate, or the beneficiary of record with the State Retirement Board, shall receive payment equal to twenty percent (20%) of the value of the pay rate in effect at the date of death of any unused accrued sick leave credits.

Crediting of Sick Leave upon Reinstatement or Re-employment:

Employees who are reinstated or re-employed after an absence of fewer than three (3) years shall be credited with the number of sick leave credits remaining at the termination of their previous service with the Commonwealth. No sick leave credit for previous service may be allowed after an absence of three (3) years or more. However, the Human Resources Director, with the advice and input of the Senior Management Members, individually, in their respective areas or departments, may reinstate prior credits in his or her discretion under unusual circumstances, such as illness, injury, or termination due to a layoff.

Section 2: Leave Benefits

Section 2.3 Sick Leave Bank

2.3.1 Applicable to:

All full-time and part-time employees.

2.3.2 Policy:

The Sick Leave Bank (Bank) is a voluntary program that has been established to assist full-time and part-time employees who suffer from prolonged illness, who have exhausted their leave credits, and who have no other potential source of compensation. To assist these colleagues, employees may donate sick, vacation, personal, and compensatory leave credits to the Bank where they can be used for extended absences which would otherwise have resulted in unpaid leave.

Employees who have long-term disability (LTD) plans, whether state-sponsored or private, should continue to maintain those plans for long-term income protection. If an employee with LTD coverage experiences a prolonged illness, he or she must apply for benefits under the LTD plan. An employee who is covered by LTD may request withdrawal(s) from the Sick Leave Bank for the associated "waiting period," provided that he or she has exhausted all earned leave credits.

2.3.2 A Donation To The Bank:

An employee may donate up to ten (10) days of leave credits per calendar year. The minimum donation is one (1) leave credit which is equivalent to seven (7) hours. An annual donation period shall take place during the end of each calendar year. Special requests for donations may occur at other times throughout the year, when necessary.

2.3.2 B Criteria For Withdrawal:

To be eligible for withdrawal of leave credits from the Sick Leave Bank, an employee must meet the following criteria:

a. be continuously employed by the Committee for no less than six (6) months;
b. be an employee in good standing with an acceptable attendance record (for example, no history of sick leave abuse);

c. have exhausted all available sick, vacation, personal, and compensatory leave credits prior to the date of application for withdrawal; and
d. have the prolonged illness certified by an attendant practitioner.

If granted Bank credits, an employee shall receive the rate of pay and shall continue to earn sick, vacation, and personal leave credits. An employee must use his or her own leave credits as they are earned, prior to using those received from the Bank.

An employee may request withdrawals from the Bank for up to thirty (30) workdays at a time, not to exceed a total of sixty (60) workdays every twelve (12) months. The Human Resources Director, with the advice and input of the Senior Management Members, individually, in their respective areas or departments, may exercise discretion by waiving this limit. Requests for additional withdrawals may be subject to review and further medical certification of prolonged illness.

The Human Resources Director, with the advice and input of the Senior Management Members, individually, in their respective areas or departments, may request additional certification of prolonged illness at any time during an employee's absence and may decide to terminate the employee's continued use of Bank credits based on insufficient medical documentation. If a decision is made to terminate an employee's use of the Bank, the employee will be notified in writing. The decision of the Human Resources Director shall be final.

2.3.2 C Definitions:

For purposes of the Sick Leave Bank Policy, a prolonged illness shall mean a serious illness, injury, impairment, physical or mental condition which meets all of the following criteria:

a. It is severe enough to prevent an employee from performing his or her job duties for an extended period of time.
b. It has caused the employee to exhaust all earned leave credits (sick, vacation, personal, and compensatory).
c. It is not compensable under the Workers' Compensation Act.
d. The employee is not receiving any compensation under either a state-sponsored or private long-term disability plan, or other source of compensation, except for the waiting period before receiving benefits, 2.3.2.

2.3.2 D Procedures:

Process for Donation:

An employee who wishes to donate leave credits to the Bank must complete a Sick Leave Bank Donation Form and submit it through his or her office supervisor to the Human Resources Department.

The Human Resources Department verifies the availability of the donated leave credits, enters the deduction of the donated leave credits on the employee's time record, and forwards the Sick Leave Bank Donation Form to the Chief Counsel for review.

Process for Withdrawal:

An employee who wishes to withdraw Bank credits must complete a Sick Leave Bank Withdrawal Request Form and obtain the acknowledgement of the Division/Department Head.

The Human Resources Department confirms the balance of leave credits in the Bank and verifies the employee's eligibility to withdraw Bank credits.

If approval is granted, the Human Resources Director adds the approved Bank credits to the employee's time record and notifies the employee and the Division/Department Head.

If the request is disapproved, the Human Resources Director notifies the employee and the Division/Department Head of the action taken.

The decision of the Human Resources Director shall be final.

Process for Recordkeeping:

The Human Resources Department is responsible for the establishment and maintenance of all official Sick Leave Bank records. The Bank records shall include an accounting of donations, withdrawals, and the remaining balance of leave credits in the Bank.

Unused leave credits in the Sick Leave Bank as of December 31st of each calendar year can be carried over for use into the following calendar year.

Section 3: Leaves of Absence

Section 3.1 Leaves of Absence

3.1.1 Applicable to:

All eligible employees.

3.1.2 Policy:

The Committee offers several types of leaves to its employees. The various leaves have differing requirements and procedures.

Employees taking leaves must exhaust all accrued leave time before going on unpaid leave, except for employees on the Non-FMLA Parental Leave.

Any changes in law which may impact existing policies are hereby incorporated by reference into all CPCS policies.

3.1.2 A General Notice Requirement:

Except where the need for a leave is not reasonably foreseeable, unless otherwise indicated by laws applicable to specific leaves, no request for leave of absence (LOA) shall be made fewer than thirty (30) days prior to the commencement of the leave. Failure to comply with this requirement may result in denial of the leave.

