

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

BLANCHE JORDAN

APPELLANT

VS.

CASE NO: 12-028

**MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

ORDER OF HEARING OFFICER

THIS CAUSE having come on to be heard on September 6, 2012, at the offices of the Mississippi Employee Appeals Board on Appeal by Blanche Jordan (“Jordan”) of the Written Reprimand she received for the Group One, offense of unexcused tardiness on March 9, 2012. It is Jordan’s position that the reprimand was a form of continued harassment by the Agency. Jordan was unrepresented and the Mississippi Department of Human Services (“MDHS”) was represented by Steven P. Wansley, attorney at law. Ms. Gloria Jackson was present as the Agency Representative.

FINDINGS OF FACT

Jordan has been employed by MDHS stationed at the Oakley Youth Development Center for five (5) years currently working as a Youth Services Counselor Three (3). Effective July 26, 2011, the MDHS Division of Youth Services Juvenile Institutions implemented an attendance policy which allows for a written reprimand for being tardy; defined as arriving at work any time after the assigned shift start time or time established policy. By memorandum dated August 2, 2011, the employees of Oakley Youth Development Center were notified that the attendance policy would be vigorously enforced. All supervisors were instructed that they would be subject

to disciplinary action for failure to fairly enforce the policy. All employees, including Jordan, signed forms acknowledging that they had read and agree to abide by the Attendance Policy. Jordan arrived for work after her scheduled start time on three occasions, March 6, 7 and 8, 2012. On March 19, 2012, Jordan attended a training session facilitated by another employee at which time Jordan and the other employee exchanged words in an unprofessional manner.

CONCLUSIONS OF LAW

Jordan has the burden of proving that the grounds upon which MDHS issued the written warning were either insufficient or untrue. Jordan does not dispute that she may have been late on the days in question in March, 2012. Likewise, she did acknowledge reading and agreeing to the Attendance Policy of MDHS. Therefore, she has not met her burden of proving that the grounds upon which the written warning were based are insufficient or untrue.

Jordan's assertion that the Written Warning given her on March 9, 2012, was a form of harassment is also unfounded. The disciplinary action was given before the alleged incident with another employee on March 19, 2012. Jordan also asserts that she is being unfairly treated by the chain of command by receiving the written reprimand but provided no proof of such. She asserts that she should have been given a conference before the reprimand and had her superiors sign the reprimand before she; however, such is not required under the rules of the Mississippi State Personnel Board.

The MDHS was following proper procedure in issuing the written reprimand. The Attendance policy in question was Agency wide and there was no proof provided at the hearing that such was unfairly administered. Further, when an employee is tardy, the supervisor will be disciplined if they do not issue a written reprimand. For these reasons, the Appeal of Blanche Jordan is **DISMISSED, WITH PREJUDICE.**

SO ORDERED THIS THE 3RDTH DAY OF OCTOBER, 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD



**WESLA SULLIVAN LEECH
HEARING OFFICER**