



DEPARTMENT OF MENTAL HEALTH  
ADDENDUM  
TO THE  
*MISSISSIPPI STATE EMPLOYEE HANDBOOK*

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MISSISSIPPI DEPARTMENT OF MENTAL HEALTH

ADDENDUM

TO THE

*MISSISSIPPI STATE EMPLOYEE HANDBOOK*

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Diana S. Mikula, Executive Director

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## INTRODUCTION

As an employee of the Department of Mental Health (DMH), you have been provided access to a copy of the *Mississippi State Employee Handbook* prepared by the Mississippi State Personnel Board. The *Mississippi State Employee Handbook* contains the rules and regulations for State employees under the purview of the Mississippi State Personnel Board. Since DMH has a special mission in providing mental health services to Mississippians, it has unique responsibilities which require an addendum to the *Mississippi State Employee Handbook* so that all employees may have an understanding of the responsibilities and expectations of DMH. The *Department of Mental Health Addendum to the Mississippi State Employee Handbook* contains special requirements and rules for DMH employees. This addendum is not exhaustive of all policies and procedures an employee must follow; therefore, each employee is also responsible for adhering to the policies and procedures of the program where they work.

The *Mississippi State Employee Handbook* and this addendum will serve as an employee's DMH employee handbook. Please read both booklets carefully and follow all of the rules and regulations.

# DEPARTMENT OF MENTAL HEALTH

## State of Mississippi

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Diana S. Mikula - Executive Director

Dear New Employee:

It is my pleasure to welcome you to the Mississippi Department of Mental Health. I hope to have the opportunity to meet you personally when I visit your program location.

Our primary mission is to support a better tomorrow by making a difference in the lives of Mississippians with mental illness, substance abuse problems, and intellectual and developmental disabilities one person at a time. The last part of our mission statement is extremely important – one person at a time. We strive to be person-centered and focus on the individual throughout their care. People are the heart of the public mental health system and our goal is to make a difference in their lives. We believe in the people we serve, our vision and mission, our workforce, and the community-at-large. We are committed to assisting people in improving their mental health, quality of life, and their acceptance and participation in the community. This is all part of the recovery process.

We want you to enjoy your work and feel that you are a part of something very important. The Department of Mental Health takes pride in promoting a work environment that is enjoyable and conducive to opportunities for development and a feeling of accomplishment. We are also committed to making the best use of the resources provided to us through the Mississippi State Legislature.

You are a vital part of helping to accomplish our overall mission. As you come to know the individuals you serve, we hope you will develop a caring, compassionate relationship with each person. Pride in your work and a sense of responsibility will lead to the cooperative effort we must all make to provide quality service. This is the key to our success as a group of professionals and the key to supporting a better tomorrow for the people we serve.

Again, I welcome you to your new job.

Sincerely,

A handwritten signature in black ink that reads "Diana S. Mikula". The signature is written in a cursive style.

Diana S. Mikula  
Executive Director



PROGRAM DIRECTOR'S LETTER OF WELCOME

## PREFACE

The Mississippi Department of Mental Health (DMH) provides a comprehensive service delivery system to people who have an intellectual and developmental disability, other developmental disabilities, mental illness, or substance abuse problems. These services are located throughout the state among residential programs, hospitals and non-residential program sites. Terminology used at those locations may differ according to the services provided to individuals and their families. Terms commonly used by DMH are defined below.

- The phrase, “Executive Director” refers to the Executive Director of the Mississippi Department of Mental Health.
- The phrase, “Program Director” refers to the Director of a program operated by the Mississippi Department of Mental Health.
- The words “employee” or “employees” refer to employees of the Mississippi Department of Mental Health (DMH).
- The words “people” or “people receiving services” refer to any patient, resident, individual or individual of any DMH program.
- The phrase “Human Resources Office” refers to the department that provides employment service functions.
- The phrase “Risk Management Officer” or “Risk Management Office” refers to the department that provides safety and security functions.

## SECTION I - SELECTION AND EMPLOYMENT

### A. HUMAN RESOURCES OFFICE

The Human Resources Office within the Central Office and at each program serve both employees and the Department of Mental Health (DMH). The Human Resources Office is responsible for recruiting, screening and referring applicants to the various areas that provide individual services. DMH complies with the personnel principles of the Mississippi State Personnel Board, in that recruitment, selection and advancement of employees is based upon relative ability. Open consideration is given to qualified applicants for initial appointment.

The Human Resources Office is the designated office for providing references. No employee may provide an agency reference other than the official Human Resources Office reference. Employees who wish to give references may only do so as personal, individual references, and cannot make professional references as representing DMH or a DMH program.

### B. EQUAL OPPORTUNITY

Equal employment opportunities to all persons in compliance with state and federal law is the policy of DMH. In order to assure non-discriminatory personnel administration, DMH promotes non-discriminatory practices and procedures in all phases of employment. The DMH equal opportunity policy prohibits any form of unlawful discrimination based on the foregoing and other considerations made unlawful by federal or state laws.

It is the view of DMH that equal employment opportunity can only be attained through state agency commitment to complying with all applicable laws affording equal opportunities to individuals including, among others, persons with disabilities. Accordingly, it is imperative that state agency employees make all personnel decisions in accordance with Mississippi State Personnel Board policies, practices and procedures.

Equal employment does not guarantee an employee any rights not otherwise provided by law.

### C. SOCIAL SECURITY CARDS AND IDENTIFICATION

Applicants must present their Social Security cards as issued by the Social Security Administration and one other form of picture identification to the Human Resources Office. At the discretion of the Executive Director or the Program Director, an

applicant's W-2 forms, military records, driver's license, Mississippi Employment Security Commission certification or telephone verification with the Social Security Administration may be accepted. Under this provision, however, the employee must provide a duplicate Social Security card within 90 calendar days.

D. IMMIGRATION AND CONTROL ACT

Under the Immigration Reform and Control Act of 1986, it is unlawful to employ an individual who is not in compliance with current immigration laws. New employees and employees hired after November 6, 1986, must furnish certain documents and attest on a form establishing both the employee's identity and eligibility for employment within 72 hours. Failure to comply with the requirements of this act may result in dismissal or refusal to employ. All DMH programs shall comply with any legally required residency verification programs, such as "E-verify."

E. DRUG FREE WORKPLACE

DMH certifies compliance with federal law regarding drug free workplace (41 USC 701). Specific information concerning this policy may be obtained through the Human Resources Office. Under the Drug-Free Workplace Act of 1988, the DMH prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by employees in the workplace. All employees are required to sign a statement at the time of hire acknowledging awareness of the drug-free workplace policy. Violations of the Drug-Free Workplace Act of 1988 may result in disciplinary action and may result in termination.

