BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

FILED

SEP 30 2016

EMPLOYEE APPEALS BOARD

MARITZA LAW	APPELLANT
VS.	DOCKET NO. 16-030
MISSISSIPPI DEPARTMENT OF CORRECTIONS	RESPONDENT

ORDER

On September 26, 2016, the Appellant filed an appeal with the Mississippi Employee Appeals Board regarding her termination of employment with the Mississippi Department of Corrections.

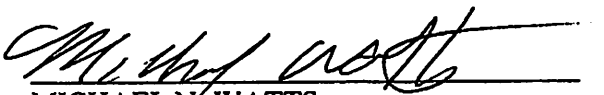
During the 2016 Mississippi Legislative Session, the Governor signed House Bill 1498 into law, which amends § 25-9-127(5) of the Mississippi Code Annotated to state:

> (a) For a period of two (2) years beginning July 1, 2015, the provisions of subsection (1) shall not apply to the personnel actions of the Department of Corrections, and all employees of the department shall be classified as non-state service during that period. However, any employee hired after July 1, 2015, by the department shall meet the criteria of the State Personnel Board as it presently exists for employment.
>
> (b) Additionally, for a period of one (1) year beginning July 1, 2016, the personnel actions of the Commissioner of the Department of Corrections shall be exempt from State Personnel rules, regulations and procedures in order to give the Commissioner flexibility in making an orderly, effective and timely reorganization and realignment of the department.

This legislation made each employee of the Mississippi Department of Corrections non-state service, removing any property right to his or her position. Therefore, the agency is allowed to make personnel decisions without affording the employee the right to appeal an adverse employment decision to the Mississippi Employee Appeals Board.

Based on Miss. Code Ann. § 25-9-127(5), as amended, the Employee Appeals Board lacks subject matter jurisdiction over appeals of any disciplinary matters which affect the employees of the Mississippi Department of Corrections for the period of July 1, 2015 through June 30, 2017. Therefore, Maritza Law's September 26, 2016, appeal is dismissed, with prejudice.

SO ORDERED, THIS THE 30 DAY OF SEPTEMBER, 2016.



MICHAEL N. WATTS
Chief Hearing Officer