



STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT STATUS
EMPLOYEE PROCEDURES MANUAL	<u>SECTION: 5.0</u> <span style="float: right;"><u>PAGE 2 OF 4</u></span> <u>EFFECTIVE DATE:</u> <span style="float: right;"><u>MAY 1, 2000</u></span> <u>REVISION #6:</u> <span style="float: right;"><u>NOV. 1, 2023</u></span>

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 practice.

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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](http://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](http://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.