F. DRUG AND ALCOHOL TESTING

All new employees of the Department of Mental Health are required to submit to a drug test. In addition, random, for cause/reasonable suspicion, post-accident/incident, and follow-up drug and alcohol screening may be conducted on existing employees. Refusal to submit to a test may result in dismissal or refusal of employment. Persons found to have used illegal drugs may be terminated or refused employment. Persons found to have improperly used prescription drugs may be terminated or refused employment. Persons found to be under the influence of alcohol while at work or during a pre-employment screening may be terminated or refused employment.

Employees who self-refer to the Employee Assistance Program for substance abuse counseling prior to being directed to take a drug and alcohol test may not be terminated for substance abuse at that time. However, attempted self-referral to such a program after being directed to take a drug and alcohol test and/or repeated and/or excessive self-referrals may subject the employee to discipline.

Employees may be removed from the workplace pending EAP evaluation, if applicable. Upon release by the EAP for work or reinstatement, the employee will be subjected to a re-entry drug and alcohol test and follow-up testing. The employee will also be required to sign a re-entry agreement.

G. BACKGROUND CHECKS AND FINGERPRINTING

Employees are charged with the care and safety of vulnerable children and adults. In an effort to assure the safety of individuals, all employees are subject to background checks and fingerprinting for any relevant criminal activity. Negative results of a background check or fingerprinting can result in dismissal or refusal to employ or promote.

H. TUBERCULOSIS TESTING

When required by the agency, employees must submit to a tuberculosis (TB) skin test, IGRA tuberculosis (TB) blood test, and/or chest x-ray. Refusal may result in termination or refusal to employ.

I. NEW EMPLOYEE ORIENTATION

Orientation for all new employees is conducted by the employing program. The orientation program provides an introduction to the program and instruction regarding its rules, regulations and policies. Orientation is conducted on program time. Attendance is required as scheduled.

Employees may be allowed to report to work without attending orientation if necessary to maintain adequate program operation. These employees must attend the next scheduled orientation.

Detailed job training and instruction may be conducted in each department as an ongoing supplement to basic orientation topics.

J. PROBATIONARY PERIOD AND TERMINATION AT WILL

All new employees must successfully serve a twelve-month probationary period. This period gives the employee's supervisor an opportunity to determine whether the employee satisfactorily performs the work assigned. It also gives employees an opportunity to decide whether they are satisfied with the job. During this twelve-month probationary period, the employee is Non-State Service and may be dismissed or otherwise adversely affected as to compensation or employment status, with or without cause and is not entitled to due process of the law.

K. NON-STATE SERVICE, TIME-LIMITED AND CONTRACT EMPLOYEES

Employees who hold non-state service positions cannot attain State Service status while employed in a Non-State Service position. Employees who hold time-limited positions are in positions that may be funded by temporary sources. As such, each applicant who accepts appointment to a non-state service and time-limited position shall be given written notice by DMH prior to the appointment that he or she may be dismissed or otherwise adversely affected as to compensation or employment status, with or without cause and is not entitled to due process of law.

Contract employees are employees who have been hired through a written contract with DMH or a program location and approved in compliance with the rules and regulations promulgated by the State Public Procurement Review Board under Section 27-104-7. Contract employees are not entitled to the same rights and benefits of either state service or non-state employees but are required to comply with the same standards of conduct and perform pursuant to the same obligations. Contract employees are subject to dismissal pursuant to the terms of their contract.

L. JOB DUTIES AND PERFORMANCE REVIEW SYSTEM

DMH and its programs operate in an environment of constant challenges. The needs of the people we serve, and the changing environment of care require all employees to be adaptable and open to new job duties. As the needs of DMH change, an employee's shift assignment, schedule, duties, performance standards, and work location may be changed, at the discretion of the agency.

DMH and its programs use an established employee performance review system. This system is designed to measure an employee's competence and performance of his/her assigned duties. DMH and its programs establish the duties and performance standards upon which an employee's performance may be reviewed. At the discretion of DMH or the program, an employee's duties and performance standards may be changed. Every employee whose position is under the salary setting authority of the MSPB must have their job performance assessed at least once annually.

*Mississippi Code Annotated §25-9-127* provides that a state service employee may be dismissed or otherwise adversely affected as to compensation or employment status for inefficiency or other good cause. Failure to receive a Successful rating at the conclusion of a Review Period is considered to be inefficiency or other good cause warranting possible corrective or disciplinary action. In addition, failure to perform job duties before the conclusion of a Review Period may warrant immediate corrective or disciplinary action at any time. (See *MSPB Employee Handbook Section 7*).

M. PERSONNEL RECORDS

Personnel records are exempted from the Public Records Act (*Mississippi Code, 1972, Annotated*, Section 25-61-1 et seq.). Therefore, information may not be released without written permission of the employee, court order, or other legal authorization.

N. WORK LOCATION AND TRANSFERS

Work location, transfers and shift assignments are made at the discretion of the agency. Transfers between shifts, buildings, departments, or programs may be made at any time the Program Director, Executive Director or their designee determines it to be necessary. Transfers and movement between work locations and shifts are not punitive and are not made in order to discipline an employee, but may coincide with the receipt of discipline so as to provide the employee with a fresh working environment or for other agency purposes. An employee wishing to transfer may request the transfer with the Human

Resources/Personnel Officer. Employees must have been on a job or shift for six months before an employee's request for transfer may be considered, though the Program Director, Executive Director or their designee may transfer an employee or change an employee's work location or shift assignment at any time regardless of time on the job. As the needs of DMH or the program change, an employee's shift assignment, schedule, duties, performance standards and work location may be changed.

O. PROMOTIONS

Qualification with the State Personnel Board is necessary for promotion. See the *Mississippi State Employee Handbook*, for detailed explanation. The Human Resources Office may also provide information regarding promotional opportunities and the application process.

P. EMPLOYMENT OF RELATIVES

DMH may accept employees' recommendations of relatives or close friends for employment. Relatives may receive full consideration for employment provided they qualify for job vacancies on their own merits. Employment in a position supervised by a relative may be prohibited.

Q. EMPLOYMENT OF MINORS

Individuals under the age of eighteen (18) years may not be employed unless he or she has a high school diploma, GED or Certificate of Completion, or is an emancipated minor. The Executive Director or Program Director may make exceptions for workers seeking employment during summer months.

