

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

BRANDY N. MCGREW ROSE

FILED

APPELLANT

VS.

JUL 13 2015

CAUSE NO. 15-013

EMPLOYEE APPEALS BOARD

MISSISSIPPI DEPARTMENT OF REHABILITATION SERVICES

APPELLEE

ORDER OF DISMISSAL

Pursuant to the undersigned hearing officer's request, a pre-hearing telephonic conference was held on July 13, 2015, to address the Appellee's Motion to Dismiss of Lack of Jurisdiction and further discuss the issue as to whether or not the appellant, Brandy N. McGrew Rose (hereafter "Rose"), was a probationary employee; and thus, whether her appeal is within the jurisdiction of the Mississippi Employee Appeals Board (hereafter "MEAB"). Present for the hearing was Ryan Toms, representing the MDRS. The MEAB attempted to contact Rose three times by phone, but was unable to reach her at the numbers she provided. Notice of Prehearing was sent to the parties on July 1, 2015.

Under chapter 2 (state-employee status) 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. Rose began her employment with the MDRS on or around September 17, 2014. Rose was terminated from her employment with the MDRS on March 25, 2015. At the time of Rose's termination, Rose was employed as a DRS – Counselor II, and had not successfully worked with the MDRS or any other state agency for twelve (12) months. Thus Rose, on the date of her termination was a probationary employee.

Section 8.1 of the Mississippi State Employee Handbook provides that a probationary employee such as Rose may only grieve acts of discrimination based on race, color, religious beliefs, national origin, sex, age, disability, and genetic information, religious or political affiliation. There is nothing in

the record to suggest that Rose alleges discrimination in her appeal or at the hearing on July 13, 2015.

See *Mississippi State Employee Handbook Sections 7.3 and 8.1.*

Rose is a probationary employee. Without 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, the MEAB lacks subject matter jurisdiction over this matter. Rose's appeal is hereby dismissed, with prejudice.

So ordered and adjudged, this the 13th day of July, 2015.

Mississippi Employee Appeals Board



B. Ray Therrell, II
Presiding Hearing Officer