

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

JOHN D. LANE

APPELLANT

VS.

FILED
JAN 20 2015

CAUSE NO. 14-031

MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

EMPLOYEE APPEALS BOARD

RESPONDENT

ORDER

Before the Mississippi Employee Appeals Board (“EAB”) is the appeal of John D. Lane (“Lane” or “Appellant”) for a grievance resulting from his receipt of a written reprimand for a Group II, Number 1 Offense of Insubordination by the Mississippi Department of Human Services (“MDHS” or “Respondent”). A hearing was held on Lane’s appeal on December 17, 2014. Lane represented himself. The MDHS was represented by William M. Rosamond.

Having considered the testimony of all witnesses who testified at the appeal hearing and have considered all exhibits introduced into evidence, the EAB enters the following Order.

FACTS

On June 4, 2014, Lane was given a written reprimand for a Group II, Number 1 Offense of, "insubordination, including, but not limited to ... failure or refusal to follow supervisor's instruction, perform assigned work, or otherwise comply with applicable established written policy." Specifically, Lane was cited for failing to attend a required webinar and refusing to sign an acknowledgment form showing he had viewed the webinar. At the time of the reprimand, Lane was employed as an Eligibility Worker II.

At the appeal hearing, Patricia Hall, Lane’s immediate supervisor, testified. During her testimony, Ms. Hall testified that she sent an email out on May 29, 2014, stating there would be a meeting in her office to view a webinar addressing new changes in certain MDHS programs. This

email was addressed to several employees, including Lane. The email stated that everyone should attend.

Ms. Hall testified that on the date of the meeting, Lane was not present. Ms. Hall sent several employees to remind Lane of the webinar meeting, but he refused to attend the meeting, stating he had already viewed the video. It was common practice that employees could view webinars and training videos at their discretion. They would then be required to sign an acknowledgment form stating they had watched or reviewed the training materials. Ms. Hall testified this webinar was different and was required to be viewed as a group. Even though attendance was required, Ms. Hall decided to trust that Lane had watched the webinar, as he had stated. She sent an employee around with the acknowledgment form to be signed by everyone that viewed the webinar. Lane refused to sign the acknowledgment form. MDHS, without objection from Lane, introduced into evidence a number of statements that support Ms. Hall's testimony.

Lane admits he received the email regarding the meeting, but did not open it. He also testified he did not attend the meeting because he had already viewed the webinar. He stated he felt he was following normal procedures. Moreover, he does not dispute he refused to sign the acknowledgment form brought around by his coworker. However, he does testify he went to Ms. Hall's office after the meeting with the intention of signing the acknowledgment form, but did not sign it because there was another employee in Ms. Hall's office. He left the office planning to sign the form at a later date, but forgot.

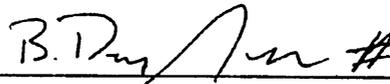
OPINION

MEAB Rule 18 A. provides that "The purpose of the hearing is to ascertain the truth." MEAB Rule 20. B. states that "[a]n appealing party shall have the burden of proving that the reasons stated in the notice of the agency's final decision are not true or are not sufficient grounds for the action taken. The burden is on the employee to show that reasons for the agency's decision are not true or are not sufficient grounds for the action taken. While it was at times common practice for employees to view

webinar and training videos at their discretion, Lane was required and specifically asked to attend this meeting to review the webinar by his supervisor. Lane refused to attend the meeting, or sign the acknowledgment stating he had previously viewed the webinar. Having considered the testimony and arguments of the Parties and examining all the exhibits and pleadings, the hearing officer finds Lane's actions constitute a Group II, Number 1 Offense of "insubordination, including, but not limited to ... failure or refusal to follow supervisor's instruction, perform assigned work, or otherwise comply with applicable established written policy." The decision of the Mississippi Department of Human Services is hereby affirmed.

So Ordered and Adjudged, this the 16th day of January, 2015.

Mississippi Employee Appeals Board

A handwritten signature in black ink, appearing to read "B. Ray Therrell, II", written over a horizontal line.

B. Ray Therrell, II
Presiding Hearing Officer