R. ELIGIBILITY FOR RE-EMPLOYMENT

Only those former employees who are recommended for re-employment may be considered for rehire. Employees who are terminated with cause may not be eligible for re-employment at any DMH program. In some instances, the employee may be eligible for re-hire at a DMH program should the DMH Program Director decide to grant a waiver.

A ten (10) working day resignation notice is acceptable for direct support professionals, nursing and support staff. However, management, administrative and professional employees are required to provide a thirty (30) calendar day notice. Because of each programs' unique staffing challenges and needs, nursing staff at some program locations may be required to give a thirty (30) calendar day notice. Employees who do not give proper notice as required by each program prior to leaving employment or are in breach of an educational leave contract may not be eligible for rehire in any Department of Mental Health program.

S. SELECTIVE SERVICE SYSTEM REGISTRATION

Every male applicant between the ages of 18 and 26 seeking employment with the State of Mississippi is required to register with the United States Selective Service System. An applicant must provide documentation of his compliance with registration requirements of the Military Selective Service Act prior to his appointment.



## SECTION II - TIME AND ATTENDANCE

### A. SHIFT SCHEDULES

Many DMH programs provide services 24 hours per day, seven days per week. Employees may be assigned to a shift by their department supervisor. As needs of DMH or the program change, an employee's shift assignment, schedule, duties, performance standards, and work location may be changed.

### B. WORK WEEK AND OVERTIME

Ideally, normal work schedules should not exceed 80 hours in a 14-day work period (40 hours for seven days or 80 hours for 14 days). Employees not exempt by the Fair Labor Standards Act or approved for call back/overtime pay may earn compensatory time at the rate of one and one-half hours for each hour worked over these limits. Employees exempt by the Fair Labor Standards Act may earn compensatory time at the rate of one hour for one hour worked.

Mandatory overtime is a staffing strategy of last resort, limited to situations where individuals are in danger of not receiving their basic care requirements. Programs also must comply with necessary staffing ratios as required by licensing authorities. Because of this, mandatory overtime may be required of employees, even when the employee does not wish to work overtime and may be on a regularly scheduled day off. Employees must be available on short or no notice to work overtime. Failure to do so may result in disciplinary action, up to and including termination.

### C. DAILY TIME SHEETS

Daily time sheets may be used in lieu of time clocks. Time sheets may be maintained in each employee's department. If so, employees may be required to sign in and record the time. Falsifying a time sheet or tampering with time sheets in any manner may result in termination.

### D. TIME CLOCKS

Where in use, the time clock will provide the official time for recording an employee's arrival and departure from the work site. Employees are to clock in at the beginning of their shift and clock out at the end of their shift, pursuant to DMH and program guidelines promulgated at each program location. Unauthorized modification of time, clocking in or out for another employee or tampering with a time card system in any manner may result in termination. Only designated supervisory personnel have the authority to modify the time in the time management system.

Employees who log excessive “missed punches” may be subject to discipline. Loss of identification badges used to document time in electronic time-keeping systems must be reported before the beginning of the employee’s shift, or the employee may be subject to discipline.

E. ABSENTEEISM

Absenteeism results when an employee fails to report to work as scheduled without prior approved leave status (e.g., personal, major medical) or without an excuse acceptable to management. Each program, in order to meet the special needs of the population it serves, may develop its own program specific absentee policy consistent with State Personnel Board guidelines and the Fair Labor Standards Act.

Chronic absenteeism is defined as three (3) or more incidents of unauthorized absence without required notification and satisfactory explanation to the supervisor or the appointing authority in a timely manner within any ninety (90) day period.

An absence may not be excused if the employee has frequently requested excuses in the past or if the excuse is requested for absence immediately following or preceding a weekend, holiday, regularly scheduled day off or if excuse is for frequent transportation trouble.

An employee absent in excess of three consecutive, unexcused work days may be considered to have abandoned his/her position and may be terminated.

Adequate staffing is necessary to ensure the safety and well-being of individuals and employees. Repeated violations of program attendance policy or chronic absenteeism may result in termination as provided in the *Mississippi State Employee Handbook* and this Addendum. Employees scheduled to work on a weekend who are unable to work may be required to work their next scheduled weekend off.

Attendance is an essential function of DMH program employment. If an employee is unable to attend to assigned duties because of illness, injury or disability, their absence falls outside of FMLA leave and no reasonable accommodation can be provided, an employee may be terminated from their position, even if the employee’s absence is excused by a physician. Such terminations of employment are not disciplinary in nature and should the health of the dismissed employee improve they may reapply for any open position for which they qualify.

F. TARDINESS

Employees may be docked for unexcused time late and be subject to disciplinary action which may result in termination as provided in the *Mississippi State Employee Handbook* and this addendum. Each program, in order to meet the special needs of the population it serves, may develop its own program specific tardiness policy consistent with State Personnel Board guidelines and the Fair Labor Standards Act.

## SECTION III - WAGES AND LEAVE

### A. PAY SCHEDULE

All employees may be paid by check or direct deposit on a schedule to be determined by the Executive Director or Program Director. The check an employee receives is compensation for work during the preceding pay period.

All employees may request that their paycheck be directly deposited to his/her bank account. Terminating employees' direct deposit may cease prior to their final two paychecks. Further information can be obtained from the Payroll Office.

The system of issuing checks may depend upon the policies of DMH or the program. An employee may be required to furnish appropriate identification before his/her check may be released. An employee's check may not be given to anyone else without prior written approval. An employee who is unable to get his/her check may request that it be mailed. An employee who is terminating or terminated may be required to have his/her final check mailed.

No pay advances are possible under the State of Mississippi payroll system, and it is not possible to print or issue a check prior to the regularly scheduled payday.

If an employee has a question concerning his/her check, it should be discussed with the Payroll Office. If the Payroll Office cannot supply an adequate explanation, the employee may consult with the Human Resources Office. Employees must follow this procedure when a question concerning their check arises.

### B. STANDBY CONDITIONS

Standby is a condition under which the employee may come and go as he/she pleases, maintaining contact with a minimum delay for return to the assigned duty within a reasonable length of time. When an employee is on standby as specified in writing by the Program Director, that employee may be eligible to receive standby pay.

### C. CALL BACK/OVERTIME PAY

Call back or overtime pay is to be utilized and authorized only for employees approved by the State Personnel Board to receive such compensation to provide services outside those normally expected of the employee while fulfilling his/her regular duties.

D. COMPENSATORY TIME

All compensatory time earned must be pre-approved. Each agency director shall routinely monitor that the compensatory time was earned in accordance with agency policy. Unauthorized compensatory time earned may result in disciplinary action. Employees wishing to use earned compensatory time must follow the same procedure for its use as for requesting approval of other forms of leave. An employee's use of personal or major medical leave may be substituted with previously earned compensatory time with or without the employee's consent.

