

FILED
JAN 24 2014

EMPLOYEE APPEALS BOARD

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

SHARON PAIGE

APPELLANT

VS.

NO. 13-056

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS**

APPELLEE

ORDER

This cause came on for hearing on November 14, 2013, in Jackson, Mississippi. The Appellant, Sharon Paige, was represented by Ottawa Carter and David Scott represented the Mississippi Department of Corrections ("MDOC").

SUMMARY

Sharon Paige was a Deputy Warden at the MDOC Central Mississippi Correctional Facility. On August 6, 2013, Paige resigned from her position. On August 15, 2013, Paige filed an appeal with the Mississippi Employee Appeals Board alleging that she had been forced to resign because of her sexual orientation. At the hearing, Paige also asserted that she had been discriminated against on the basis of her gender. Since Paige was a non-state service employee, she may only appeal matters based on the forms of discrimination recognized by the State of Mississippi. Mississippi does not provide state employees protection from discrimination on the basis of sexual orientation and Paige did not provide sufficient evidence of sex discrimination. Since Paige does not have a

basis for her appeal based on discrimination due to sexual orientation, and she did not provide sufficient proof of sex discrimination, this matter is dismissed.

FINDINGS

In June of 2011, Paige was promoted to the position of Deputy Warden, a non-state service position. Commensurate with the promotion she was provided with a memo from MDOC Human Resources with the subject line "NON-STATE SERVICE." The memo notifies Paige that she is no longer a state service employee. The last line of the memo states, "This is to certify that I understand the above and acknowledge that I am in a non-state service position." Paige signed and dated that memo on June 30, 2011.

In April of 2013, MDOC Commissioner, Christopher Epps received an anonymous letter which included complaints about Paige. Epps forwarded that letter to Paige's supervisor, Warden Maude Irby, who responded that she had not observed Paige violating any MDOC Policies or Procedures, and that Paige had been instrumental in organizing her area. Paige testified that in a meeting with recently appointed Warden, Johnny Denmark, three weeks before she resigned, she was told that she could resign or be terminated. Paige stated that she received this ultimatum because of her sexual orientation, and that she was terminated

primarily because of her sexual orientation. At the hearing, Paige also asserted that she was terminated because of her gender. As support for this assertion, Paige claimed that after she resigned she had been replaced by a male.

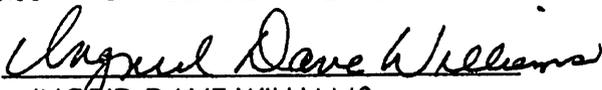
OPINION

Mississippi Code Annotated § 25-9-107(c) provides a description of non-state service employees, and provides that they do not have the same protections as state service employees. Paige was a non-state service employee. Rule III of the MEAB rules mirrors the State Personnel Board Policy and Procedures in providing that "a non-State Service employee . . . may appeal alleged acts of discrimination based on race, color, religion, national origin, sex, age, disability, creed, physical handicap, genetic information or political affiliation . . ." The only recognized basis upon which Paige alleged discrimination was sex. Paige did not provide sufficient evidence that she was terminated because of her gender.

For the foregoing reasons this matter is dismissed.

SO ORDERED THIS THE 24th DAY OF January, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: 
INGRID DAVE WILLIAMS
Hearing Officer