

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: EMPLOYMENT AND ORIENTATION
EMPLOYEE PROCEDURES MANUAL	SECTION: 4.0 PAGE 1 OF 10 EFFECTIVE DATE: MAY 1, 2000 REVISION #7: SEPTEMBER 1, 2020

EMPLOYMENT POLICIES

The Department of Education seeks to recruit, select and advance its employees on the basis of their relevant ability, knowledge and skills and ensures that all employment practices, including recruitment, selection, appointment, training, promotion, retention, discipline or any aspects of Human Resources administration are administered without regard to race, color, political affiliation, religion, age, disability, national origin, genetic information or sex.

DUAL EMPLOYMENT

It is the policy of the Department of Education that employees may **not** be simultaneously employed with any other state agency. Under Fair Labor Standards Act (FLSA) regulations, the State of Mississippi is considered to be **one** employer; therefore, hours worked in excess of 40 within a work week would be subject to FLSA rules pertaining to overtime/compensatory time.

NEPOTISM

The Department of Education is hereby establishing a policy to eliminate any practice of nepotism in hiring. The Department will not hire a current employee’s spouse, parent/step-parent, child/step-child, sibling/step-sibling, grandparent, grandchild, niece/nephew, first cousin, mother/father-in-law, son/daughter in-law, or brother/sister in-law. Any exception to this policy must be approved by the Deputy State Superintendent of Education or the Educational Accountability Director. Exceptions will be on an individual basis as determined by departmental needs. **No exceptions will be made to allow anyone to supervise a relative.**

INTERNAL PROMOTIONS

The Department of Education seeks to promote from within the agency whenever possible and encourages its employees to apply for positions which will result in opportunities for promotion. A list of vacancies, as they occur, with job title, salary, location(s), and the name of a contact person for additional information will be posted for a minimum of three (3) working days. All employees meeting the job qualifications and who choose to be considered for the vacant position should submit an online State of Mississippi application which may be accessed at www.mspb.ms.gov. The Office of Human Resources will forward a copy of all applications to the appropriate office or division. The designated interviewer in that office or division will then begin the interview process.

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INTERNAL PROMOTIONS (continued)

All Department of Education employees who apply for a State Service position within the Department of Education must be interviewed if they meet both the minimum qualifications as set forth by the Mississippi State Personnel Board and any special qualifications listed on the job announcement. However, it will be at the discretion of the Department to interview the candidate(s) of their choice for all Non-State Service positions.

All promotions will be made on the basis of merit. An employee will be promoted only if he or she qualifies for the position applied for and can satisfactorily perform the duties and responsibilities of the vacant position; however, no promotion for male employees between the ages of 18 and 26 will be processed until the Office of Human Resources has received a completed "Selective Service Registration Verification" form. This form can be found online at www.mde.k12.ms.us/human_resources/forms.html.

The application submitted by an employee selected for promotion based on a posted vacancy shall be forwarded to the Mississippi State Personnel Board (MSPB). The MSPB normally approves the promotion based solely on the application and not by a Certificate of Eligibles as is required for applicants outside the Department. The Office of Human Resources must have approval from the Mississippi State Personnel Board and the signed P-2 form by the 12th of the month in order for this type transaction and payroll changes to be effective for that month. A P-2 form is available online at www.mde.k12.ms.us/human_resources/forms.html. **Promotions and Inter-Departmental transfers can only be effective on the 1st of the month.**

EXTERNAL HIRING

The Department of Education actively recruits persons to apply to the Mississippi State Personnel Board by personal contacts with other public entities and private businesses. Recruitment may, at times, be accomplished by advertising vacancies in local newspapers, departmental releases, and trade journals. The area in which the vacancy occurs must contact the Office of Human Resources prior to having any advertisement published. Advertising will not occur if the Mississippi State Personnel Board has qualified applicants on file.

Prospective employees submitting unsolicited applications, resumes or making inquiries directly to the Department will be asked to contact the Mississippi State Personnel Board. All prospective applicants are to apply through the Mississippi State Personnel Board. No individual may be considered a bona fide applicant for any position until his/her name prints on the Certificate of Eligibles (when applicable). The area having a vacancy may request this listing by completing the "Request to Recruit for Employment", (P-1) form, obtaining the required approvals, and submitting it to the Budget Office.

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EXTERNAL HIRING (continued)

The P-1 form is available online at www.mde.k12.ms.us/human_resources/forms.html. The Budget office will forward the P-1 form to the Office of Human Resources for action. Upon receipt of the Certificate of Eligibles, the applicants will be reviewed for eligibility, availability for relocation, and travel where applicable.

INTERVIEW PROCESS

Contact for Interview

The immediate supervisor will notify the applicants chosen for interviews. Notification of interviews will be by telephone, letter or email and will include a description of the position and its duties.