E. SHIFT DIFFERENTIAL

A number of key personnel may be required to work a shift other than the regular day shift on a continuing basis and may be certified to receive shift differential compensation. The Human Resources Office maintains a list of positions which are eligible for shift differentials as authorized by the State Personnel Board.

F. HOLIDAY PAY

An employee must work, be on a regularly scheduled day off or on approved leave status on the day immediately prior to or following a holiday to be eligible for holiday benefits. Holidays will not be charged against personal or major medical leave of employees on approved paid leave status.

Employees not required to work because of the holiday will receive holiday pay. Employees not scheduled to work on a holiday will be given holiday leave. The provisions of this paragraph may be applied to part-time employees on a pro rata basis. Contract employees will be paid pursuant to the terms of their contract, which may or may not include holiday pay.

G. PERSONAL LEAVE

Personal leave may be taken at any time provided it is approved in advance by the employee's supervisor, consistent with the program's leave policies and directives. An employee may be required to make his/her request for personal leave prior to the posting of his/her department's work schedule covering the time for which personal leave is requested. Each program, in order to meet the special needs of the population it serves, may develop its own program specific leave policies consistent with State Personnel Board guidelines and the Fair Labor Standards Act. See the *Mississippi State Employee Handbook* for more detailed information regarding personal leave.

## H. MAJOR MEDICAL LEAVE

A doctor's statement must be turned in to the employee's supervisor the same day the employee returns to work; otherwise, the statement may not be accepted, and major medical leave may not be allowed. When a doctor's statement limits or qualifies an employee's ability to perform, the employee may be permitted to return to work only at the discretion of the Executive Director or Program Director.

An employee with a history of excessive major medical leave usage may be required at the agency's discretion to provide certification by a medical doctor to excuse an absence less than 32 consecutive hours. Such unexcused absences may subject the employee to disciplinary action, but shall not affect their use of major medical leave for periods less than the previously mentioned 32 consecutive hours.

The doctor's statement may be verified with the doctor. Altering, submitting, or falsifying a doctor's statement may result in termination.

Statement from physicians employed by DMH or programs may not be accepted for major medical leave purposes, unless the employee is also an individual receiving services through a DMH-related program and the excuse was given in the normal course of the individual's treatment. Physicians on programs' staff are under the supervision of DMH and are employed to treat individuals under DMH programs' care. Under most conditions, DMH physicians are not allowed to treat employees on department time or in department programs.

See the *Mississippi State Employee Handbook* for more detailed information regarding major medical leave.

## I. FAMILY AND MEDICAL LEAVE ACT

When the determination has been made by the Human Resources Director that a qualifying event has occurred, the employee may be placed on Family Medical Leave (FML) and major medical leave concurrently. FML may be made retroactive back to the first day of the qualifying absence.

Employees may use FML only for the stated, allowable purposes. An employee's misuse of or misrepresentation of need for FML may result in termination. Specific details of the use and administration of the FMLA are contained in the *Mississippi State Employee Handbook*.

J. ADMINISTRATIVE LEAVE

The Executive Director or Program Director may grant administrative leave to any employee serving as a witness, juror or party litigant. Verifying documentation (e.g., court summons) must be turned in to the employee's immediate supervisor. See the *Mississippi State Employee Handbook* for more detailed information regarding administrative leave.

The Governor, Executive Director or Program Director may grant administrative leave with pay to state employees on a local or state-wide basis in the event of extreme weather conditions or in the event of a man-made, technological or natural disaster or emergency. Any employee on a previously approved leave shall be eligible for such administrative leave granted by the Governor or appointing authority, and shall not be charged for his or her previously approved leave.

The Executive Director or Program Director may grant administrative leave with pay to any employee who is a certified disaster service volunteer of the American Red Cross (hereinafter referred to as "ARC") and who participates in specialized disaster relief services for the ARC in this State and in states contiguous to this State when the ARC requests the employee's participation. Administrative leave granted under this paragraph cannot exceed twenty days in any twelve-month period. An employee on leave under this paragraph is not considered to be an employee of the State for the purposes of workers' compensation or for purposes of claims against the State. As used in this paragraph, the term "disaster" includes disasters designated at level II and above in the ARC national regulations and procedures.

K. SUSPENSION WITH PAY

An employee may be placed on suspension with pay by the program while an investigation is being conducted. This may be done to protect the individuals, protect the accusers, and/or to protect the accused employee. Employees on suspension with pay under such circumstances must be available during working hours to return to the program when directed.

L. OTHER TYPES OF LEAVE

For information concerning military leave, leave usage during pregnancy, leave without pay, or any other type of leave, see the *Mississippi State Employee Handbook* for more detailed information. Each program, in order to meet the special needs of the population it serves, may develop its own program specific leave policies consistent with State Personnel Board guidelines and the Fair Labor Standards Act.

M. INCLEMENT WEATHER AND OTHER EMERGENCIES

The Program Director may designate which employees are considered essential employees and are not exempt from work because of inclement weather and other emergencies. Depending upon the nature of the emergency and because of the special population each program serves, Program Directors may designate *ALL* employees as essential employees who must report to work during any emergency. Such employees are expected to report to work as scheduled. Employees who do not report to work may be placed on leave without pay and may receive disciplinary action. Absence due to illness on days designated for inclement weather or other emergencies must be confirmed by a physician's statement.

Public news bulletins referring to state employees not being required to work because of inclement weather do not apply to DMH employees because of DMH's constant requirement of quality care. However, employees who are required to work when state government offices in their vicinity are closed due to inclement weather or other emergencies may be deemed by the Program Director to be working "after normal working hours" and be eligible for compensatory time, at the Program Director's discretion.

DMH residential programs in some areas may implement "lock-in" policies in the event of inclement weather or other emergencies. A "lock-in" requires that certain employees remain within the program location during the planned event, while other employees remain out of the program location and do not come to work. "Lock-in" policies are unique in nature, must be approved by the DMH Executive Director or designee, and do not operate under the same compensatory time procedures as the normal inclement weather policy.

N. TIME OFF FOR VOTING

When circumstances make it impossible for an employee to vote either before or after hours of work, the employee must notify his/her supervisor one week in advance so that the employee may be excused with pay for up to one hour to vote during working hours.

O. GARNISHMENTS

Deductions arising from garnishments, IRS levies, bankruptcy proceedings, child support payments, etc. will be recognized as valid payroll deductions. Employees will be notified upon receipt of a notice of such action and should expect to have their checks reflect the required deduction.



