

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS
BOARD

LATASHA SMITH

APPELLANT

VS.

CAUSE NO. 14-055

MISSISSIPPI DEPARTMENT OF CORRECTIONS

RESPONDENT

FILED
JAN 20 2015

EMPLOYEE APPEALS BOARD

ORDER OF DISMISSAL

Pursuant to the undersigned hearing officer's request, a pre-hearing conference was held on January 14, 2015, to address the issue as to whether or not the appellant, Latasha Smith (hereafter "Smith"), was a probationary employee; and thus, whether her appeal is within the jurisdiction of the Mississippi Employee Appeals Board (hereafter "EAB").

Under Chapter 2 State Service Employment of the Mississippi State Employee Handbook, every employee upon state service must complete twelve (12) months of service before they are considered as a permanent state service employee. During this probationary period, the employee has no property rights in their job. Moreover, they may only grieve or appeal a disciplinary action if there is a showing of an act of discrimination based on race, color, religious beliefs, national origin, sex, age, disability, and genetic information, religious or political affiliation.

Smith was hired by MDOC as a correctional officer on or around June 6, 2014. On November 19, 2014, she was terminated from her employment. Smith filed her appeal to the EAB on December 4, 2014. Smith does not allege discrimination in her Notice of Appeal, nor was discrimination alleged at the pre-hearing conference. After review, it is the opinion of the hearing officer that Smith was a probationary employee at the time of her termination. Since no discrimination has been alleged, the EAB lacks subject matter jurisdiction over this matter. Smith's appeal is hereby dismissed, with prejudice.

So ordered and Adjudged, this the 20th day of January, 2015.

Mississippi Employee Appeals Board



B. Ray Therrell, II
Presiding Hearing Officer