

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Personnel</u> STATEMENT NUMBER <u>2.14</u>
SUBJECT: <b>CLASSIFIED PERSONNEL MATTERS</b>  PROPONENT: <u>Lisa Currier, Administrator</u> <i>Name/Title</i> <u>Human Resources</u> <u>271-5640</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>12/15/11</u> REVIEW DATE <u>12/15/12</u> SUPERSEDES PPD# <u>2.14</u> DATED <u>03/01/08</u>
ISSUING OFFICER:          <u>William Wrenn, Commissioner</u>	DIRECTOR'S INITIALS _____ DATE _____  APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To provide guidance and direction in personnel matters for departmental supervisors and employees. Covered are the following:

- A. Personnel requirements.
- B. Rating education and experience for job qualifications.
- C. Probationary terms and permanent status.
- D. Employee performance evaluations.
- E. Employee discipline.
- F. Employee lay-off.
- G. Terminations.

II. APPLICABILITY:

To all employees

III. POLICY:

It is the policy of the Department of Corrections to provide procedures that comply with the Rules of the New Hampshire Division of Personnel and relevant sections of the Collective Bargaining Agreements regarding employee personnel matters.

IV. PROCEDURES:

A. Personnel Requirements:

1. An ongoing review and analysis of departmental use of personnel assets is necessary to ensure retention of competent employees, the elimination of unsatisfactory employees, proper use of personnel in the right mix of talents for task assignments, appropriate employee training and individual development, preparation for advancement into more responsible positions and the most cost effective use of authorized personnel.
2. Division Directors will review each vacant position and each pending replacement to ensure that the position is required, and to determine whether it could be better utilized elsewhere in the organization. Each position will be reviewed at least annually with a

view toward combining or modifying functions to make best use of personnel allocations.

**B. Rating Education and Experience for Job Qualifications:**

When the rating of education and experience is a part of the certification review process, the following criteria for allowing substitution of education and experience, as approved by the State Director of Personnel, shall be taken into account:

1. The relevancy of the applicant's stated education, including whether the applicant's academic credits on the college transcripts fulfill the educational requirement as stated in the specification and the supplemental job description
2. The relevancy of the applicant's stated work experience
3. Any requirements for the equivalent substitution of education and experience, such as:
  - a. If the specification and supplemental job description allow related experience to be substituted for a required degree, then each year of related experience shall equal 1 year of required education
  - b. If the specification and supplemental job description allow related education to be substituted for experience, then each year of related education shall be substituted for 1 year of required experience

**C. Probationary Appointment:**

1. The probationary period shall be considered an integral part of the process of appointment and shall provide the appointing authority with the opportunity to:
  - a. Observe the new employee's work
  - b. Train and aid the new employee in adjustment to the position
  - c. Remove an employee if the employee's work performance fails to meet required work standards
2. All appointments to any vacancy shall be tentative and, except in the case of seasonal appointments, shall be subject to a probationary period of 12 months. Any interruption of service during the probationary period shall not be counted toward accumulation of required time of the probationary period.
3. An employee who voluntarily transfers to a vacancy in any agency prior to the completion of the probationary period shall be required to begin a new probationary period.
4. At any time during the probationary period an appointing authority may dismiss an employee, pursuant to State Personnel Rule 1002.02
  - a. An appointing authority may dismiss an employee serving an initial probationary period who fails to meet the work standard provided the dismissal is not:
    - 1) Arbitrary
    - 2) Illegal
    - 3) Capricious
    - 4) Made in bad faith.
  - b. An appointing authority may dismiss an employee serving a promotional probationary period pursuant to State Personnel Rules 1002.04 to 1002.08.
5. Prior to the end of the probationary period, the appointing authority shall notify the employee in writing whether or not the employee shall receive a permanent appointment.
6. Any employee who leaves State employment and returns to employment for any reason other than a reduction in force shall begin a new probationary period.

**D. Exceptional Appointment:**

1. Whenever there is a vacant position to be filled where exceptional scientific, professional or educational areas of expertise are required and described on the Supplemental Job Description, the appointing authority shall have the option to request approval from the Director of State Personnel to fill the vacancy and waive the recruitment procedures required under Personnel Rules Per 402-404, provided:

- a. The appointing authority provides satisfactory evidence to the Director that competitive recruitment is impractical
- b. The appointee possesses the specialized area or areas of expertise described under Personnel Rule 601.04(a)

E. Employee Performance Evaluations:

Performance evaluations will be made on all employees by their immediate supervisors at least once a year, as defined in PPD 2.10. These evaluations are an official means of identifying the employee's job performance and to help them identify their shortcomings. All probationary employees will be evaluated 30 days prior to the conclusion of their probationary periods. All employees are asked to review their performance evaluations and sign them. Signing the evaluation indicates that the employee has read the evaluation, not necessarily that the employee agrees with its content. Employees who disagree with the content of their evaluation may file a written explanation of their disagreement with the evaluation. All evaluations and comments, if any, will be placed in the permanent personnel files located at the Bureau of Human Resources. Employees will have access to their personnel files at any time while employed by the Department of Corrections as per PPD 2.25. Supervisors are required to complete employee evaluations in a timely manner.