3.1.2 B Types of FMLA Leaves:

Family and Medical Leave Act (FMLA):

In accordance with the Federal Family and Medical Leave Act of 1993 (FMLA), the Committee provides job-protected leave for family and medical emergencies. To be eligible for leave under this policy, an employee must have been employed by the agency for at least twelve (12) months in the past year and must have worked for the agency at least 1,250 hours during the preceding twelve (12) month period. An eligible employee may be entitled to FMLA leave, not to exceed twenty-six (26) weeks for the following reasons:

Serious Illness:

Employee:

For a serious health condition that prevents the employee from performing the essential functions of his or her job. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Family Member:

To care for a close relative or similar person with a serious health condition. A “close relative or similar person” is defined as a spouse or spouse equivalent, child, parent, parent of either spouse or spouse equivalents, brother, sister, grandparent, grandchild, or person living in the employee’s household.

Parental:

a. shall be entitled to twenty (26) weeks of Parental Leave for the purpose of giving birth or for the placement of a child under the age of eighteen (18), or under the age of twenty-three (23) if the child is mentally or physically disabled, for adoption, foster care, or for the intention to adopt or to foster a child provided, as long as the leave concludes within twelve (12) months following the date of the birth, adoption, or foster placement. However, that any two (2) employees shall only be entitled to twenty (26) weeks of parental leave in aggregate for the birth, adoption, or foster care of the same child.

CPCS provides full pay for the first thirty (30) days of Parental Leave. A part-time employee shall be granted a pro-rata proportion that corresponds to his or her part-time status. After thirty (30) days of paid leave, the leave shall be with pay only to the extent that the employee has accrued sick, compensatory, personal, or vacation leave credits.

Military:

a. Exigency:

   Any “qualifying exigency” arising out of the fact that a relative or similar person is on active duty (or has been notified of a call or order to active duty). A “qualifying exigency” includes: (1) short notice deployment (limited to seven (7) calendar days from date notified of deployment); (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation (limited to fifteen (15) days of FMLA leave); (7) post-deployment activities; (8) parental care; and (9) additional activities as mutually agreed on between the employee and the agency.

b. Caregiver:

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness to take up to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to provide care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

The next of kin of a current service member is the nearest blood relative, other than the current service member's spouse, parent, son, or daughter, in the following order of priority:

a. a blood relative who has been designated in writing by the service member as the next of kin for FMLA purposes;
b. a blood relative who has been granted legal custody of the service member;
c. brothers and sisters;
d. grandparents;
e. aunts and uncles;
f. first cousins.

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member. For example, if a current service member has three (3) siblings and has not designated a blood relative to provide care, all three (3) siblings would be considered the service member's next of kin. Alternatively, where a current service member has one (1) or more siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the service member's next of kin.

For purposes of these leaves, a rolling twelve (12) month period shall be used and measured backward from the date of commencement of the leave. FMLA leave shall be with pay only to the extent that the employee has accrued sick, compensatory, personal, or vacation leave credits.

At the completion of FMLA leaves, the employee shall be restored to the same or an equivalent position with equivalent pay, benefits, and working conditions, except in certain cases where the person has been designated as a “key employee,” or where employment would not have continued had the employee not been on leave. The following terms and conditions shall also apply:

a. Request for such leave shall be supported by certification issued by the health care provider of the employee or of the employee's close relative or similar person. In the case of a foreseeable leave, an employee who fails to provide timely certification may be denied the request until such certification is provided. When the need for leave is not foreseeable, the employee must provide certification as soon as reasonably possible under the circumstances. If the employee fails to provide certification within a reasonable period of time, the Human Resources Director or designee may deny the continuation of such leave.
b. Such leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a seriously ill family member, covered service member, the employee’s own serious health condition, or due to a qualifying exigency.
c. The Human Resources Director or designee may request recertification at any reasonable interval, but not more often than thirty (30) days, unless: (1) the employee requests an extension of such leave; (2) circumstances described by the original certification have changed significantly; or (3) information is received that casts doubt upon the continuing validity of the original certification.
d. Except where otherwise provided by state or federal law, all benefits and credit for seniority shall continue to accrue.
e. An employee who does not return to the Committee following an approved leave for reasons other than: (1) the continuation, recurrence, or onset of a serious health condition that would entitle him or her to a leave under this subsection; or (2) other circumstances beyond the employee's control, may be required to reimburse the Group Insurance Commission for its share of health insurance premiums paid for the employee during the leave.

Unlawful Acts and Enforcement:

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA, to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA, or to retaliate against any person for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. (DOL contact information is: 1-866-487-9243; TTY 1-877-889-5627; www.wagehour.dol.gov). The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical rights.

3.1.2 C Types of Non-FMLA Leaves:

For employees who do not meet the eligibility criteria for FMLA, or for events which do not qualify for such leave, the Committee offers the following leaves of absences.

Serious Illness or Health Emergency:

For employees who have been continuously employed for three (3) consecutive months, or who are not otherwise eligible for FMLA, leave for a health emergency or serious illness which prevents the employee from performing his or her job, or leave to care for a close relative or similar person with a health emergency or serious illness may be available, not to exceed twelve (12) weeks. Such leave shall be with pay only to the extent that the employee has accrued sick leave, compensatory leave, personal leave, or vacation leave credits. At the completion of such leave, the employee shall be restored to the same or an equivalent position with equivalent pay, benefits, and working conditions.

The Committee's definition of "close relative or similar person," means a spouse or spouse equivalent, child, parent, parent of spouse, or spouse equivalent, brother, sister, grandparent, grandchild, or person living in the employee's household.

The following terms and conditions apply to the Serious Illness or Health Emergency Leave:

a. Where applicable, request for such leave shall be supported by certification issued by the health care provider of the employee or of the employee's close relative or similar person. In the case of a foreseeable leave, an employee who fails to provide timely certification may be denied the request until such certification is provided. When the need for leave is not foreseeable, the employee must provide certification as soon as reasonably possible under the circumstances. If the employee fails to provide certification within a reasonable period of time, the Human Resources Director or designee may deny the continuation of such leave.
b. Such leave may be taken intermittently or on a reduced leave schedule when medically necessary.
c. The Human Resources Director or designee may request recertification at any reasonable interval, but not more often than thirty (30) days, unless:
(1) the employee requests an extension of such leave; (2) circumstances described by the original certification have changed significantly; or (3) information is received that casts doubt upon the continuing validity of this certification.
d. Except where otherwise provided by state or federal law, all benefits and credit for seniority shall continue to accrue.
e. An employee who does not return to the Committee following an approved leave for reasons other than: (1) the continuation, recurrence, or onset of a serious health condition that would entitle him or her to a leave under this subsection; or (2) other circumstances beyond the employee's control, may be required to reimburse the Group Insurance Commission for its share of health insurance premiums paid for the employee during the leave.

