

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

GWENDOLYN PITTMAN

**FILED**  
**FEB 25 2014**

APPELLANT

VS.

CAUSE NO. 14-004

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

**EMPLOYEE APPEALS BOARD**

RESPONDENT

**ORDER OF DISMISSAL**

Pursuant to the undersigned hearing officer's request, a pre-hearing conference was held on February 14, 2014, to address the issue as to whether or not the appellant, Gwendolyn Pittman (hereafter "Pittman"), was a probationary employee; and thus, whether her appeal is within the jurisdiction of the Mississippi employee appeals board (hereafter "EAB"). Both parties were given until February 20, 2014, to submit any documentation to support or deny that the appellant was a probationary employee.

Ms. Pittman was initially hired by MDHS as a time limited employee on or around March 1, 2009. She was later promoted on March 15, 2013, to a state service status position. Ms. Pittman received a written reprimand on December 3, 2013. Pittman filed her appeal on January 27, 2014.

Under chapter 2 (state-employee status) of the Mississippi State Employee Handbook, every employee upon state service must complete twelve (12) months of service before they are considered as a permanent state service employee. During this probationary period, the employee has no property rights in their job. Moreover, they may only grieve or appeal a disciplinary action if there is a showing of an act of discrimination based on race, color, religious beliefs, national origin, sex, age, disability, and genetic information, religious or political affiliation.

At the time of the written reprimand, Ms. Pittman was a probationary state service employee, and had not completed her twelve month probationary period. She did not allege discrimination in her appeal or during the pre-hearing conference. Thus, Ms. Pittman's appeal is not properly before the EAB and the employee appeals board lacks subject matter jurisdiction over this matter. Ms. Pittman's appeal is hereby dismissed, with prejudice.

So ordered and adjudged, this the 25<sup>th</sup> day of February, 2014.

Mississippi Employee Appeals Board

  
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B. Ray Therrell, II  
Presiding Hearing Officer