

By Mr. Porter of Agawam, petition of George W. Porter relative to the institution of performance ratings of employees in the classified civil service. Civil Service.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Fifty-Nine.

AN ACT PROVIDING FOR THE INSTITUTION OF PERFORMANCE RATING OF THE EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE, AND PROVIDING FOR THE USE OF SUCH PERFORMANCE RATING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 15 of chapter 31 of the General Laws  
2 is hereby amended by striking out paragraph A, as most re-  
3 cently amended, and inserting in place thereof the following  
4 paragraph:—

5 A. An appointing authority, with the approval of the di-  
6 rector, may promote in the same department or division of  
7 a department in the official service an employee in one grade  
8 to the next higher grade as determined by the director; pro-  
9 vided, that such employee is the first, the second or the third  
10 employee on the promotion list as determined in section fif-  
11 teen F who is willing to accept; that such employee has received  
12 not less than seventy-five per cent on his most recent per-  
13 formance rating; and that such employee passes a qualifying  
14 examination prescribed by the director. This paragraph  
15 shall not apply in any case where a promotion is required to  
16 be made as provided in section twenty.

1 SECTION 2. Said section 15 is hereby further amended by  
2 adding to paragraph B, as most recently amended, the follow-  
3 ing sentence:—For the purposes of this paragraph, except

4 in the case of competitive examination open to persons not  
5 in the classified civil service, in all promotional examinations  
6 the combined evaluation for the employee on the promotion  
7 list as determined in section fifteen F shall have the weight  
8 of twenty-five per cent of the examination mark.

1 SECTION 3. Said chapter 31 is hereby further amended  
2 by inserting after section 15D, inserted therein by chapter  
3 704 of the acts of 1945, the two following sections: —

4 *Section 15E.* On or before March first in each year, every  
5 appointing officer shall submit to the director, in such form  
6 as the director may require for the various classes and grades  
7 in the service, a performance rating schedule for each civil  
8 service employee under the appointing officer's authority,  
9 direction or supervision. In addition to the schedule pre-  
10 pared annually, the director may at any time request from  
11 the appointing officer a performance rating schedule for any  
12 employee or any group of employees. The schedule and the  
13 rating of the employees shall conform to the following general  
14 requirements: —

15 1. The information shall be compiled as directed in a manual  
16 prepared by the director and approved by the commission.  
17 The manual shall adequately define the terms and outline  
18 the standards to be used for rating; shall outline procedure  
19 to be followed; shall state the purpose and use of the rating;  
20 shall quote the law on fraudulent rating and the penalties  
21 therefor; and shall include such other pertinent data and  
22 directives as the director may require and the commission  
23 approves. A copy of the manual shall be made available to  
24 every supervisor who will be involved in the rating of employees,  
25 and copies shall be available for inspection by all employees  
26 at their place of employment.

27 2. The schedule shall call for information on each of these  
28 four elements: work quality, work quantity, work attitude  
29 and work habits of the employee. For rating of administra-  
30 tive employees, the schedule shall also call for information  
31 pertinent to administrative ability. The schedule shall not  
32 call for any information specifically prohibited by the general  
33 civil service law.

34 3. The schedule shall be filled out and signed by the im-  
35 mediate supervisor of an employee, shall be reviewed and  
36 signed by the next highest supervisor, and shall then be sub-  
37 mitted to the appointing officer, who shall forward the  
38 schedule to the director on or before March first in each  
39 year.

40 4. Each employee shall be given a copy of his performance  
41 rating after it has been received by the appointing officer  
42 and before it is forwarded to the director. Each employee  
43 shall have access to the inspection of the entire record of his  
44 performance rating, and such record shall not be available  
45 for inspection by any other employee other than properly  
46 authorized reviewing officials, the appointing officer and the  
47 director. The employee shall have the right to disagree with  
48 the rating given him, shall then indicate in writing to the  
49 director the points on which he disagrees, and may ask for  
50 review of his rating by a board appointed by the commission  
51 for purposes of such review. Any disagreement with the  
52 rating must be indicated by an employee within seven calendar  
53 days after receipt of the rating; otherwise he shall forfeit  
54 the requirement for review, except that the director may,  
55 at his discretion and in exceptional cases, extend this period.  
56 The review by the board shall be final as to the rating, and  
57 the employee shall be notified by the board of its action. No  
58 change shall be made on the record thereafter.

