

FILED
OCT 03 2012

MISSISSIPPI EMPLOYEE APPEALS BOARD

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

ARTIS J. JOHNSON

APPELLANT

VS.

CASE NO: 12-017

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

RESPONDENT

ORDER OF HEARING OFFICER

THIS CAUSE came on for hearing on July 19, 2012, and September 5, 2012, at the Mississippi Employee Appeals Board on Appeal of Artis J. Johnson ("Johnson") of his termination by the Mississippi State Board of Medical Licensure ("MSBML"). Johnson was represented by the Honorable Thomas Hudson and MSBML was represented by the Honorable Ellen O'Neal. Ms. Arlene Davis was the Agency representative during the hearing. Johnson appeals his termination effective April 3, 2012, for two Group Two charges of insubordination; one Group Three charge of falsification of records; and for failure to continue to meet the eligibility criteria for the position held or an inability to perform the essential functions of the job.

FINDINGS OF FACT

Johnson was employed by MSBML as a Senior Systems Administrator on or about August 30, 2010, after working in the same position for approximately two years at MDHS/Oakley Training School. Johnson graduated from Jackson State University with a Masters of Science in Hazardous Materials Management and a Bachelor of Science in Industrial Technology with an emphasis in Computer Technology in 2003. Jackson State University did not offer a Bachelors degree in Computer Technology in 2003.

This order has been partially redacted of information exempted pursuant to the Mississippi Public Records Act, other statutory exemptions or court order.

Johnson's application for hire as a Senior Systems Administrator with the Mississippi State Personnel Board dated August 30, 2010, and his resume submitted to MSBML, lists his educational background as a Bachelor of Science in Computer Technology and a Masters of Science in Hazardous Materials Management. The job of Senior Systems Administrator in the State of Mississippi requires the following skills:

Senior Systems Administrator is the specialist level where incumbents have demonstrated technical expertise in detailed web design, the administration and maintenance of Local Area Networks (LAN) and/or free standing PCs. They may bear full responsibility for an agency website. They may be alternatively be responsible for ensuring that end-user hardware, software, security and network problems are resolved in a timely and effective manner. This includes coordinating the configuration and installation of hardware and software and ensuring that file server functions, E-mail connectivity and whatever else is necessary to support the LAN environment is operating effectively. Incumbents work independently as well as with other senior technical staff to resolve complex operational problems...

The job requires a bachelor degree from an accredited four-year college or university in computer science, data processing, business information systems or a related field and two years of directly related experience in PC/LAN environments.

The specific job of Senior Systems Administrator at MSBML required the Senior Systems Administrator to backup computers and maintain agency networks and user accounts. He must be proficient in maintaining the security, access and repair of the computer system and be knowledgeable in networking. MSBML has approximately 25 to 30 employees who depend upon the agency computer networks in performing their jobs as many must access the network system from different parts of the state.

Johnson did not secure the computer system, specifically the G:/drive on the network at MSBML and informed his supervisor that it was secure for which he received a written reprimand on September 15, 2011. Subsequently, on February 21, 2012, Johnson "crashed" the

Citrix server while attempting to increase its size without first making changes on a test server and did not back up that particular server while employed at MSBML although he stated that all servers were backed up daily on an official journal required of the employees.

CONCLUSIONS OF LAW

Johnson has the burden of proving, by a preponderance of the evidence, that the reasons stated in the MSBML termination notice are not true or not sufficient grounds for his termination. This he has failed to do.

Johnson's two insubordination charges are based upon sufficient grounds. Johnson indicated to his supervisor that he had secured the Agency's G drive and he had not. Only when his supervisor was checking something else did she notice the G drive had not been secured. Likewise, Johnson stated in official daily journals kept by him in February, 2012, that he had backed up all servers, and even created a back-up for the Citrix server, when he had not done so. It was only after Johnson "crashed" the Citrix server that he admitted he had never backed it up.

On Johnson's application for employment he indicated that he had a [REDACTED] [REDACTED] when he did not. His degree was in Hazardous Waste management and Industrial Technology with an emphasis in computer technology, a distinction with a difference. Jackson State University did not offer a degree in computer technology when Johnson was a student. Johnson's transcript indicates he only had [REDACTED] [REDACTED]. This was a sufficient ground for a falsification of records charge.

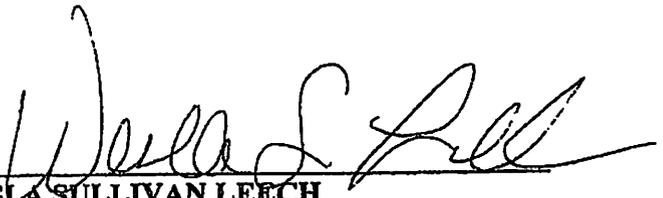
Finally, Johnson's work at MSBML was replete with problems in maintaining the computer systems. Johnson was given training in how to operate the system and failed to follow those instructions. As a result of Johnson's actions the MSBML was required to hire outside

consultants to “fix” the problems Johnson caused. Johnson clearly was unable to perform the essential functions of this job.

For the reasons outlined herein, the decision of the Mississippi Board of Medical Licensure to terminate Johnson is upheld and Johnson’s Appeal is **DISMISSED WITH PREJUDICE.**

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

MISSISSIPPI EMPLOYEE APPEALS BOARD


WESLA SULLIVAN LEECH
HEARING OFFICER