

FILED

NOV 14 2012

EMPLOYEE APPEALS BOARD

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

LYN A. CHAMBERS

APPELLANT

VS.

NO.12-058

**MISSISSIPPI GAMING
COMMISSION**

APPELEE

ORDER OF DISMISSAL

The Appellant, Lyn A. Chambers, filed this appeal with the Mississippi Employee Appeals Board on October 3, 2012. On October 17, 2011, The Mississippi Gaming Commission("MGC") filed a motion to dismiss. On October 21, 2012, Chambers filed a Response to The Motion to Dismiss, and on November 8, 2012, MGC filed a Reply to Appellant, Chambers', Response.

Chambers is employed as a Staff Officer I with MGC. On September 6, 2012, Chambers filed a grievance with MGC. The gist of that grievance was that Chambers' position, Staff Officer I, was not reclassified by the Mississippi State Personnel Board, unlike several other positions at MGC, including Compliance Office Enforcement Agent and Gaming Agent, which were reclassified for Fiscal Year 2013. At every level of the grievance process the response to Chambers' grievance was that it was a non-grievable issue. MGC's Motion to Dismiss also asserts that Chambers' Appeal to this Tribunal should be dismissed because he presents a non-grievable issue.

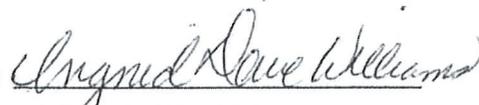
The Mississippi State Personnel Board Policy and Procedures Manual § 10.3 provides that "The following are non-grievable issues under the State Service grievance procedure: . . . L. position classifications . . ." As Chambers' entire complaint is about his position not being reclassified, it is obvious that his complaint presents a non-grievable issue. Mississippi Employee Appeals Board Rule III C. states as follows: "[n]o person may appeal a non-grievable action." Consequently this Tribunal lacks jurisdiction over this matter.

Additionally, It should be noted, that Chambers' vague assertions of discrimination, which were only raised in his Response to the Motion to Dismiss, do not provide this Tribunal with Jurisdiction over this matter.

SO ORDERED this the **14th** day of **November 2012**.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:



INGRID DAVE WILLIAMS
Hearing Officer