

FILED
JUL 30 2012

EMPLOYEE APPEALS BOARD

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

MICHAEL TILLMAN

APPELLANT

VS.

NO.12-024

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS**

APPELLEE

ORDER

This cause came on for hearing on July 13, 2012, in Jackson, Mississippi. The Appellant, Michael Tillman, was represented by John McNeal and David Scott represented the Mississippi Department of Corrections ("MDOC").

The following persons testified: Michael Tillman.

Michael Tillman was employed by MDOC as a Correctional Officer IV at the Central Mississippi Correctional Facility ("CMCF"). Tillman had been employed for 18 years. On April 25, 2012, Tillman was notified by MDOC that he was being demoted from Correctional Officer IV to Correctional Officer III due to insubordination and a breach of agency security or confidentiality – "Specifically . . . you . . . were questioned regarding facility keys belonging to Lt. Alvin Washington that were not issued to him in compliance with MDOC Key Control Policy. You admitted to giving the keys to Lt. Washington because he asked you for them . . . Officer Tillman issued Lt. Washington two (2) copies of the newest EOC key after being ordered several times by Superintendent Holman, Deputy Warden Joann Shivers, and Commander Alvin Randall not to issue anyone a key to EOC due to it being a restricted area . . ." On May 9, 2012, Tillman appealed that demotion to the MEAB.

This tribunal finds as follows: In the midst of a renovation and change of offices at CMCF, Lt. Alvin Washington, Tillman's supervisor, asked Tillman to issue him a key to the key control room "(Inside Door Only)." In October of 2011 Washington asked Tillman to

issue him a key to the office which Washington was to occupy. Tillman issued the keys to Washington and noted that fact on the back of a key control card. Tillman understood that Washington was going to keep the two keys temporarily. There was no evidence that Tillman had been ordered several times not to issue the keys in question. Tillman admitted that the keys were not issued in accordance with the written MDOC key control policy.

Michael Tillman was employed by MDOC for 18 years, prior to his demotion. Tillman had no disciplinary actions before his demotion.

The Mississippi Employee State Handbook Chapter 7, *Discipline, Corrective Action and Separation of Employment*, provides that "Disciplinary action shall be applied in steps of increasing severity whenever practical . . ." Also, "[e]ach appointing authority shall: . . . distinguish between less serious and more serious actions of misconduct and provide disciplinary action accordingly . . ."

Tillman had been an exemplary employee for 18 years prior to this incident. He issued the keys in question to his **SUPERVISOR**, at his supervisor's request and noted that fact on an official document. Although Tillman violated the key control policy his actions clearly did not merit demotion.

For the foregoing reasons this tribunal finds that Michael Tillman's demotion was improper. Tillman's punishment is reduced to a two-week suspension without pay. Additionally, Tillman shall be reinstated to his position as a Correctional Officer IV, as of April 26, 2012, with all back pay and benefits.

SO ORDERED THIS THE 30th DAY OF July 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: 
INGRID DAVE WILLIAMS
Hearing Officer