

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

EVELYN GRIGGS

VS.

MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

FILED
JUN 18 2012
MISSISSIPPI EMPLOYEE APPEALS BOARD

APPELLANT

NO.11-049

APPELLEE

ORDER

This cause came on for consideration before the Mississippi Employee Appeals Board, En Banc. The Board, after review of the file and the briefs, finds that this matter should be reversed in part and remanded.

Griggs was terminated from the Mississippi Department of Human Services ("MDHS") effective September 28, 2011. In Griggs termination letter from MDHS, MDHS stated that Griggs had "previously received two Group Two reprimands. . . on March 3, 2011 . . . Also on August 9, 2011, for failing to follow a written directive issued by the Hinds County MDHS Director, Mr. Michael Miller, regarding the Alternative Work Experience Program (AWEPE)/Community Service Workers. This infraction constitutes an accumulation of three (3) group two offenses within a one-year period."

The Hearing Officer found that "Griggs failure to follow (her supervisor's) directive was the commission of a Group II, Number 1 offense within the meaning of the Mississippi State Employee Handbook." For the Hearing Officer to affirm Griggs' termination he had to find that Griggs had committed another Group II offense within one year. Based on the facts presented at the hearing, The Hearing Officer "did not consider that Griggs had received the March 3, 2011, written reprimand for allegedly committing a Group II offense." Hence in order to affirm Griggs termination the Hearing Officer had to find that the August 9, 2011, written reprimand was proper and correct. The Hearing Officer

found that "Griggs did not timely appeal the receipt of her August 9, 2011, written reprimand for the Group II offense . . . Accordingly, the August 9, 2011, written reprimand was the accumulation of two Group Two reprimands within a one (1) year period."

Concurrent with this appeal Griggs filed a motion to enlarge the record which was granted. A review of the entire record shows that Griggs was issued a "Notice of Disciplinary Action," dated August 4, 2011, which was signed by her supervisor on August 9, 2011. Griggs grieved the disciplinary action on August 16, 2011, within the seven working days specified by the Mississippi State Employee Handbook (8.V. A. 1.) Griggs was denied relief and appealed the grievance through Step Four, The Agency Decision Level, which was signed by Richard A. Berry, MDHS Deputy Administrator, on September 23, 2011. Griggs appealed that Grievance (as part of the instant appeal) on September 29, 2011, within the fifteen day time limit prescribed by the MEAB rules. For the foregoing reasons the Hearing Officer erred in his finding that Griggs did not timely appeal the receipt of her August 9, 2011, written reprimand. Accordingly this matter is remanded to the Hearing Officer below for further review of the August 9, 2011, grievance.

IT IS THEREFORE ORDERED AND ADJUDGED that the Order of Hearing Officer, Michael Watts, be reversed in part and remanded.

SO ORDERED THIS THE 18th DAY OF June 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: 
INGRID DAVE WILLIAMS
Hearing Officer