

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

CASSANDRA JEFFERSON

FILED

APPELLANT

V.

FEB 23 2016

CAUSE NO.: 15-052

MISSISSIPPI VETERANS AFFAIRS BOARD

EMPLOYEE APPEALS BOARD

RESPONDENT

ORDER DISMISSING CASSANDRA JEFFERSON'S APPEAL

Before this tribunal is the Motion for Reconsideration of this tribunal's Order of January 27, 2016, denying the Mississippi Veterans Affairs Board's ("MVAB") Motion to Dismiss. Subsequent to the January 27, 2016, Order, the MVAB filed a Motion for Reconsideration of that Order. Ms. Jefferson responded to that Motion for Reconsideration on February 8, 2016.

In the MVAB's Motion for Reconsideration, it attached the Affidavit of Karen Tackett. Ms. Tackett's Affidavit reflects that she is the MVAB Personnel Director. In that capacity, she oversees the personnel operations of the MVAB including the personnel at the State Veterans Affairs Board central office, the four State Veterans Nursing Homes, and other State Veterans Affairs entities. Ms. Tackett has held the position of the Personnel Director since April 1, 2002.

In her Affidavit, Ms. Tackett stated that Ms. Jefferson, while employed as a Direct Care Worker at the State Veterans Home in Jackson, Mississippi, was in a Non-State Service Time Limited position. Further, Ms. Tackett affirmed that the pin of Ms. Jefferson, 936, is a Non-State Service pin. In addition, Ms. Tackett testified that both the worker who held the position before Ms. Jefferson, and the person that presently holds the position, were Non-State Service employees. Ms. Tackett also provided as exhibits to her Affidavit, documents from the Statewide Payroll and Human Resource System (SPAHRs) which confirm that Ms. Jefferson's status was that of a Non-State Service employee.

Ms. Jefferson, in her February 8, 2016, response, did not raise a genuine issue of material fact to overcome Ms. Tackett's sworn testimony, with accompanying exhibits, that Ms. Jefferson was a non-State service employee. While Ms. Jefferson, in her February 8, 2016, response, asserted that she was not aware that she was a non-State service employee, she did not provide any relevant evidence to raise a genuine factual issue that Ms. Tackett's testimony in her Affidavit of January 28, 2016, was not true. Accordingly, this tribunal finds that Ms. Jefferson, at the time of her termination, was a non-State service employee.

As a non-State service employee, the MVAB could terminate Ms. Jefferson for any reason so long as such reason for termination was not discriminatory. *See* Chapter 9.2, D. of the *Mississippi State Employee Handbook*. Ms. Jefferson has not alleged, in either her appeal or any of her pleadings with the Mississippi Employee Appeals Board, that her termination was based on a discriminatory reason as set forth in Chapter 9.2, D. of the *Mississippi State Employee Handbook*.

CONCLUSION

Accordingly, this tribunal finds based on the Affidavit of Karen Tackett, with its attached exhibits, that Ms. Jefferson was a non-State service employee and that the MVAB properly terminated her as a non-State service employee. In reaching its decision, this tribunal did not consider the document purportedly signed by Ms. Jefferson alleging that she understood she was a non-State service employee. Nor did this tribunal consider the Affidavit of Candace Miner attached to the MVAB's Motion for Reconsideration.

Because Ms. Jefferson was a non-State service employee and her termination is not alleged by Ms. Jefferson to have occurred because of a discriminatory reason, MVAB's

termination of Ms. Jefferson was appropriate. Ms. Jefferson's appeal is dismissed, with prejudice.

SO ORDERED, THIS THE 23 DAY OF FEBRUARY, 2016.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:



MICHAEL N. WATTS

Chief Hearing Officer