STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT STATUS	
EMPLOYEE PROCEDURES MANUAL	SECTION: 5.0 EFFECTIVE DATE: REVISION #6:	PAGE 1 OF 4 MAY 1, 2000 NOV. 1, 2023

EMPLOYMENT CATEGORIES

The MDE has four (4) categories of employment or personnel in which it may hire. These are briefly described below.

Regular or State Service

State service employees fall under the purview of Mississippi State Personnel Board (MSPB) rules and regulations. However, a state service employee does not enjoy a property right to his/ her job until he/she has successfully completed at least a 12-month probationary period and has attained permanent state service status. Attainment of permanent status is important because many rights are limited to permanent employees. Once an employee achieves state service status, it is retained as long as the employee maintains continuous state service employment.

Employees in this category are full-time and are entitled to all fringe benefits.

Non-State Service

These employees are appointed by the State Superintendent of Education and serve at his/her will and pleasure. Their appointment may be subject to approval by the State Board of Education. Non-State Service employees are entitled to full fringe benefits; however, employees in this category do not have property rights to their job, and may be terminated with or without cause or notice by the State Superintendent.

Part-Time/Hourly (Non-State Service)

Employees hired in this category work less than 40 hours per week and only receive compensation for the number of hours worked. Part-time hourly employees accrue personal and major medical leave on a pro-rata basis as described in the Leave Section of this manual and participate in the Public Employees' Retirement System (PERS). Some part-time hourly employees are eligible for insurance benefits. Part-time employees have no property rights to their job and may be terminated with or without cause or notice by the State Superintendent.

Time-Limited (Non-State Service)

Time-limited employees are employed by the MDE only for the duration of the special grant or project which authorizes their employment and payroll compensation. Employees in this category do not attain state service status, but are eligible for specific state service benefits such

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT STATUS	
EMPLOYEE PROCEDURES MANUAL	SECTION: 5.0 EFFECTIVE DATE: REVISION #6:	PAGE 2 OF 4 MAY 1, 2000 NOV. 1, 2023

Time-Limited (Non-State Service) (continued)

as leave, insurance, and retirement. Time-limited employees have no property rights to their job and may be terminated with or without cause by the State Superintendent.

PROBATIONARY PERIOD OF EMPLOYMENT AND TERMINATION AT WILL

Every employee, upon original entry into a state service status position, must successfully serve a 12 month probationary period before that employee is granted permanent state service status. During the probationary period, the employee's work and conduct are observed. Through close supervision, MDE determines if the individual is progressing toward successful performance of the major duties of the job. During the 12 month probationary period the employee does not have a property right to his/her job and may be terminated with or without cause by the State Superintendent.

PERMANENT STATE SERVICE STATUS

After an employee successfully completes a probationary period of 12 months, the employee may be certified by the MSPB to receive permanent state service status. The employee with permanent status can expect to be employed continually in the position unless there is just cause for removal. Once an employee attains state service status, he/she retains that status upon transfer, promotion, demotion, reallocation, or reclassification as long as he/she remains in a state service position and does not have a break in service.

At the discretion of the agency head, and subject to approval of the MSPB Executive Director, employment in a time-limited or emergency position prior to "probationary appointment" may be credited toward the probationary period if the "probationary appointment" is of the same classification as the time-limited or emergency position. If the "probationary appointment" is a promotion to a higher classification, the 12-month probationary period begins upon entry into the state service position.

GRIEVANCE RIGHTS AND APPEALS

A **permanent state service employee** may file a grievance or appeal on any grievable action. The grievable issues that may be appealed are outlined in Chapter 8 of the *Mississippi State Employee Handbook* and Section 10.0 of this manual.

A **probationary state service employee**, a non-state service employee, or an applicant for an authorized employment position in the agency may grieve or appeal only alleged acts of discrimination based on race, color, creed, religion, national origin, sex, age, disability, genetic information or political affiliation in any personnel action or employment prac tice.

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT STATUS	
EMPLOYEE PROCEDURES MANUAL	SECTION: 5.0 EFFECTIVE DATE: REVISION #6:	PAGE 3 OF 4 MAY 1, 2000 NOV. 1, 2023

REDUCTION IN FORCE

The tenure of an employee with permanent state service status shall be continued as long as the employee performs assigned duties satisfactorily and adheres to the MDE's philosophy of conduct.

The State Superintendent of Education may reduce the number of employees in a state service agency whenever deemed necessary for the following reasons:

- 1. Shortage of funds or work,
- 2. Material change in duties or organization, or
- 3. A merger of agencies.

Employees who are terminated by a reduction in force shall be notified in writing of the effective date of the reduction in force termination at least ten (10) working days prior to the effective date of the layoff. The written notification shall cite the reasons for the layoff.

The State Superintendent and the MSPB shall attempt to place the employee in another position for which the employee is qualified.

EMPLOYMENT TERMINATIONS

A permanent status employee can expect to be employed with the MDE unless there is just cause for removal. In the event an employee resigns, he or she should provide the office director with a formal resignation letter at least ten (10) working days prior to the final work day.

Upon receipt of the letter of resignation, the program office must complete a Termination of Employment form (Form P-3) available at www.mdek12.org/OHR/Forms. When this form is completed and signed by the office director and the appropriate Deputy Chief, it shall be forwarded with the letter of resignation to the Office of Human Resources.

Prior to the employee's last work day, the immediate supervisor is responsible for collecting the employee's office keys, building access card, equipment and telephone credit cards. An "Exit Checklist" available at www.mdek12.org/OHR/Forms. shall be signed by the supervisor indicating that the employee has returned any items assigned to him/her by the agency and the form shall be kept on file in that office.

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT STATUS	
EMPLOYEE PROCEDURES MANUAL	SECTION: 5.0 EFFECTIVE DATE: REVISION #6:	PAGE 4 OF 4 MAY 1, 2000 NOV.1, 2023

EMPLOYMENT TERMINATIONS (continued)

Terminating employees need to make arrangements with the Payroll office for receiving his/ her final paycheck and payment for any accumulated personal leave. (For an explanation of payment for accumulated leave, please refer to the Leave Policies, Section 8.0.)

Other decisions the terminating employee will need to consider are:

- 1. If he/she wants a refund of accumulated retirement contributions (forms and information are available with the Payroll office) and
- 2. If he/she wants to continue health and/or dental insurance under the COBRA plan. Under certain circumstances, an employee may continue coverage under the group health insurance plan after termination for up to 18 months, or for qualified dependents (i.e. a child who has reached a certain age) for up to 36 months. This option, known as COBRA (Consolidated Omnibus Budget Reconciliation Act), allows for this coverage to be continued if the cost is paid by the individual.

Terminating employees will be asked to verify his/her forwarding address with the Payroll office for the mailing of forms and the final W-2 form.

<u>NOTE:</u> Any request for references on a former employee shall be referred to the Office of Human Resources.