Parental:

Employees who have been employed for at least three (3) consecutive months and less than twelve (12) months or who are not otherwise eligible for FMLA shall be entitled to twelve (12) weeks of Parental Leave for the purpose of giving birth or for the placement of a child under the age of eighteen (18), or under the age of twenty-three (23) if the child is mentally or physically disabled, for adoption, foster care, or for the intention to adopt or to foster a child, provided however, that any two (2) employees shall only be entitled to twelve (12) weeks of Parental Leave in aggregate for the birth, adoption, or foster care of the same child.

The employee may use accrued sick, compensatory, personal, or vacation leave credits but need not use accrued time for the first eight (8) weeks of the leave.

The employee is requested to give a thirty-day (30) notice prior to the anticipated leave but in no event less than two (2) weeks or as soon as practicable if the delay in providing notice is beyond the employee's control. A notice two (2) week notice is required of the employee's intention to return.

The employee may use accrued sick, compensatory or personal leave credits but need not use accrued time for the first eight (8) weeks of the leave.

At the completion of Parental Leave, the employee shall be restored to the same or an equivalent position with equivalent pay, benefits, and working conditions. An employee on Parental Leave for the adoption of a child or a foster child shall be entitled to the same benefits offered to an employee on Parental Leave for the birth of a child under this policy. A part-time employee shall be granted a pro-rata proportion of the leave that corresponds to his or her part-time status.

If an employee works for the agency for at least twelve (12) months but has exhausted his or her FMLA, the first thirty (30) days of such leave shall be with full pay. After the thirty (30) days, the leave shall be with pay only to the extent that the employee has accrued sick, compensatory, personal, or vacation leave credits. A part-time employee shall be granted a pro-rata proportion that corresponds to his or her part-time status.

Discretionary:

For full-time and part-time employees who intend to return to the Committee and who have been continuously employed for six (6) consecutive months, leave may be granted for other reasons, but may not be used for: (1) FMLA; (2) Serious Illness or Health Emergency; or (3) Parental Leave.

During the Discretionary Leave, employees' positions may or may not be held open. In exercising discretion to grant such leave and in determining the conditions and duration of such leave, the Senior Management Members, individually in their respective areas or departments, shall make decisions after review and consultation with the Human Resources Director, and they should consider the substantial needs of the office. This leave, should it be granted, may be with pay only to the extent that the employee has accrued compensatory leave, personal leave, and vacation leave credits. At the completion of such leave, the employee may be restored to the same or a similar position if a vacancy exists on the date of intended return. If no appropriate vacancy exists on the date of intended return, then the employee may be restored to an appropriate position when it next becomes available. Upon return, the employee shall be entitled to the same seniority and length of service credits as of the date of the leave.

3.1.2 D Application Process:

An employee who wishes to request a Parental Leave, a Serious Illness or Health Emergency Leave, or a Discretionary Leave of Absence (LOA), unless otherwise indicated by laws applicable to specific leaves, must:

a. Serious Illness or Health Emergency and Parental Leaves: complete the LOA Request Form and submit to Human Resources. Human Resources shall promptly review the request, consult with the employee and his or her immediate supervisor, and inform the employee of the decision by indicating it on the LOA Request Form within five (5) workdays. The decision of the Human Resources Director will be final.

b. Discretionary Leaves: complete the LOA Request Form and submit to the employee's Division/Department Head. The Division/Department Head shall promptly review the request, consult with the employee and his or her immediate supervisor, and inform the employee of the decision by indicating on the LOA Request Form within five (5) workdays. If the request is approved by the Division/Department Head, the Form will be immediately submitted to the Human Resources Director. If the request is disapproved by the Division/Department Head, the employee may appeal to the Human Resources Director, who will review the request with the advice and input of the Senior Management Members, individually, in their respective areas or departments, and issue a decision as soon as is practicable, but no later than five (5) work days. The decision of the Human Resources Director will be final.

3.1.2 E Extension of Leaves of Absence:

Unless otherwise indicated by laws applicable to specific leaves, an employee may seek an extension of any approved leave by submitting a completed LOA Request Form within ten (10) days in advance of the expiration of the leave date. Where applicable, the LOA extension request shall be supported by appropriate certification. Failure to comply with this requirement may result in an unauthorized leave of absence.

a. Serious Illness or Health Emergency Leave: the completed LOA Request Form should be submitted to Human Resources. Human Resources shall promptly review the request, consult with the employee and his or her immediate supervisor, and inform the employee of the decision by indicating it on the LOA Request Form within five (5) workdays. The decision of the Human Resources Director will be final.

b. Discretionary Leave: the completed LOA Request Form should be submitted to the employee's Division/Department Head. The Division/Department Head shall promptly review the request, consult with the employee and his or her immediate supervisor, and inform the employee of the decision by indicating it on the LOA Request Form within five (5) workdays. In exercising discretion to grant an extension, and in determining the conditions of such leave, the Human Resources Director will consider the substantial needs of the office, as well as the terms and conditions related to the currently approved leave of absence. At the conclusion of the extension, the restoration privileges will be dependent on those associated with the approved leave of absence. If the request is approved by the Division/Department Head, the Form will be immediately submitted to the Human Resources Director. If the request is disapproved by the Division/Department Head, the employee may appeal to the Human Resources Director, who will review the request with the advice and input of the Senior Management Members, individually, in their respective areas or departments, and issue a decision as soon as is practicable, but no later than five (5) work days. The decision of the Human Resources Director will be final. In exercising discretion to grant an extension, and in determining the conditions of such leave, the Human Resources Director, with the advice and input of the Senior Management Members, individually, in their respective areas or departments, will consult with the appropriate Deputy Chief Counsel and consider the substantial needs of the office, as well as the terms and conditions related to the currently approved leave of absence. At the conclusion of the extension, the restoration privileges will be dependent on those associated with the approved leave of absence. The decision of the Human Resources Director will be final.