Interviews

All formal interviews will be conducted by the immediate supervisor and possibly an interview committee. When interviewing to fill a professional level position, an interview committee will be used.

Any agency employee interviewing an applicant for a vacant position, whether for original or promotional appointment, should document each interview by making notes and maintaining a file of the following information: job title, interviewer’s name, date and time, names of those interviewed, questions asked, major topics covered, whether or not the applicant was hired, and reasons for hire or non-hire.

Interviews will be based on job related information such as the job description, the Job Content Questionnaire (JCQ), Role Description Questionnaire (RDQ) and performance appraisal duties and standards. Every effort will be taken to ensure that unless job relatedness can be established as a bona fide occupational qualification, interviewers should not ask applicants leading questions including, but not limited to: age or date of birth, arrest or conviction records, credit or garnishment records, family matters such as number and age of children, child care requirements, marital status, health history (including treatment for certain diseases, genetic information or addictions), physical or mental disabilities, whether ever filed or collected worker’s compensation payments, political affiliation, or religious preference.

In an interview with an applicant/employee with a disability, the interviewer may ask if he/she can perform the essential functions of the job with or without a reasonable accommodation. If

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Interviews (continued)

the applicant would qualify for the job by request of accommodation, the interviewer should indicate to the applicant/employee that the department does provide reasonable accommodation(s). The applicant/employee should make suggestions of accommodations and the interviewer should make a list of those suggested. If the interviewer is unsure if the proposed accommodations would cause an “undue hardship” the Director of Human Resources/ADA Coordinator shall be contacted to determine if an accommodations(s) can be provided. If the accommodation can be provided, the interviewer should contact the applicant/employee to inform him/her of the accommodation(s) that can be provided. The applicant/employee with a disability is not required to accept an accommodation which he/she chooses **not to accept**. As a result of not accepting the offered accommodation, if he/she cannot perform the essential functions of the job, he/she would not be considered qualified for that position.

The single most important element in this process is to have clearly defined the essential functions of the position. These essential functions may be outlined on the Job Content Questionnaire (JCQ) or the Role Description Questionnaire (RDQ) for each position.

Reference Checks

All applicants will be asked to provide at least three (3) references during the interview.

The immediate supervisor shall complete the reference check utilizing a Standard Telephone Employment Reference Check form available online at www.mde.k12.ms.us/human_resources/forms.html. At least three (3) references should be contacted for each applicant considered for employment. Although the applicant may provide only three references, the immediate supervisor should also contact individual(s) and employer(s), the applicant did not provide, i.e., former supervisors as listed on the application. The data gathered during the reference check will be provided to the office director or the designated second level interviewer to be utilized in the hiring decision. Before contacting an applicant’s present employer, be certain the applicant has indicated approval to contact present employer. An “Authorization for Release of Information” form is available online at www.mde.k12.ms.us/human_resources/forms.html.

All information obtained during the reference checks will remain confidential. For a person subsequently employed by the Department, this information will be placed in the employee’s personnel folder. For a person not employed by the agency, this information will remain confidential for a period of two (2) years, at which time the information will be destroyed.

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Additional Interviews

Additional interviews may be conducted by any supervisory level and/or the office or division director with those applicants receiving a satisfactory initial interview and reference check. Once a decision has been reached to recommend an applicant, the procedures as described in Employment Processing of this section must be followed.

Applicant Summary

An Applicant Summary must be completed on the top three candidates for professional positions and attached to the “P-2”. The Applicant Summary form may be found online at www.mde.k12.ms.us/human_resources/forms.html.

CRIMINAL BACKGROUND CHECK

Pursuant to MS Code Annotated 37-9-17, applicants recommended for employment at the Mississippi Schools for the Blind and Deaf, Mississippi School for Mathematics & Science and Mississippi School of the Arts must undergo a criminal background check, including fingerprinting, to determine suitability for employment. The applicant must pay the fingerprinting fee. Whenever possible, the results of the criminal background check should be received with no disqualifying information prior to an offer for employment. However, in extraordinary circumstances, an applicant may be allowed to begin work contingent on receiving no disqualifying information from the criminal background check.

DEPARTMENT OF HUMAN SERVICES (DHS) BACKGROUND CHECK

Applicants recommended for employment at the Mississippi Schools for the Blind and Deaf, Mississippi School for Mathematics & Science and Mississippi School of the Arts must undergo a background check at the Child Abuse Central Registry of the Department of Human Services to determine suitability for employment. There is no fee for this background check. The results of the background check should be received with no disqualifying information prior to an offer of employment.

PRE-EMPLOYMENT AND RANDOM DRUG TESTING

Pursuant to 49 C.F.R. Part 40 and the Omnibus Transportation Employee Testing Act of 1991, applicants for employment in safety-sensitive positions which require a commercial driver’s license (CDL) will be required to undergo a pre-employment drug screening for controlled substances. Applicants are required to sign a consent/release form prior to drug screening.

