

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

SANDRA BREWER

FILED

APPELLANT

VS.

SEP 25 2012

DOCKET NO. 12-038

EMPLOYEE APPEALS BOARD

MISSISSIPPI DEPARTMENT OF CORRECTIONS

RESPONDENT

ORDER

Presently before the Mississippi Employee Appeals Board are various grievances filed by Sandra Brewer (hereinafter "Brewer"). Brewer's grievances were filed with the Mississippi Employee Appeals Board on June 29, 2012. Brewer's grievances can be categorized as follows:

- (1) On May 8, 2012, parole officers were advised of the possibility of the staff having to work on Saturdays to complete certain work a month ahead of the Parole Board meeting;
- (2) The parole officers from the Parchman, Mississippi, office were not being treated the same as the parole officers in the Jackson, Mississippi, office;
- (3) Verbal threats were made by Stephanie Skipper, Brewer's supervisor, to Brewer;
- (4) A request that the Mississippi State Penitentiary Parole Staff not be retaliated against for following the grievance procedure; and
- (5) That Brewer's employment status be classified as a Parole Specialist III from a Parole Specialist I.

Brewer's appeal hearing was held on August 27, 2012. The only witness to testify at Brewer's appeal hearing was Brewer. At the hearing, Brewer admitted that she was never required to work on Saturday. No Saturday work was required of Brewer because management, to resolve the back log of work, decided to have its staff work an extra hour four days a week and not on Saturday. Because Brewer was never required to work on Saturday, her grievance concerning that issue is moot.

Brewer's second grievance was that she thought she might not have been treated as fairly as her co-employees at the Department of Corrections Jackson, Mississippi, office. At the appeal hearing, she admitted that she had no facts to substantiate that she was treated differently than other Department of Corrections' employees. Brewer introduced no evidence at the hearing that the Parole Specialist at the Jackson, Mississippi, office of the Mississippi Department of Corrections was provided less work than her, or that Brewer was treated differently than the Jackson, Mississippi, parole officers. Because there is no factual basis to support Brewer's grievance that she was treated in a manner differently from other parole officers, her grievance on that issue is dismissed with prejudice.

Brewer's third grievance is that she received verbal threats from her supervisor, Stephanie Skipper. The evidence at the appeal hearing reflected that Ms. Skipper, through Ms. Cartwright, another supervisor of Ms. Brewer, stated that if employees did not work on Saturday they could be terminated. Such statements by Brewer or Cartwright do not constitute threats as that term is understood within the Mississippi State Personnel Policies and Procedures. Statements and requests by management to their subordinates, even if they indicate that an employee can lose their job if they do not follow directives, do not in themselves constitute threats. Brewer provided no evidence at the appeal hearing that Skipper or Cartwright's statements were improper and a threat to her safety or job – so long as she followed her supervisors' directions. For these reasons, Brewer's grievance concerning statements made to her by her supervisors, Skipper or Cartwright, is dismissed with prejudice.

Finally, Brewer grieved that she was not promoted and reclassified to a Parole Specialist III position. At the time Brewer filed her grievance with the Employee Appeals

Board, she was a Parole Specialist I. Brewer testified at her grievance hearing that as of the date of her hearing she believed that she had been promoted to Parole Specialist II even though she had not received formal notification from the Mississippi State Personnel Board to that effect. Her belief that she had been promoted to Parole Specialist II was based on the fact that her salary had increased.

Notwithstanding being promoted to Parole Specialist II, Brewer, at her grievance hearing, contended that she should have been promoted to a Parole Specialist III. She based this contention, primarily, on a letter from the Mississippi State Personnel Board stating that she was qualified for the Parole Specialist III position.

The Mississippi State Personnel Board Policy and Procedures Manual provides that employee classifications are non-aggravable. *See* Mississippi State Personnel Board Policy and Procedure Manual, Section 10.3(L). However, even if Brewer's classification position was grievable, Brewer failed to meet her burden of proof that she met the qualifications for the Parole Specialist III position.

The evidence introduced at the appeal hearing established that the requirements for a reclassification from a Correctional-Parole Specialist II to a Correctional-Parole Specialist III are that the applicant must have a Master's Degree and eight years of Parole Specialist work experience, or a Bachelor's Degree and nine years of Parole Specialist work experience.

Brewer began working for the MDOC on August 2, 2007. Thus, at the time of her request to be promoted to Correctional-Parole Specialist II she did not have eight years of work related experience, although she had completed a Master's Degree in Criminal Justice. Because Brewer lacked the eight years of Parole Specialist work experience, I find as a fact

that she did not meet the qualifications to be promoted to a Correctional-Parole Specialist III. To the extent the Mississippi State Personnel Board stated that Brewer met the qualifications for promotion to a Correctional-Parole Specialist III position, it was in error. Accordingly, Brewer's request that she be classified as a Parole Specialist III is denied.

In summary, this tribunal finds that the issues Brewer grieved to the Employee Appeals Board were resolved before the hearing and are thus moot, or that Brewer failed to meet her burden of proof to establish that she was entitled to the other relief she sought. For these reasons, Brewer's appeal is dismissed with prejudice.

SO ORDERED THIS THE 25 DAY OF September, 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

By: Michael N. Watts
MICHAEL N. WATTS
Presiding Hearing Officer