3.1.2 F Other Leaves:

Several other types of leaves of absence may be allowed.

Small Necessities Leave:

For employees who have been continuously employed for twelve (12) consecutive months, Small Necessities Leave shall be granted in accordance with G.L. c. 149, §52D, for the following purposes:

a. participating in school activities directly related to the educational advancement of their children, such as attending parent-teacher conferences or interviewing for prospective school placement;
b. accompanying their children to routine medical or dental appointments, such as check-ups or vaccinations; and
c. accompanying a close relative or similar person, at least sixty (60) years of age, to routine medical and dental appointments, or appointments for other professional services related to elder care, such as interviewing at nursing or group homes. The Committee's definition of a "close relative or similar person" means a spouse or spouse equivalent, child, parent, parent of either spouse or spouse equivalent, brother, sister, grandparent, grandchild, or person living in the employee's household.

Such leave shall not exceed twenty-four (24) hours during a fiscal year and shall be with pay only to the extent that the employee has accrued sick leave, compensatory leave, personal leave, or vacation leave credits. Accrued sick leave credits shall be used in accordance with the Committee's Sick Leave Policy. At the completion of Small Necessities Leave, the employee shall be restored to the same or an equivalent position with equivalent pay, benefits, and working conditions. The following terms and conditions shall also apply:

a. Except where the need for such leave is not reasonably foreseeable, no request for the Small Necessities Leave shall be made less than seven (7) days prior to the proposed commencement of the leave. In the case of unforeseeable event(s), request for such leave shall be made as soon as reasonably practicable under the circumstances.
b. Such leave may be taken intermittently or on a reduced leave schedule.
c. A Division/Department Head may request certification to support such leave and may require additional information to verify the reason for requesting the leave.
d. Except where provided by state or federal law, all benefits and credit for seniority shall continue to accrue.

<u>Bereavement Leave</u>:

Full-time and part-time employees shall be granted Bereavement Leave of absence with pay for the death of a close relative or similar person not to exceed five (5) workdays. The Committee's definition of "close relative or similar person," for this Leave means a spouse or spouse equivalent, child, step child, parent, step parent, parent of spouse or spouse equivalent, brother, sister, grandparent, grandchild, person for whom the employee is the legal guardian, a person for whom the employee is primarily responsible for making funeral arrangements or a person living in the employee's household. This leave may be used, at the option of the employee, within thirty (30) calendar days from said death. At the discretion of the Human Resources Director, with the approval of the employee's Division/Department Head, bereavement leave may be used after thirty (30) calendar days from the date of death.

Education/Public Service Leave:

Full-time and part-time employees who intend to return to the Committee and who have been continuously employed for twelve (12) consecutive months may be granted Education/Public Service Leave for temporary employment or a volunteer opportunity on a special project in the justice system, a judicial clerkship, to teach at a law school, college, or university, or for other educational or public service, volunteer commitments or temporary positions, during which time the employee's position shall be held open until his or her return. Such leave shall be with pay only to the extent the employee has accrued compensatory leave, personal leave, and vacation leave credits. Upon the employee's return, he or she shall be entitled to the same status, seniority, and length of service credits as of the date of leave.

The leave shall not be for more than twenty-four (24) months per request and must be approved by the Senior Management Members, individually, in their respective areas or departments, after review and consultation with the Human Resources Director.

Requests must be submitted on the Education/Public Service Leave Application Form which you can obtain from the Human Resources Department.

3.1.2 G Leaves of Absence with Pay:

Full-time and part-time employees shall be granted leave of absence with pay for the following reasons:

Blood Donation Leave:

Employees may take up to four (4) hours leave of absence with pay, subject to advance approval by their supervisors, for the purpose of donating blood at any blood collection site or hospital in Massachusetts. The leave must be taken on the day that the blood donation occurs and covers the travel time, donation time, and recovery time. This leave may be allowed for a maximum of five (5) times per calendar year. Except in cases where the employee participates in a CPCS-sponsored blood drive, the employee must submit to the Human Resources Department a completed Blood Donation Leave Form.

Bone Marrow Donation Leave:

Employees may take up to five (5) days leave of absence with pay for the purpose of donating their bone marrow.

Organ Donor Leave:

An employee who wishes to serve as an organ donor may take up to thirty (30) days of paid leave in a calendar year. The employee must provide not less than seven (7) days' notice before the leave is to begin. If the need for the leave is not foreseeable, the employee shall provide such notice as soon as is practicable.

Court Leave:

Employees who are called for jury duty shall be granted paid Court Leave. Notice of service shall be submitted to the Human Resources Department.

If jury fees received by an employee from the court equal or exceed the rate of compensation, the employee may retain the excess of such fees and shall turn over to the Human Resources Department the rate of compensation with a court certificate of service and shall be deemed to be on leave of absence with pay.

When an employee has been granted Court Leave for jury duty or witness service and is excused by proper court authority, the employee shall report back to work for partial days whenever possible.

Military Leave:

During the time of his or her service in the armed forces of the Commonwealth under G.L. c. 33, or during his or her annual tour of duty as a member of a reserve component of the armed forces of the United States, an employee shall be entitled to receive pay as an employee of the Commonwealth.

An employee in the service of the Commonwealth who is a member of a reserve component of the armed forces of the United States and who is called for duty other than the annual tour of duty shall be subject to the provisions of and entitled to all rights and benefits derived from Statute 1941, Chapter 708 as amended, or Statute 1950, Chapter 805 as amended, or Statute 1966, Chapter 671 as amended, and also subject to the provisions of 38 U.S.C. §§ 2021 to 2024, as amended.

An employee who resigns or otherwise terminates his or her service for the purpose of serving in the military or naval forces of the United States, and who does so serve or is rejected for such service, shall be considered to be on unpaid military leave, except as otherwise provided by state and/or federal laws. No such employee shall be considered to have resigned from employment with the Commonwealth or to have terminated such service, until the expiration of two (2) years from the termination of his or her military or naval service.

Part-time employees shall be entitled to the same military leave benefits as those of full-time employees.

Veterans Leaves:

Employees who are veterans shall be granted a leave of absence to participate in a Veterans Day or Memorial Day exercise, parade, or service. Both leaves require reasonable advance notice. The Veterans Day Leave shall be with pay.