P. REST PERIODS

An employee's supervisor may allow a 15-minute rest period in the first four hours of the shift and a 15-minute rest period in the second four hours of the shift if needs of DMH or the program can be met. Program rest periods will be taken only in designated areas.

Rest periods are not cumulative and must be scheduled and approved in advance by an employee's supervisor prior to the time being taken.

An employee who takes a break in excess of 15 minutes or who takes an unauthorized or unscheduled break may not be compensated for that time. Further, the employee may be subject to disciplinary action.

Q. CONTINUED INSURANCE COVERAGE

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides that your health insurance coverage under the group policy may continue after a qualifying event. The qualifying employee or qualifying beneficiary must pay the employee and employer cost of coverage. Should an employee elect continued health coverage, the employee must notify the Human Resources Office/Payroll Office within 60 days of the qualifying event.

Copies of the form to elect continued health coverage may be obtained by contacting the Human Resources Office or Payroll Office.

R. REDUCTION IN FORCE (R.I.F.)

DMH and its programs may perform a reduction in force when necessary to reduce the number of employees in an organizational unit. Such reductions in force may be necessary for budgetary reasons, because of a changing mission, or for other reasons, and are not grievable. Please see the *MSPB Policy and Procedures Manual* for specific details.

## SECTION IV - GENERAL INFORMATION AND POLICIES

### A. TRAINING AND DEVELOPMENT

DMH and its programs make every reasonable effort to afford its employees the opportunity for increased knowledge, education, training and experience. Employees are encouraged to avail themselves of these opportunities to maintain job skills and learn more about the job environment so they may be prepared if the opportunity of a promotion occurs. Information concerning DMH's educational leave policies and other training opportunities can be obtained through the Human Resources Office or Staff Development Office.

### B. LICENSURE, REGISTRATION AND CERTIFICATION

Employees whose position requires licensure or certification are responsible for keeping such licensure current and in effect. If a license is required, the employee must possess such license prior to employment. The employee will be responsible for providing a current valid license or certificate to the Human Resources Office for placement in the employee's personnel file. Failure to maintain applicable licensure, registration, and/or certification required for the position may result in termination.

### C. DEPARTMENT OF MENTAL HEALTH LICENSURE/CERTIFICATION

DMH maintains its own Professional Licensure and Certification program. Professional staff of the Central Office and programs may be required to obtain licensure or certification. For details on making application for DMH Licensure/Certification, contact the Human Resources Office or the Division of Professional Licensure and Certification in the Central Office.

### D. CHANGE OF PERSONNEL DATA

Individual employee personnel records must be correct and current at all times. Each employee is required to report any change of name, address, telephone number, increase or decrease in dependents, request to maintain insurance while on leave without pay, etc. to the Human Resources Office. Failure to comply with this requirement may result in disciplinary action.

### E. IDENTIFICATION BADGES

A picture identification badge will be provided to all new employees. Each employee must wear his/her identification badge to purchase program meal tickets, to use the program cafeteria or to use other authorized employee resources.

While on duty and on grounds, employees will wear the identification badge at all times. Failure to comply with this requirement may result in disciplinary action.

If the identification badge is lost or stolen, the employee should report the loss immediately to the Human Resources Office or designated department. The employee may be responsible for cost associated with the replacement of a badge. Loss of identification badges used to document time in electronic time-keeping systems must be reported before the beginning of the employee's shift, or the employee may be subject to discipline.

F. UNIFORMS

A program may issue uniforms to certain employees. If an employee is issued a uniform, it is his/her responsibility to wear the uniform in the proper manner, keep it clean and in a state of good repair and appearance. The uniform must be returned upon termination of employment at the program's request.

G. PERSONAL PROPERTY

Employees should not leave personal valuables in their desk or elsewhere in the workplace. If an employee has a desk with locks, he/she must make certain his/her responsible supervisor has a duplicate key. Although the Department takes every reasonable precaution against theft of personal property, the responsibility for personal property rests with the individual employee.

DMH and the program retain the right of access to any desk, locker, storage area or work area at any time. DMH and the program also reserve the right to access any container, bag, vehicle or electronic device brought into the workplace.

H. LOST AND FOUND

DMH and the programs provide lost and found services. Any article found should be turned in to the program's lost and found. Anyone losing an article should consult the program's lost and found.

I. DRIVING PRIVILEGES AND PARKING PERMITS

All employees must display a valid, current license plate on their personal vehicles. Parking permits (stickers) may be required for all personal vehicles. An employee is required to display the sticker in the required place on the personal vehicle. If the sticker is lost or the employee changes vehicles, a new sticker should be acquired.

Employee drivers will have valid drivers' licenses and will comply with all safety

precautions and traffic regulations. Drivers shall exert caution so that individuals are protected at all times from traffic hazards.

Employee drivers who disregard safety precautions and violate traffic regulations may be ticketed and fined. Employee drivers may also be subject to other disciplinary action including termination.

Employees who do not live on the program grounds may be issued no more than two parking permits without specific approval of the Program Director. Failure to properly display a parking permit, using a parking permit to enter program grounds without justification, reckless driving, allowing a non-employee to abuse parking permit and failure to secure a parking permit may result in the employee's parking permits being revoked or suspended. The employee may not be allowed to drive any vehicle on program grounds during the revocation or suspension period. A written reprimand may be placed in the employee's record. Further disciplinary action may be taken if deemed necessary.

If parking privileges are reinstated, only one parking permit may be issued for the next year. Any rule violation requiring the revoking of a parking permit a second time within one year may result in the parking privilege again being revoked or suspended. Continued violation within one year may result in termination of employment.

In cases where the employee needs to drive a state vehicle during the revocation or suspension period, written authorization from the Program Director or his designee may be secured, and a copy of such approval forwarded to all departments responsible for state vehicles and the Human Resources Office.

J. DRIVING FOR WORK AND STATE-OWNED VEHICLES

State-owned vehicles of any kind are to be used only by authorized employees and only in the transaction of necessary DMH or program business. Employees must have a driving record acceptable to management in order to operate state owned vehicles.

All operators of state-owned vehicles and employees who operate their personal vehicles in the course and scope of their employment should possess a valid Mississippi driver's license for the type of vehicle to be operated, though licenses from states bordering Mississippi may be accepted if approved by SPB and state fleet management policy. Authorized operators will have a current, valid driver's license in their possession whenever operating a state-owned vehicle. All operators of state-owned vehicles must have a copy of the current license on file with the program or designated program department in charge of transportation.

Any revocation or suspension of the license must be reported to the Human Resources Office immediately. Failure to comply with this requirement may result in disciplinary action.

