

**BOARD OF HIGHER EDUCATION
REQUEST FOR BOARD ACTION**

NO.: BHE 24-46

BOARD DATE: April 30, 2024

**COMMISSIONER'S FY2023 PERFORMANCE EVALUATION AND COMPENSATION
ADJUSTMENT**

MOVED: The Board of Higher Education hereby approves the attached Commissioner's FY2023 Performance Evaluation.

Further, that the Board approves a compensation adjustment for Commissioner Ortega in alignment with the salary increases and the effective dates that the Commonwealth's Human Resources Division (HRD) announced on July 26, 2023 for all eligible managers in the executive branch.

The Board commends Commissioner Ortega and his team for their accomplishments and work, and thanks the Commissioner for his service.

VOTED: Motion adopted by the BHE on 4/30/2024.

Authority: Massachusetts General Laws Chapter 15A, Section 6

Contact: Constantia T. Papanikolaou, Chief Legal Counsel
Elena Quiroz-Livanis, Assistant Commissioner

Background

Pursuant to its enabling legislation, the Board of Higher Education (BHE) is authorized to determine the Commissioner's salary, subject to appropriation. See M.G.L. c. 15A, § 6 (stating that "the Commissioner shall, subject to appropriation, receive such salary as the [BHE] may determine.") In executing this statutory responsibility, the BHE's annual performance review of the Commissioner provides the context and supporting justification for any BHE-approved compensation adjustments for each fiscal year.

The BHE Chair proposed an initial evaluation process at the December 2023 BHE meetings, and several updates were provided at subsequent Executive Committee meetings. Attached is the recommended FY2023 Performance Evaluation of the Commissioner, as submitted for Board of Higher Education (BHE) approval. In addition, as noted in the attached document, the Board further advances performance goals for the Commissioner for calendar year 2024-2025.

On July 26, 2023, the Commonwealth's Human Resources Division (HRD) issued guidance on allowable FY2024 salary increases for executive branch employees. Such guidance provides as follows:

- July 2, 2023 – 4% increase:
 - Managers who were in a management position on July 2, 2023, are eligible for the July 4% increase, effective July 2, 2023
- January 14, 2024 – 4% increase:
 - Managers who are in a management position on January 14, 2024, are eligible for the January 4% increase, effective January 14, 2024.

Having completed an assessment of the Commissioner's performance to date, the Board Chair is recommending a compensation adjustment for the Commissioner in alignment with the HRD recommendations set forth above.

Attachments

03a_Commissioner's FY2023 Self-Evaluation

03b_BHE Performance Evaluation of Commissioner Ortega