State Service Examinations:

Employees shall be granted leave of absence with pay in order to take oral, written, and physical examinations for state service conducted by the Human Resources Division or the Division of Registration.

Workers' Compensation-Related Hearings:

Employees shall be granted leave of absence with pay in order to attend a hearing(s) in industrial accident cases as the injured person or as a witness. Any witness fees received by the employee shall be refunded to the Committee.

School Volunteer/Mentoring Program:

In accordance with G.L. c. 71, §25 and the Mentoring Program for State Employees, all eligible employees shall be granted leave of absence with pay in order to provide volunteer or mentoring services in a Massachusetts Public School or in an authorized Mentoring Program during working hours. Such leave shall not exceed seven (7) hours per month and shall be granted based upon a schedule approved by his or her supervisor.

Employees must submit a School Volunteer/Mentoring Program Request Form. For details regarding this Program, refer to http://www.massmentors.org.

Voting Leave:

Full-time and part-time employees whose hours of work preclude them from voting in a town, city, state, or national election shall, upon prior written approval of the supervisor, be granted a voting leave with pay not to exceed two (2) hours, for the sole purpose of voting in such election.

Domestic Violence Leave:

Employees and their family members who are victims of domestic violence can take time off to attend to a variety of concerns related to such issues.

An employee may take up to a maximum of fifteen (15) days of paid time off in a twelve (12) month period if either the employee or his or her family member is the victim of domestic abuse or abusive behavior. For purposes of this policy, “family member” is defined as a parent, step-parent, child, step-child, sibling, grandparent or grandchild; a married spouse; persons in a substantive dating or engagement relationship and who reside together; persons having a child in common regardless of whether they have ever married or resided together; or persons in a guardianship relationship.

For an employee to utilize this leave all of the following criteria must be met:

a. the employee or a family member of the employee is a victim of abuse or abusive behavior as defined below;
b. the employee is using the leave from work to seek or obtain medical attention, counseling, victim services, legal assistance, or housing; a protective order from a court; to appear in court or before a grand jury; to meet with a district attorney or other law enforcement official; to attend child custody proceedings; or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
c. the employee is not the perpetrator of the abusive behavior.

“Abuse” is defined as: attempting to cause or causing physical harm, placing one in fear of serious physical harm, causing another to engage involuntarily in sexual relations, threatening to engage or engaging in sexual activity with a dependent child, mental abuse including threats, intimidation, or acts designed to induce terror, depriving another of medical care, housing, food, or other necessities of life, restraining the liberty of another.

“Abusive Behavior” is any behavior constituting domestic violence, stalking, sexual assault, or kidnapping.

<u>Documentation</u>:

An employee must provide documents to the agency within a reasonable period after the agency requests documentation relative to the employee's absence under this policy. An employee can satisfy the request for required documentation by providing any one of the following documents:

a. a protective order, order of equitable relief, or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;
b. a document under the letterhead of the court, provider, or public agency, which the employee attended for the purposes of acquiring assistance, as such assistance relating to the abusive behavior against the employee or the employee’s family member;
c. a police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
d. documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts to support a finding of guilt of abusive behavior, or has been convicted of, or adjudicated a juvenile delinquent, by reason of any offense constituting abusive behavior that necessitated the leave under this policy;

e. medical documentation of treatment as a result of the abusive behavior complained of by the employee or the employee's family member;
f. a sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior;
g. a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

In cases of threat of imminent danger to the health or safety of an employee or the employee's family member, the employee is not required to provide advance notice of leave, but must notify the agency within three (3) workdays that the leave was taken or is being taken under this policy. Such notification may be communicated to the agency by the employee, a family member of the employee, or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

The employee or individual authorized to communicate to the employer that leave was taken, or is being taken, may do so by telephone, in person, in writing, or by any other reasonable means to communicate notice.

All documentation and information related to Domestic Violence Leave will be kept confidential and shall not be disclosed, except to the extent that disclosure is:

a. requested or consented to in writing by the employee;
b. ordered to be released by a court;
c. otherwise required by applicable federal or state law;
d. required in the course of an investigation authorized by law enforcement; or
e. necessary to protect the safety of anyone employed at the workplace.

Any documentation provided to the agency will be maintained by the agency in the employee's employment record but only for as long as required to make a determination as to whether the employee is eligible for leave.

Upon the employee's return from such leave, the employee will be restored to the employee's original job or to an equivalent position.

The agency will not coerce, interfere with, restrain, or deny any attempt to exercise any rights provided in this policy or make leave requested or taken under this policy contingent upon whether or not the victim maintains contact with the alleged abuser. The agency will not discharge, or in any other manner, discriminate against an employee for exercising the employee’s rights under this policy.

Section 4: Employee Development

Section 4.1 Tuition Remission

4.1.1 Applicable to:

Tuition remission is available to full-time employees and their spouses, if at the time of application, the employee has at least six (6) months full-time or equivalent part-time service with the Commonwealth.

4.1.2 Policy:

This policy represents a benefit that the Commonwealth offers to state employees to encourage them to continue their educational pursuits.

Prior to enrollment, employees should contact the Human Resources Department to obtain a Certificate of Eligibility for Tuition Remission, which is signed by the Human Resources Director or designee. The completed Certificate of Eligibility should be presented by the employee upon enrollment in a community college, state college, or state university.

Full tuition remission shall apply to enrollment in a state-supported course or program at the undergraduate or graduate level at any community college, state college, or state university (excluding the M.D. program at the University of Massachusetts Medical School).

Fifty percent (50%) tuition remission shall apply to enrollment in a non-state supported course or program at the undergraduate or graduate level at any community college, state college, or state university (excluding the M.D. program at the University of Massachusetts Medical School).

Tuition remission is subject to space available and the usual admission policies of the college or university. Because most programs of continuing education at the community colleges, state colleges, and state universities are self-sustaining, each local campus administration reserves the right to cancel any continuing education course in which a minimum number of full-tuition-paying students have not enrolled.

Employees are responsible for the payment of all other related educational expenses, including all fees (application fees, student fees, laboratory fees, etc.), books, and supplies.

For a full description of the state program, and a complete listing of community colleges, state colleges, and state universities, go to http://www.mass.gov/anf/employment-equal-access-disability/employee-prog-and-training/tuition-remission/.

