

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

NAKIA D ANDERSON

APPELLANT

VS.

NO.12-052

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS**

APPELLEE

ORDER

This cause came on for hearing on October 30, 2012, in Leakesville, Mississippi. The Appellant, Nakia Anderson, represented himself and David Scott represented the Mississippi Department of Corrections ("MDOC").

Nakia Anderson was employed by MDOC as a Lieutenant Correctional Supervisor at the South Mississippi Correctional Institution("SCMI") in Leakesville, Mississippi. On August 30, 2012, Anderson was terminated from his employment for insubordination and an act or acts of conduct occurring on the job which are plainly related to job performance and are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the public or to other State employees. Specifically "Anderson failed to report to work and failed to contact or obtain approval from Deputy Warden Hubert Davis or Warden Johnnie Denmark . . . On May 22, 2012, . . . Anderson failed to report to work and failed to provide proper notification or satisfactory explanation to the supervisor or appointing authority as the reason for said absence." Prior disciplinary actions used as a basis for Anderson's termination include a June 7, 2012, three day suspension for insubordination and failure to report work without giving the required notice to the supervisor on March 12, 27, and April 14, 2012. Anderson also received

two written reprimands: one dated March 2, 2012, for failure to report work without giving the required notice to the supervisor on February 29, 2012, and one dated March 11, 2012, for failure to report to work without giving the required notice to the supervisor on March 6, 2012. Anderson signed for receipt of both reprimands on April 23, 2012.

The following persons testified at the hearing: Nakia Anderson, Nina Enlers, Shetica Lockhart, and Brenda Parnell.

This tribunal finds as follows: Nakia Anderson was counseled regarding excessive use of leave. That counseling session was documented in a memo dated May 11, 2012, and signed by Anderson and his supervisor Warden Hubert Davis on May 30, 2012. In that memo Anderson was notified that he would "be required to obtain approval from myself [Warden Hubert Davis] or Warden Denmark for any future time off during the year 2012."

Anderson worked on June 6, from 7:45 a.m. to 2:27 p.m., however Anderson failed to report for work on the night June 6 for the June 6-7, 2012 shift. Anderson did not receive prior approval for leave on June 6-7, 2012 from Davis or Denmark. Other than the instant appeal of his termination Anderson did not appeal any of the disciplinary actions he received for failure to report to work. All of Anderson's disciplinary violations, prior to his termination, constituted Group Two Offenses as defined by the Mississippi State Personnel Board Rules.

Mississippi State Personnel Board Rule 9.1.B provides that "Accumulation of two (2) Group Two written reprimands within a one (1) year period may result in demotion or dismissal." The Mississippi Employee Appeals Board Rules provide 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."

Anderson had numerous Group two reprimands. The violations outlined in his notice of termination were sufficient to support MDOC's decision to terminate Anderson. Anderson did not prove that the reasons for his termination were not true, nor did he prove that they were insufficient grounds for his termination.

For the foregoing reasons MDOC's decision to terminate Nakia Anderson is affirmed.

SO ORDERED THIS THE 27th DAY OF December 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: 
INGRID DAVE WILLIAMS
Hearing Officer