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PRE-EMPLOYMENT AND RANDOM DRUG TESTING (continued)

Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/refuse to execute the required consent/release form.

The Department will also conduct random drug screening of all employees in safety-sensitive positions which require a CDL. Employees will be required to report to the Department’s designated collection site for testing immediately following notification.

EMPLOYMENT PROCESSING

The immediate supervisor must complete the “Employment, Promotion, or Transfer Request” form (P-2), available online at www.mde.k12.ms.us/human_resources/forms.html. The form should be signed by the office director and the appropriate Superintendent’s Management Team member prior to routing it to the Budget office. The Budget office will forward it to the Office of Human Resources for further action.

No recommendation to employ a male between the ages of 18 and 26 will be processed until the Office of Human Resources has a completed Selective Service Registration Verification form, available online at www.mde.k12.ms.us/human_resources/forms.html.

Following notice from the MDE Office of Human Resources of approval by the State Superintendent and, if applicable, Mississippi State Personnel Board to hire the applicant, the immediate supervisor will notify the applicant in writing. **No commitment to employ, oral or written, may be made until this verification notice from the Office of Human Resources is received.** If any oral notification is made, it should be confirmed in writing. (The letter should state the position in which the individual will be employed, the date of employment, and the salary approved by the Mississippi State Personnel Board). An applicant who was not selected for employment will also be informed of the hiring decision in writing.

For Exempt and Time-Limited positions, the Department must have received approval from the Mississippi State Personnel Board before the employee begins work. If a person is selected after the payroll cutoff date, the person may begin work when approval is received from the Mississippi State Personnel Board; however, the new employee will be paid on a supplemental payroll and may not receive his/her first check on regular payday.

If the new employee is just entering state government, he/she will be given a letter by the Office of Human Resources upon entry into a position indicating the 12-month probationary period required of all new employees. If the position is time-limited/non-state service, the new employee will be given a letter stating that the position is time-limited/non-state service and not

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EMPLOYMENT PROCESSING (continued)

permanent. A signed acknowledgment of receipt of the letter (time-limited/non-state or probationary status) will be on file in the employee’s personnel file in the Office of Human Resources. For a new employee transferring within state government, their employment status will not change unless they are transferring from a permanent position into a time-limited/non-state service position or vice versa.

EMPLOYMENT POLICY AND PROCEDURE RESPONSIBILITY

The Office of Human Resources shall have the responsibility to coordinate the hiring of all prospective employees. This responsibility shall include coordinating promotional or recruitment efforts, contact with the Mississippi State Personnel Board, monitoring each prospective applicant’s progress through the recruitment and selection procedures established by the Department, drafting written notifications, and any grievances.

DATE OF INITIAL EMPLOYMENT

The day that the employee reports to work is designated as the date of initial employment and the date the employee’s name goes on payroll. If the date of initial employment falls on the first day of the month and the first day of the month falls on a Saturday, Sunday or holiday, the employee shall be considered reporting to work on the first day of the month. Should an employee’s date of initial employment fall on a date other than the first day of the month, personal leave and major leave will be prorated for their first month of employment.

EMPLOYEE ORIENTATION

After an applicant is selected for employment, an employment date will be determined. The immediate supervisor will be responsible for providing the Office of Human Resources with advance notice of the first workday of a new employee. A new employee with the Department should report on the first workday to his or her immediate supervisor or other designee. Soon thereafter, the Office of Human Resources will contact all new employees for paperwork processing and orientation. A Personnel Officer will have the new employee complete all the required forms for insurance, retirement benefits, withholdings and the flower and gift fund. The employee will also be required to complete the Employment Eligibility Verification Form I-9, available online at www.mde.k12.ms.us/human_resources/forms.html. The employee will be asked to complete a Personal Data form for internal use. The Personnel Officer will also explain additional types of insurance coverage which are available through payroll withholdings. Following the completion of employment paperwork, the new employee will be provided training on the State Employee Handbook and MDE Policy and Procedures Manual.

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EMPLOYEE ORIENTATION (continued)

The immediate supervisor shall be responsible for any office or divisional orientation. The supervisor will also issue the employee his or her supplies and explain the time reporting process and the procedures for traveling, if applicable.

A new employee’s immediate supervisor or designee will explain the Performance Development System and provide the new employee with a complete set of duties and standards for the position. The new employee will read and sign the duties and standards assigned to his or her position within the first fourteen (14) days of employment.

I.D. BADGES

All employees will be issued an I.D. Badge which should be worn at all times when on official duty. Upon termination of employment, I.D. Badges shall be surrendered to the office supervisor. If at any time during active employment an employee loses their I.D. Badge, a replacement badge should be requested from the Office of Human Resources. There is a cost of \$5.00 for replacement badges.