Section 4: Employee Development

Section 4.2 Performance Evaluation Policy

4.2.1 <u>Applicable to</u>:

All full-time and part-time employees.

4.2.2 <u>Policy</u>:

This policy clarifies the employee performance evaluation process and encourages supervisors and managers to meet individually with their direct reports regularly throughout the year to discuss, plan, and review their performance.

Performance management is an ongoing key job responsibility of all CPCS supervisors and managers geared toward maximizing employee engagement, development, performance, and retention.

Employees should be evaluated approximately annually by their immediate supervisor. The supervisor should explain the evaluation process to the employee within the first few weeks of employment.

The job description serves as a basis for discussion in employee evaluations. The supervisor should prepare for the evaluation by reviewing the job description and bringing it to the meeting for discussion with the employee, along with the Performance Review Form. The performance review process may provide an opportunity to document any recommended changes in job duties or requirements. When the final signed performance review is submitted to the Human Resources Department (HR), any amended job description should also be forwarded for review and approval. performance evaluations:

a. help employees understand their responsibilities and set goals for the year;
b. provide criteria by which employee performance will be evaluated;
c. provide an opportunity for supervisors and managers to develop employee capabilities and prevent and solve performance problems;
d. suggest ways in which employees can improve performance;
e. provide an opportunity for employees to give feedback to supervisors;
f. identify knowledge, skills, and abilities needed by the Division/Department;
g. identify career development goals and tools to assist in the employee’s achievement;
h. help managers distribute and achieve departmental goals;

i. provide an opportunity to give praise as well as constructive criticism and serve as an opportunity for an exchange of thoughts and ideas;
j. assist the promotional process for internal employees.

Each CPCS supervisor/manager is responsible to:

a. review and understand this policy;
b. assess the performance and contribution of all direct reports according to this policy in a timely and equitable manner;
c. maintain professional objectivity in conducting performance reviews and in assigning overall performance ratings;
d. review attendance issues and any alternative work schedule arrangements for modification, discontinuance, or renewal as part of the written performance evaluation process.

4.2.2 A <u>Procedures</u>:

Supervisors should strive to meet face-to-face with their employees at least twice per year to set expectations and discuss performance.

Performance meetings and evaluations are conducted as follows:

a. All full-time and part-time employees should receive a performance evaluation approximately annually on a timeline established by the Human Resources Department, which will include a deadline for submission to Human Resources. Supervisors are expected to provide a written review of the employee on the forms prescribed by Human Resources which should be retained in the employee's personnel file.
b. The performance evaluation should be discussed and signed by both the employee and the supervisor, and generally should indicate strengths, areas for improvement, and job goals for the next review period. The supervisor's manager will also review and sign the performance evaluation.
c. Each employee is required to sign the performance evaluation at the conclusion of the review meeting.
d. The signature does not signify agreement with the contents of the evaluation, but only that the review has occurred and that the employee has received the written evaluation.
e. If the employee has any concerns regarding the evaluation, the employee may submit written comments to the supervisor's manager.
f. If there is a disagreement with any information contained in the evaluation, removal or correction of the information may be mutually agreed upon by the supervisor and the employee.
g. If an agreement is not reached, the employee may submit a written statement explaining the employee's position which will become part of the personnel record.

Section 5: Standards of Conduct

Section 5.1 Code of Conduct

5.1.1 Applicable to:

All employees, retired 960 employees, contract employees, interns, and volunteer personnel.

5.1.2 Policy:

CPCS is committed to protecting the fundamental constitutional and human rights of its clients by providing zealous advocacy, community-oriented defense, and excellent representation. We are dedicated to building a strong professional relationship with each of our clients, to understanding their diverse circumstances, and to meeting their needs.

The Committee owes its success to the quality and good work of our employees, and in return, strives to provide employees with as favorable a work environment as possible. The Committee attempts to provide a stimulating, congenial, and rewarding environment for all employees. It encourages and promotes civil and congenial relationships among employees and an environment that is free from all forms of harassment and violence. It expects respectful communication and cooperation between all employees. All employees have a responsibility to treat others with dignity, decency, and respect at all times.

The Committee expects its retired 960 employees, vendors, interns, and volunteers to maintain the same standards of conduct when working in this workplace or interacting with employees.

Employees are expected to conduct themselves in a professional manner appropriate to a business environment, and:

a. shall comply with all of the policies and procedures of the agency;
b. shall respond forthrightly to the work-related directives of their supervisors or superiors;
c. are expected to accept full responsibility for their actions, strive to serve others, and accord fair and just treatment to all;
d. are responsible for maintaining the security of the CPCS-provided equipment.

While on duty no employee shall consume or use alcohol, intoxicants, narcotics, or controlled substances in any form. Similarly, no employee shall report for work under the influence of intoxicants, narcotics, or controlled substances in any form. The only exception to this rule is the use of medication when prescribed for treatment by a registered physician, dentist, or other person legally authorized to prescribe controlled substances.

When an employee is performing official functions, it is imperative that his or her judgment not be impaired by any substance. Unless an employee has a medical reason to use a prescription medication, the use of any controlled substance, alcohol, or any kind of chemical which affects behavior or judgment is forbidden when working. Such use is also prohibited if the employee comes to work under the influence of these substances, even if the substances were taken before reporting for duty. The consumption of alcohol at agency-sponsored or Commonwealth-sponsored social occasions is permitted, as long as the employee is not performing a mandatory duty, as recorded in the job description.

No employee while in the performance of his or her duties is permitted to carry, wear, possess, or keep within his or her control any weapon unless the carrying of such weapon is part of an employee's job duties.

5.1.2 A Conflict of Interest:

All employees are expected to perform their job responsibilities with the highest ethical standards. Furthermore, employees are expected to conduct themselves in a manner that will not be prejudicial to the administration of justice, reflect unfavorably upon the Committee, or adversely impact its ability to deliver the highest quality of services.

As a state agency, the Committee and its employees are subject to the provisions of G.L. c. 268A, and "The Massachusetts Conflict of Interest Law." For the terms and conditions associated with this statute, refer to www.mass.gov/ethics; introductory material is at www.mass.gov/Ieth/docs/pubed/intro_trifold.pdf.