All operators of state-owned vehicles and employees who operate their personal vehicles in the course and scope of their employment must show proof of insurability. Employees

who do not own or operate a personal vehicle are exempt from this requirement, but must have a driving record acceptable to management in order to operate a state-owned vehicle.

Authorized operators of state-owned vehicles and employees who operate their personal vehicles in the course and scope of their employment must abide by all federal and state laws for vehicular operation. Authorized operators are required to ensure use of seat belts for driver and all passengers in accordance with Mississippi state law. Authorized operators should maintain the vehicle in sound working order while in their possession for use.

The state does not have liability insurance on vehicles or drivers. Employees are covered by the Mississippi Tort Claims Act and Tort Claims Fund (a state agency “insurer”) while operating a state-owned vehicle in the normal course of their duties. DMH and the program will not be responsible for any penalty imposed on an authorized operator of a state-owned vehicle due to an infraction of law by the driver. DMH and the program are also, not responsible for willful or criminal acts while employees are operating state-owned vehicles.

#### K. WORKERS’ COMPENSATION

DMH follows state laws and guidelines regarding Workers’ Compensation. See the *Mississippi State Employee Handbook* for more detailed information regarding personal leave.

Each program has safety rules and regulations. However, all employees must adhere to these general rules for reporting employee accidents and/or filing Workers’ Compensation claims:

1. Any employee injured on the job must report the accident immediately to his/her supervisor.
2. A program employee receiving a minor or major injury requiring medical attention must report to the program’s first aid station (sometimes a Nursing Department employee) for screening. If a minor injury (e.g., cut not requiring sutures), the injury may be treated at the program, and the employee may return to his/her work area. If the first aid screening indicates a more serious injury, the employee may be referred to an outside treatment facility or physician licensed by the State of Mississippi.
3. If an employee works at a DMH service location that does not have first aid screening, the employee must notify the immediate supervisor of a need for medical attention before leaving the work site. The employee must seek services by a treatment facility or physician licensed by the State of Mississippi.
4. Within 24 hours of notification of injury, the supervisor or his/her designee will complete a typewritten State of Mississippi Workers’ Compensation Commission Employee’s First Report of Injury or Occupation Disease (MWCC Form B-3,

available in the Employee Health, Workers' Compensation or Human Resources Office) and forward the completed form to the designated Workers' Compensation coordinator. This form, along with any related physician statement/medical bill, will be forwarded to the appropriate insurance carrier.

5. The supervisor or his/her designee will complete a written accident report on the incident. The supervisor or his/her designee will forward the report to the designated Workers' Compensation coordinator within 24 hours of the accident.
6. Forms and assistance in completing these forms can be obtained from the Employee Health Nurse, Human Resources Office or the Workers' Compensation coordinator.
7. Employees receiving Workers' Compensation payments cannot also choose to receive personal or sick leave in an amount that, combined with Workers' Compensation payments, would exceed the employee's normal pay rate. Employees who receive Workers' Compensation payments and leave payments in excess of the employee's normal pay rate shall be required to repay the excess amount and may be subject to disciplinary action.

L. EMPLOYEE SAFETY

DMH considers accident prevention to be of paramount importance to its organizational functions. DMH believes in the dignity of the individual employee and in his/her right to derive personal satisfaction from his/her employment. Therefore, it is the policy of DMH to provide and maintain safe and healthy workplace conditions for all employees and to require safe practices at all times.

DMH is interested in the welfare of its employees and makes every attempt to provide a safe and healthy environment in which to work. DMH may employ the services of a risk management and quality assurance officer to make periodic inspections of the program premises. Employees are expected to aid the risk management and quality assurance officer in any way possible to assist in making the program a safe place to work.

M. ACCIDENTS, INCIDENTS AND EMERGENCIES

If an accident occurs at DMH or program premises, employees shall render all assistance possible and immediately report the accident to the nearest supervisor. In emergencies, first aid may be available at the program for employees.

N. FIRE, DISASTER AND EVACUATION

DMH and each program maintain effective fire, disaster and evacuation plans. These plans are formulated to protect individuals and employees. In an attempt to test the effectiveness of these plans, periodic drills may be conducted. These drills may be

announced in advance or may be surprise drills. All employees are expected to be familiar with the program and unit disaster plans to support and assist as much as possible in the event of an actual disaster or drill. Employees who do not participate in drills may be subject to disciplinary action.

The first concern in any fire or disaster is to rescue, next is to get help and then to protect property.

O. WORKING WITH PEOPLE EXHIBITING AGGRESSIVE BEHAVIOR

Some individuals may, on occasion, exhibit aggressive and/or violent behavior. All employees who are required to work with individuals are provided training initially upon employment and periodically thereafter in DMH approved techniques for safely managing aggressive behavior. These techniques are designed to protect the individual and employee from injury. Many employees are required to successfully perform and be certified in these techniques for managing aggressive individuals as an essential job function. The Human Resources Office maintains a list of positions which require training and certification. Employees unable to become certified or maintain certification may be separated from employment.

P. MALICIOUS GOSSIP

Employees will not spread malicious gossip. "Malicious gossip" is defined by this policy as the spreading of information about the behavior or personal lives of others, with the intent to cause harm, or with reckless disregard for the harm such information might cause. Employees who engage in malicious gossip may be subject to disciplinary action which may result in termination.

Q. COURTESY POLICY

Courtesy is expected of all employees at all times. Violations of the courtesy policy may lead to disciplinary action up to and including termination. Examples of behavior which would violate the courtesy policy include but are not limited to:

1. Making intentionally non-supportive statements about the agency, work related activities and/or decisions (not "constructive criticism"), supervisors, or co-workers
2. Talking in a manner that is rude or discourteous to the public, individuals, or other employees.
3. Making misleading comments or statements.
4. Refusing to assist or being uncooperative with other staff members or divisions in meeting goals, deadlines or directives of the work units.
5. Releasing agency information without authorization.

In some extreme instances, discourteous behavior may be considered workplace violence.

Workplace violence, including but not limited to, abusive language, threats, fighting or any other form of disruptive action will not be tolerated and may result in termination. Please see the *Mississippi State Employee Handbook's* policy on Social Media for further information on this subject.

R. TELEPHONES AND SOCIAL MEDIA

Personal communications (calls, texts, electronic wall-postings, tweets, etc.) from programmatic areas are prohibited except in cases of actual emergencies. Mobile phone and personal data device/computer use for personal communications by staff working in programmatic areas is prohibited, even in cases of personal emergencies (staff may use program telephones or, with permission, leave the program area in such emergencies) . Staff working in programmatic areas may use their personal mobile phone or other personal data device/computer while on break or lunch period, but only in non-programmatic areas. Personal electronic communications in programmatic areas may result in disciplinary action.