F. Discipline Procedures:

The Rules of the Division of Personnel, in order to protect the interest of classified employees and the efficiency of state service, provide for several levels of discipline per Personnel Rules 1002-1002.08. These levels include:

1. Dismissal during initial probationary period
2. Written warning
3. Withholding annual increment
4. Suspension
5. Demotion
6. Dismissal
  - a. Written warnings shall be prepared in triplicate by the appointing authority. This form shall be signed by both the appointing authority/designee and the employee. If the employee refuses to sign, the appointing authority shall so state.
  - b. An employee who has received a written warning and takes exception to it shall have 15 calendar days in which to initiate an appeal through the Informal Settlement Process as provided under Per 205.02 or file an appeal directly to the Personnel Appeals Board as provided under RSA 21-I:58. If such action is not taken within 15 calendar days, it will be assumed that the employee has acknowledged that the warning was justified. The New Hampshire Personnel Appeals Board shall schedule a hearing on such warning appeals as its caseload permits, but each appeal need not be heard individually and may be consolidated with subsequent warning appeals as well as any eventual dismissal hearing based upon those warnings.
  - c. Employees who receive two written warnings for the same offense may be discharged by receipt of a final written notice of subsequent violations of that offense. Employees who receive four written warnings for various offenses may be discharged upon receipt of a fifth written warning for any type of offense.
  - d. Each written warning shall expire as a basis of possible discharge five years after its date but shall be retained in the employee's file in the State Division of Personnel and the Bureau of Human Resources.
  - e. In cases of doubt as to whether or not a written warning was given, the files of the NH State Division of Personnel shall be taken as final authority.
  - f. Any type of counseling may be noted by the appointing authority and may be retained; however, such notation does not need to become a part of the employee's file. In any subsequent disciplinary action or appeal, the notation may be referred to and introduced as evidence. DOC encourages managers to provide a progressive discipline

approach.

- g. Additional information concerning policy violations that could result in discipline may be found in PPD 2.16 (Rules and Guidance) and 2.10 (Employee Performance Evaluations).
- h. At the discretion of the appointing authority, permanent employees who are of such physical condition as to make it impossible for them to satisfactorily perform their work assignments can be discharged for non-disciplinary reasons (per State Personnel Rule 1003). Opportunity shall be given, if possible, for a transfer or demotion in lieu of discharge to a type of position that the employee may qualify for and perform.
- i. Changes in administration or supervisory personnel are not reason for subordinate employees to be discharged. The rules give appointing authorities sufficient leeway to discharge with cause subject to reasonable notice.

G. Lay-Off Procedures:

Lay-off of employees may result due to abolition of a position; change in organization; decline in agency work load; insufficient funding; change in state law; and change in federal requirements. Therefore, should lay-offs be necessary, the rules of the Division of Personnel Code of Administrative Rules and relevant sections of the Collective Bargaining Agreements at the time of lay off would apply.

H. Termination Procedures:

1. Termination of employment will generally fall into three categories:
  - a. Voluntary termination
  - b. Discharge
  - c. Lay-off
2. In any case, terminating employees may be eligible for post-termination benefits. Therefore, Directors will ensure that all such employees report promptly to the DOC Bureau of Human Resources to complete necessary forms (see PPD 2.18, Out-Processing Procedures for Personnel).
3. It is desirable that those employees voluntarily terminating submit a written notice of intent to resign to the respective Directors at least two weeks prior to the effective date of their last day of work. This notice will be forwarded to the DOC Bureau of Human Resources immediately. It is emphasized that submission of a notice of intent to resign is not necessary in order to properly process the terminating employee and to obtain a replacement in a timely fashion.

REFERENCES:

Standards for the Administration of Correctional Agencies

Second Edition Standards

**2-CO-1C-06 thru 1C-07; 1C-14 thru 1C-15**

Standards for Adult Correctional Institutions

Fourth Edition Standards

**4-4050; 4-4059**

Standards for Adult Community Residential Services

Fourth Edition Standards

**4-ACRS-7E-08**

Standards for Adult Probation and Parole Field Services

Third Edition Standards

**3-3057, 3-3062**

Other:

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