5.1.2 B Outside Employment:

Employees are expected not to engage in other employment which conflicts with or impedes their ability to effectively perform the duties of their position.

In accordance with G.L. c. 211D, which establishes the Committee for Public Counsel Services and its governing rules and regulations, attorneys directly employed by the Committee are prohibited from: (1) engaging in the private practice of law, either directly or indirectly; (2) holding oneself out to the public as engaging in the private practice of law; (3) accepting any legal business; and (4) referring to any attorney engaged in the private practice of law, any legal business that results in any way from representation of a person by the Committee, except where otherwise provided for within the enabling statute. For purposes of this paragraph, the practice of accepting compensation for legal representation is considered to be engaging in the private practice of law and is prohibited.

An attorney directly employed by the Committee who seeks to engage in the practice of law and represent another in a matter which is outside the scope of the attorney's employment must obtain permission from the Chief Counsel or designee prior to providing legal representation in the outside matter. The Chief Counsel or designee may, in his or her discretion, permit an attorney directly employed by the Committee to engage in the practice of law and represent another in a matter which is outside the scope of the attorney's employment by the Committee, provided that:

a. The matter is handled by the attorney on a pro bono basis.
b. The attorney does not utilize Committee Resources for representation in the outside matter.
c. The attorney performs the private representation during non-work hours or utilizes accrued vacation, compensatory, or personal leave credits for any work on the private matter which takes place during work hours.

Standard Hours of administrative operation at CPCS are Monday through Friday: 9:00 a.m. to 5:00 p.m. with one (1) hour for lunch. Full-time employees work thirty-five (35) hours a week, excluding unpaid meal periods.

5.1.2 C Political Activity:

In accordance with the provisions of G.L. c. 55, the "Massachusetts Campaign Finance Law," which regulates the political activities of public employees, the Committee is obligated to ensure that its employees do not engage in any political activity that may conflict with their job responsibilities or the services provided by the Committee. Employees seeking election to public office are expected to provide the Chief Counsel or designee with advance written notice of their intent.

Most political activity is governed by G.L. c. 55 and is enforced by the Office of Campaign and Political Finance (OCPF). There is information on the OCPF website at http://www.mass.gov/ocpf/. For additional information regarding this statute, refer to www.mass.gov/ethics. A number of issues related to elections are governed by the conflict of interest law, G.L. c. 268A.

5.1.2 D Discipline:

CPCS is committed to a work environment in which employees receive clear messages when their performance needs to improve. We generally use a policy of discipline to address performance concerns. Under this policy, employees who are not performing at the level they need to typically receive an informal verbal warning, followed by a formal warning and written improvement plan, followed by termination where sufficient improvement has not been made.

However, while CPCS generally will take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide what disciplinary action will be taken in a given situation, including termination without prior warnings.

Section 5: Standards of Conduct

Section 5.2 Technology Use

5.2.1 Applicable to:

All employees, retired 960 employees, contract employees, interns, and volunteer personnel.

5.2.2 Policy:

This policy provides standards for technology use including the internet, email, computer systems, communication networks, CPCS-related work records, and other information stored electronically. Used efficiently and effectively, technology can help employees be more productive in the workplace. Technology can facilitate communication, broaden research, and help employees gain more knowledge regarding work-related activities. At the same time, if abused, technology use can be a source of personal or institutional legal liability.

The Committee's technology resources, including the internet, email, computer systems, communication networks, CPCS-related work records, and other information stored electronically are the sole property of the Committee and the Commonwealth of Massachusetts. In accordance with G.L. c. 268A, these resources are to be used in a manner which reflects the work and goals of both the Committee and the Commonwealth. At no time are they to become the personal property of any system user.

This technology should be used for business purposes only according to acceptable use. While a minimal amount of personal use may be tolerated, at no time can these resources be used for economic gain or political activities.

In general, “acceptable use” means respecting the rights of other computer users (internal or external), protecting client data, maintaining the integrity of Committee systems and technology, and adhering to all pertinent license and contractual agreements.

5.2.2 A Access:

Access to technology resources is a privilege, not a right, and all users shall be held responsible for actions regarding technology usage. The Committee reserves the right to monitor and restrict technology usage, wherever necessary.

Users may only use the computers, computer accounts, and computer files for which they have authorization. Users should make a reasonable effort to protect passwords and to secure technology resources against unauthorized use or access. Sharing passwords or accounts is prohibited without notification to the Information Technology Department (IT). Users are expected to be in compliance with local ordinances and state and federal law. They must not use, copy, or distribute copyrighted works unless they have permission to do so.

The Chief Counsel or General Counsel may request access in response to internal or criminal investigations of all files that reside on any of the Committee's technology storage devices.

The Committee strictly prohibits all users from accessing and transmitting offensive material from the Internet. However, nothing in this policy shall prohibit a staff attorney or a staff member working under the supervision of a staff attorney from accessing information that is necessary for the competent representation of his or her client.

Prohibited activities include, but are not limited to, the following:

a. visiting internet sites and posting messages to internet sites that contain inflammatory or sexually explicit images, animation, or language;
b. visiting internet sites and posting messages to internet sites that contain images, animation, or language that are discriminatory or which harasses a person based on race, color, ancestry, age, religion, national origin, ethnicity, sexual orientation, gender, gender identity and expression, disability, military and veteran's status, genetic information, pregnancy or condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, or on any other basis protected by local, state, or federal law;
c. soliciting for political, religious, or business affairs during working time;
d. disparaging any CPCS clients.

In accordance with the Equal Employment Opportunity Policy, Section 1.1, Discriminatory Harassment, incidents involving the visual display of offensive material from the Internet and its related systems or other offensive behavior should be promptly reported to the Human Resources Department.

The Committee's technology shall not be used in any manner that otherwise violates the Committee's policies or code/standards of conduct.

5.2.2 B Email Specifics:

The Committee takes email security seriously. However, all electronic communications are subject to breaches. Users are reminded that not all email transmission may be secure and may be routed from the recipient to a party or parties the user had not intended. For this reason, do not include any personal information such as social security numbers of clients in emails, and be mindful regarding what you choose to share over email. All personally identifiable information (PII) must be protected by encryption when sent outside of CPCS.