Personal calls, personal mobile phone and data device/computer use for employees who work in support or non-programmatic care areas shall be kept to a minimum. Excessive personal usage may result in disciplinary action. Use of personal mobile phone and other personal data devices/computers for business purposes may be allowed if privacy safeguards are followed and at the discretion of the Program Director.

Use of mobile phones, cameras, or other electronic devices to record or photograph individuals, employees and workplace premises is a violation of DMH security and may result in termination.

Any social media activity or other “virtual” activities are subject to the same prohibitions as live, in-person interactions. DMH policies on privacy, harassment, malicious gossip, and other relevant policies shall be enforced, and such enforcement may extend past working hours. DMH program employees who are harassed or bullied “virtually” on-line by other employees during on or off-hours should report the offending behavior to DMH or the appropriate DMH program location.

For more information regarding wireless communications and social media, please see the *Mississippi State Employee Handbook*.

S. STATIONERY AND POSTAGE

Stationery, envelopes and postage will be used only for official business of DMH or the program. Unauthorized use may be considered theft and may result in disciplinary action.



T. DEPARTMENT OF MENTAL HEALTH PROPERTY

Budgets are limited and economy must be practiced wherever and whenever possible. DMH and its programs, equipment and buildings should be properly used and maintained. Care should be exercised at all times to use supplies, equipment and materials for the maximum benefit of individuals.

Property or equipment of a DMH program is to be used only for business purposes. Theft of DMH property is a crime and must be reported. Personal use of state-owned property may result in disciplinary action or termination.

U. SOLICITATION

Employees and programs are expected to help maintain a professional atmosphere to ensure that individuals receive the best possible care and treatment.

To prevent disruptions to DMH and program operations and to protect the privacy of individuals, visitors and employees, employees shall adhere to policies for solicitation, canvassing or distribution of literature, goods or services on DMH property.

- 1 Employees may not solicit, canvass or distribute literature, goods or services during working time in work areas, or at any time in areas accessible to individuals or to the public, except as specifically provided in this policy. "Working time" includes the time of both the employee soliciting, canvassing or distributing and the employee to whom it is directed.
2. Non-employees and people not engaged in the delivery of individual care may not solicit, canvass or distribute on DMH or program property for any purpose, in any area, or at any time without the written permission of the Executive Director or the Program Director.
3. Certain events such as birthdays of employees, retirement of an employee or a flower fund may be recognized when approved by the individual department head. The Department and program assumes no responsibility for the security of any collected funds for such purposes.
4. Where bulletin boards are available for such purposes, employees may post notices concerning matters such as car pool arrangements and the one time sale of personal property with the prior supervisory approval.
5. Bulletin boards may not be used for propaganda, political, religious or commercial information of any type or to promote or sell any commercial business products, goods, or services in which the employee may be engaged. Any material not specifically mentioned may be submitted to the Executive Director or the Program Director for approval prior to posting.

6. When authorized by the Executive Director or the Program Director, solicitation, canvassing and distribution may be conducted on program premises by duly authorized people for civic purposes such as United Way campaigns and blood drives; for individual-related activities and recreation programs and fund raising to benefit the individuals or programs of benefit to employees such as DMH or program-approved supplemental insurance plans, savings plans, PERS representative selection, and United States Savings Bonds. Employees may be informed in advance of such approved plans.
7. Employees wishing to solicit items for individuals and DMH programs (food for an individual picnic, decorations, etc.) must have permission from the Program Director or their designee before solicitations may occur. Failure to receive permission for such solicitations may result in discipline.

V. GRATUITIES

Employees may not accept gratuities, gifts or favors of any objective monetary value from individuals or their family members or visitors or from vendors who do business with the Department of Mental Health or its programs. (For example: if an individual gave a staff member a photograph of the individual in an expensive silver frame, the picture may be accepted but the frame may not. The photograph has no real monetary value, but the frame does.) Acceptance of such gratuities may result in discipline up to and including termination.

W. VISITATION OR LOITERING

Employees are prohibited from having visitors during work hours except in an emergency. Off-duty employees, visitors and others are not permitted to loiter on DMH or program premises.

Visitors under 15 years of age are not permitted at any time unless accompanied by a responsible adult.

X. DRUGS AND ALCOHOL

Alcoholic beverages, marijuana, or other unauthorized mood-altering substances in any form are absolutely prohibited on DMH and/or program premises. Any employee transporting, using or possessing alcoholic beverages or illegal drugs on DMH and/or program premises while on or off duty; illegally transporting, using or possessing a controlled substance; or aiding, encouraging or inciting visitors or individuals in committing any of the above actions may be subject to disciplinary action up to and including termination.

## Y. WORKPLACE HARASSMENT AND VIOLENCE

DMH strives to provide a professional workplace free from any type of harassment. Federal law prohibits harassing behavior based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also prohibited for individuals to be harassed in retaliation for certain “protected activity” such as participating in a discrimination complaint process or opposing employment practices that are reasonably believed to be in violation of anti-discrimination laws. State law also requires a personnel system that assures employees are free from coercion for partisan or political purposes and shall receive fair treatment in all aspects of personnel administration without regard to political affiliation.

Offensive conduct can include, but is not limited to, offensive jokes, slurs, epithets, physical assaults or threats, intimidation, ridicule, insults, offensive objects or pictures, and interference with work performance. A harasser can be a supervisor, agent of the employer, co-worker, or a non-employee. A victim does not have to be the person harassed but can include anyone affected by the offensive conduct.

Social networking sites and other “virtual” activities are subject to the same workplace harassment prohibitions as live, in-person interactions. DMH policies on privacy, harassment, malicious gossip, and other relevant policies shall be enforced, and such enforcement may extend past working hours. DMH program employees who are harassed or bullied “virtually” on-line by other employees during off-hours should report the offending behavior to DMH or the appropriate DMH program location. Please see the *Mississippi State Employee Handbook’s* policy on Social Media for further information on this subject.

Sexual harassment is one form of workplace harassment and is strictly prohibited at any organizational level. This includes co-workers, same-level employees or employees and supervisors. Sexual harassment is expressly detrimental when the offending employee is in a position to affect the compensation or employment status of the person being harassed.

Executive Order 1392 mandates that all employees complete the Sexual Harassment Awareness and Prevention Training Course as provided through on-line training through the Department of Finance and Administration.

Sexual harassment is behavior of a sexual nature which is uninvited and unwelcome verbal or physical conduct directed at an employee because of his or her sex. Sexual harassment does not refer to occasional compliments of a socially appropriate nature.