59 5. The commission shall formulate the rules under which  
60 the performance rating shall be the basis for increase in pay  
61 within the grade, for transfer to a different type of work within  
62 the grade, for temporary layoff, for suspension from the service  
63 and for dismissal from the service.

64 *Section 15F.* For the purposes of this chapter, the promo-  
65 tion list of officers and employees in the official or labor serv-  
66 ice shall mean their ranking based on a combined evaluation  
67 of seniority as determined under section fifteen D and per-  
68 formance rating as determined under section fifteen E. The  
69 combined evaluation shall allow the respective weights to  
70 seniority and performance rating that the civil service rules  
71 direct, except that for the purposes of promotion or competitive  
72 promotional examinations the combined evaluation shall

73 be as hereinafter provided in this section. Any person on the  
74 list shall be given preference for continuance of employment  
75 over any person standing lower in the list. In accordance  
76 with the rules relative to certification, any person on the list  
77 shall be given preference for re-employment over any person  
78 standing lower in the list; provided, that separation from the  
79 service has been due to any reason other than resignation  
80 or discharge for misconduct, incompetency, or neglect of duty,  
81 and that standing on the list shall not impair the preference  
82 provided for disabled veterans by section twenty-three. For  
83 purposes of promotion of an employee in accordance with sec-  
84 tion fifteen, the combined evaluation of seniority and perform-  
85 ance rating shall be determined as follows: — for promotion  
86 under the provisions of paragraph A the minimum requirement  
87 shall be three years of actual employment within the grade  
88 and the maximum credit shall be given for ten years of actual  
89 employment within the grade, and for promotion under  
90 the provisions of paragraph B the minimum requirement  
91 shall be one year of actual employment within the grade and  
92 the maximum credit shall be given for ten years of actual  
93 employment within the grade; the respective values for suc-  
94 cessive years of employment between minimum requirement  
95 and maximum credit shall be according to the rules of the  
96 commission; and the performance rating shall have the weight  
97 of seventy per cent in the combined evaluation.

98 For the purposes of this section, the director shall assign  
99 a performance rating of seventy-five per cent to any person  
100 who has not previously been rated, to any person who returns  
101 or is restored to the classified service under the provisions  
102 of section twenty-four of chapter seven hundred and eight  
103 of the acts of nineteen hundred and forty-one, as most recently  
104 amended, after having served in the military or naval forces  
105 of the United States, and to any person who returns or is  
106 restored to the service in accordance with the provisions of  
107 sections forty-six E, forty-six G, and forty-six I, as most re-  
108 cently amended; provided, that such person shall be assigned  
109 his most recent performance rating if he returns or is restored  
110 to the classified service within two years of separation from  
111 the service, and that such person shall be assigned a perform-

112 ance rating of seventy-five per cent if he returns or is restored  
113 to the service after two years of separation from the service;  
114 and provided, further, that seniority and seniority rights  
115 within the applications of sections forty-five A, forty-six E,  
116 forty-six G and forty-six I, as most recently amended, shall  
117 apply only until this act becomes effective, and thereafter  
118 seniority and seniority rights shall be interpreted to mean the  
119 standing on the promotion list in accordance with this act.

1 SECTION 4. Section 3 of said chapter 31, as most recently  
2 amended, is hereby amended by striking out item (f) and  
3 inserting in place thereof:—

4 (f) Promotions, on the basis of merit ascertained by ex-  
5 amination, and ranking on the promotion list.

1 SECTION 5. Subject to the approval of the division of per-  
2 sonnel and standardization, and subject to the provisions  
3 of section three of chapter thirty-one, as most recently amended,  
4 the commission shall make new rules and amend existing  
5 rules so as to conform to the provisions of this act, and such  
6 rules shall be effective on the day that this act becomes effective.  
7 The manual filed with the clerk of the house shall be used as  
8 the manual specified in section fifteen E, unless and until  
9 changes in the content of the manual are made as directed  
10 within the compass of this act.



The Government of the State of New York

IN SENATE, January 10, 1907.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR ENDING DECEMBER 31, 1906.

ALBANY: JAMES BROWN PUBLISHER, 1907.

Approved by the Senate, January 10, 1907.

Approved by the Governor, January 10, 1907.

Printed by the State Printer, Albany, N. Y.

Price, 10 cents.

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