All email messages shall be handled in an appropriate and professional manner. Fraudulent, derogatory, or offensive messages shall not be permitted, and transmission of such shall not be tolerated. Inappropriate messages include the following:

a. harassing messages: messages that are offensive on the basis of race, color, ancestry, age, religion, national origin, ethnicity, sexual orientation, gender, gender identity and expression, disability, military and veteran's status, genetic information, pregnancy or condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, or on any other basis protected by local, state, or federal law;
b. obscene messages: messages that are obscene or inflammatory such as sexually explicit remarks, animation or images, or any other type of vulgar or offensive language;
c. fraudulent messages: messages that are to have been sent under an assumed name, a modified address, or with the intent to obscure the origin of the message;
d. email bombing: bombing is sending a vast number of email messages to persons to intentionally disrupt either their site or server.

The Committee's property shall not be used in a manner in which any email violates the Committee's policies or code/standards of conduct.

Section 5: Standards of Conduct

Section 5.3 Social Media

5.3.1 Applicable to:

All employees, retired 960 employees, contract employees, interns, and volunteer personnel.

5.3.2 Policy:

This policy provides standards for social media use. Due to the sensitivity and confidentiality of the work of CPCS, the Committee must decide who may speak, and what is spoken on behalf of the agency. This policy governs the work-related creation and use of social media by CPCS staff.

Social media tools help us communicate and obtain information in a preferred method and time schedule. Social media generally refers to the Internet and mobile-based tools for sharing and discussing information. The term usually denotes activities that integrate technology, telecommunications, and social interaction, alongside the construction of words, pictures, video, and audio. Examples include Facebook, blogs, Snapchat, Instagram, Yahoo Groups/Listserves, Tumblr, YouTube, Twitter, LinkedIn, Pinterest, Reddit, and Flickr, etc.

However, they need to be managed with care due to the nature of our agency business. The following are the policy steps that must be followed:

a. No social media forum sponsored by, or purporting to be sponsored by, CPCS may be created, published to, or maintained without prior approval of the Chief Counsel or designee. Prior to implementing a CPCS-approved social media site, CPCS must ensure that it has the ability to manage, store, and retrieve the site’s content.
b. All official CPCS-sponsored social media sites or services are considered an extension of CPCS’s information networks and are governed by the Technology Use Policy, which generally requires that technology usage be for business-related purposes, and the Code of Conduct Policy, both of which are contained in the CPCS Personnel Policies.
c. CPCS staff who participate in social media sites are responsible for complying with applicable federal, state, local laws, regulations, and all CPCS Personnel Policies.
d. Each CPCS-sponsored social networking site shall include an introductory statement which clearly specifies its purpose and topical scope.

e. All CPCS-sponsored social network sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure and is maintained by CPCS, and shall clearly display CPCS contact information.
f. CPCS reserves the right to restrict or remove any content that is deemed in violation of this policy or of any applicable law, rule, or policy.
g. When using social media, CPCS employees must maintain confidentiality of CPCS clients and other such confidential business-related information and shall not give legal advice.
h. Employees violating this Social Media Policy are subject to disciplinary action, up to and including termination of employment, as outlined in the Personnel Policies.

5.3.2 A Definitions:

Social media generally refers to the Internet and mobile-based tools for sharing and discussing information. The term usually denotes activities that integrate technology, telecommunications, and social interaction, alongside the construction of words, pictures, video, and audio. Examples include Facebook, blogs, Snapchat, Instagram, Yahoo Groups/Listserves, Tumblr, YouTube, Twitter, LinkedIn, Pinterest, Reddit, and Flickr, etc.

Section 6: Health & Safety

Section 6.1 Work-Related Illness or Injury

6.1.1 Applicable to:

All full-time and part-time employees.

6.1.2 Policy:

In accordance with G.L. c. 152, the Workers' Compensation Act, and the guidelines developed by the Workers' Compensation Section of the Executive Office for Administration and Finance, the Committee is required to record and promptly report any work-related illnesses or injuries.

Employees, supervisors, administrative assistants, and workers' compensation agents, are responsible for reporting work-related illnesses and injuries.

6.1.2 A Responsibilities Of The Affected Employee:

Each employee is responsible to:

a. promptly notify his or her supervisor or the Division/Department administrative assistant (AA) of any work-related incident, illness, or injury;
b. report all work-related illnesses or injuries, no matter how minor;
c. complete in full the following forms: Employee Statement of Injury, Concurrent Employment Review Form, and the Authorization for the Release of Medical Records;
d. provide detailed information, which is required to report the work-related incident, illness, or injury, to his or her supervisor or to the Division/Department AA;
e. cooperate with the Committee's workers' compensation agent in the Human Resources Department to ensure compliance with applicable laws and guidelines.

6.1.2 B Responsibilities Of The Supervisor Or Division/Department AA:

Each supervisor or administrative assistant is responsible to:

a. give prompt verbal notification to the workers' compensation agent in the Human Resources Department upon becoming informed of any work-related incident, illness, or injury. (The Boston Office staff should be immediately referred to the workers' compensation agent);

b. provide the employee with the Employee Statement of Injury, Concurrent Employment Review Form, and the Authorization for the Release of Medical Records to be completed and submitted to the workers' compensation agent;
c. complete the Notice of Injury/Internal Claims Investigation form and fax or scan it to the workers' compensation agent;
d. submit the original signed documents to the workers' compensation agent as soon as possible;
e. obtain signed statements from any witness(es) and forward them to the workers' compensation agent;
f. provide the employee with copies of any documents which have been submitted on his or her behalf;
g. assist the workers' compensation agent in obtaining any additional or ongoing information.

6.1.2 C Responsibilities Of The Workers' Compensation Agent:

The workers' compensation agent is responsible to:

a. work closely with the affected employee and his or her supervisor to determine the probable length of any absence associated with the reported illness or injury;
b. obtain and submit the required documentation to the Commonwealth's Workers' Compensation Insurer, the Workers' Compensation Section of the Executive Office for Administration and Finance, and if applicable, to the Department of Industrial Accidents (DIA);
c. coordinate any approved workers' compensation leave of absence with applicable state and federal laws and the Committee's Leaves of Absence Policy.