PAYROLL

All full-time employees are paid once a month on the last working day of each month and the pay warrant reflects compensation for that month.

Part-time/hourly employees are paid twice per month; on the 15th of each month for hours worked the 16th through 31st of the previous month and paid on the last working day of each month for hours worked the 1st through 15th of the current month.

The State’s payroll system will not allow for a salary to be paid in advance. Payroll warrants cannot be issued until payday and will not be issued to anyone other than the employee unless the employee makes arrangements with his/her director and designates someone to receive the warrant in his or her absence. Employees unable to receive their warrants in person may request them to be mailed to a designated address.

Direct Deposit is available to all employees who are paid monthly and have at least 20 hours of accrued personal leave time plus the amount accruing to their leave balance for the current month. For new employees, direct deposit of monthly earnings will be delayed until the minimum personal leave time has accrued. If while enrolled in direct deposit, the employee’s personal leave balance falls below 20 hours, he/she will automatically be taken off direct deposit and he/she will receive a paper check until such time as he/she re-enrolls for direct deposit.

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PAYROLL (continued)

An employee may withdraw from direct deposit at any time. A change form must be submitted to affect this withdrawal. **However, there will be a six (6) month waiting period if an employee wishes to re-enroll after voluntary withdrawal or if he/she is canceled because of insufficient personal leave.**

In order to enroll for Direct Deposit, an employee may pick up the necessary forms from the payroll office or the Office of Human Resources. If the payroll office or the Office of Human Resources receives an email requesting a direct deposit form/bank account information, verbal confirmation must be received from the employee prior to replying to the email requesting a change to direct deposit/bank account information. Processing for direct deposit takes approximately six (6) weeks; therefore, if an employee enrolls by the payroll cutoff date of any given month, direct deposit will begin the following month.

Employees will receive a statement of earnings and withholdings each month on their check stub. Insurance coverage, federal and state tax withholdings, deferred compensation, and credit union deductions all affect an employee's withholdings. If an employee wishes to make any change which will affect his or her payroll withholdings, he/she should contact the Payroll office. The Payroll office will have the employee complete the required forms in order for the adjustments to become effective. **The Office of Human Resources also has the appropriate forms to change federal and/or state withholdings.** Any changes requested after payroll cutoff will not go into effect until the following month. Each employee is also responsible for ensuring their personnel records are correct and current. **Employees are required to report any change of information on these records (i.e., name, address, telephone number, increase or decrease in dependents, etc.) to the Office of Human Resources.**

An employee has thirty-one (31) calendar days to add a dependent after birth or adoption, or a spouse after marriage to their health insurance policy. For more information on special enrollments or change in family status, please refer to the "Summary Plan Description" booklet provided by the Department of Finance and Administration (DFA), Office of Insurance.

In addition to the above, garnishments are recognized as payroll deductions. Employees receiving garnishments will be notified upon receipt and should expect to have their checks show a deduction for the garnishment(s) until the full amount owed is paid. Questions concerning garnishments should be addressed to the judge/court issuing the garnishment order and not to the Office of Human Resources or the Payroll office.

Any new employee whose initial appointment is not approved by the Mississippi State Personnel Board prior to the payroll cutoff date and any employee whose pay is docked or who terminates

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employment after this date, may not receive his or her warrant on the regular payday. In most instances, the employee will be paid on a supplemental payroll. When a supplemental payroll processes, employees will be paid with a “paper” warrant. There is no direct deposit for a supplemental payroll.

REALLOCATION PROCEDURES

Whenever possible, upward reallocations should be addressed in the annual budget request; however, in instances when an “emergency” reallocation may be warranted, the supervisor must make his or her request to the Office director. All reallocation requests shall have a written letter of justification submitted with the request. The Office director will submit the request to the appropriate Superintendent Management Team member. When the Superintendent Management Team member approves the reallocation request, it will be forwarded to the Office of Human Resources for review/action, including approval by the State Superintendent

PROMOTIONS

Any employee of permanent or probationary status, who has received a “Successful” (2.0) performance evaluation in accordance with Mississippi State Personnel Board regulations, may be considered for a promotion to fill a vacancy within the agency. The minimum qualifications listed for the vacant position must be met in order to apply for a promotion. Any state service employee who has permanent status and is promoted will retain permanent status. Any state service employee who is probationary and is promoted will retain probationary status until completion of the twelve (12) month probationary period from the original employment date.

CHANGES IN EMPLOYMENT

All in-house promotions/transfers, reclassifications, or reallocations shall be effective on the 1st day of the month.

SALARY INCREASE

Funds for state employee salary increases are appropriated by the State Legislature in MDE’s appropriation bill, when applicable.