Sexual harassment can be toward members of the same sex as well as members of the opposite sex. Specifically, sexual harassment may include, but is not limited to:

- repeated offensive sexual flirtations
- repeated requests for dates, advances or propositions
- verbal abuse of a sexual nature, graphic or degrading comments about appearance

- display of sexually suggestive objects, appearance, pictures or images
- offensive or degrading cartoons or jokes
- offensive or degrading e-mail or electronic images

No employee should imply, suggest or threaten an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the individual's employment status, including but not limited to assignment, compensation, advancement or other condition of employment.

Any applicant or employee alleging sexual harassment may:

1. File a grievance with his/her supervisor in accordance with the standard grievance procedural steps as outlined in the Mississippi State Employee Handbook;

OR

2. If the source of the harassment is the employee's supervisor, the employee may skip a level of management by proceeding to Step II and file the grievance directly with the harassing supervisor's supervisor;

OR

3. File the grievance with the agency Human Resources Director, Deputy Director or Executive Director.

Regardless of outcome, all grievances alleging sexual harassment may be forwarded to each program's Human Resource Division.

Acts or statements of a retaliatory nature against employees who file grievances based upon sexual harassment and who utilize the grievance procedure outlined and referenced above are strictly prohibited.

In addition to the agency Human Resources Director, the designee of the State Personnel Director shall be available to advise and counsel employees on the sexual harassment grievance procedure.

1. In such cases, the agency Human Resources Director or staff designee of the State Personnel Director may be advised to assist in the filing and resolution of a grievance; or
2. In cases of widespread harassment, the employee may be advised to file an appeal directly with the Employee Appeals Board without exhausting agency level remedies.

DMH shall provide a workplace for employees free from violence. This policy provides preventative measures, guidelines for holding perpetrators of violence accountable and guidelines for providing assistance and support to victims and their families.

Executive Order 1411 mandates that all employees complete the Active Shooter Situations: What Should You Do? Training Course as provided through on-line training at: <http://www.mspb.ms.gov/Presentations/Active-Shooter-training/presentation.html>.

No employee shall be allowed to harass any other employee or a member of the general public by exhibiting behavior including, but not limited to the following: harassment, intimidation, threats, physical attacks, domestic related violence, or property damage.

Harassment is engaging in actions that include, but are not limited to, abusive conduct, verbal abuse and/or behavior intended to frighten, coerce, or induce duress.

Intimidation is behavior or communication designed or intended to intimidate, menace, or frighten another person.

A Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, future or verbal.

A Physical Attack is hostile physical contact or attempted physical contact such as hitting, fighting, pushing, swinging fists or feet, shoving or throwing objects.

Domestic Related Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

Stalking is conduct that places a person in fear for their safety and includes any unwanted contact or action which directly or indirectly communicates a threat or places the individual in fear for their safety.

Property Damage is intentional damage to property and includes property owned by the State, people receiving services, employees, visitors or vendors.

The Workplace Environment consists of the building(s), grounds, lighting, and other considerations. It also includes the attitude the employees have about management, their perception of fair and equal treatment, and their belief that they will be safe at work.

Employees should keep the following in mind in regard to potential violent or inappropriate situations in the workplace:

- Make certain you know the location of emergency alarms/devices and how to use them.

- Do not allow visitors into secure areas or offices.
- Keep all security doors locked at all times.
  
- Keep all valuables in locked drawers or cabinets. Never leave wallets, handbags, cash or credit cards on your desk or unsecured in other parts of your work area.
  
- Office money for coffee, gift, and flower funds should always be kept in locked cabinets. Place coat racks in the center of work areas and not next to doors leading to hallways. Never leave items of value in pockets of garments on coat racks.
  
- Employees should not bring personal items of substantial value to work.
  
- If your purse or wallet is stolen, provide PIN numbers only to those banking, credit companies or officials you have directly contacted.
  
- If working after hours, keep all doors locked – even in secure areas. Never advertise you may be working alone. Assailants often hide in restrooms. Look into corners before fully entering the restroom. Check stalls if possible. After hours, employees should go to restrooms in pairs, if possible.
  
- Be alert for strange objects and packages which can be discovered more easily if offices are kept neat and orderly.
  
- If an employee should become the victim of stalking, the employee should notify his or her supervisor of this as soon as possible following the filing of a report with local law enforcement authorities.
  
- Never touch or disturb a strange package or briefcase found in your work area. Call Capitol Police, security personnel, or the appropriate law enforcement agency at once.

Z. OUTSIDE EMPLOYMENT

For full-time employees, employment outside DMH or the program must be approved by the employee's Program Director or his/her designee. A copy of the written approval must be filed with the Human Resources Office. Please see the *Mississippi State Employee Handbook's* policy on Outside Employment for further information on this subject.

AA. USE OF DEPARTMENT OF MENTAL HEALTH ELECTRONIC EQUIPMENT

DMH computers, mobile phones and electronics are for DMH and program business only. DMH or the program may monitor usage to assure that employees are using such equipment appropriately. Visiting Internet web sites of a sexual and/or pornographic nature is strictly prohibited and may result in disciplinary action up to and including termination. Personal computers and mobile electronic devices brought onto DMH

property or into DMH programs are subject to search in the same manner as any other container or personal property brought onto DMH grounds.

BB. DRESS CODE, PERSONAL APPEARANCE AND GROOMING

New trends in fashion may be accepted by DMH as work attire as long as they are not offensive to individuals, visitors or co-workers.

Personal hygiene and appropriate dress are the employee's obligation. Each employee may present a neat and well-groomed appearance in accordance with the highest standards intended to ensure that DMH and programs continue their reputation for rendering quality services.

1. Each employee will present an overall appearance of being neat, clean and well-groomed at all times.
2. Program Directors may at their discretion direct no pins, badges, banners, hats or garments with any identifying symbols, except DMH or Program identification badge or pins identifying professional status, may be displayed while at work. A hat or cap may be worn when it is an integral part of the uniform or part of a reasonable religious accommodation.
3. Items which may be considered inappropriate by the DMH program include but are not limited to:
  - a. Tank Tops or Spaghetti Straps
  - b. Shorts, Skorts or Mini-Skirts
  - c. Halters
  - d. Shirts and blouses that do not cover the midriff
  - e. Athletic sleeveless ("muscle") shirts
  - f. See-through blouses/shirts
  - g. Inappropriate or vulgar language/images (including tattoos)
  - h. Poorly-fitting clothes which may expose areas normally covered
  - i. Overly tight-fitting clothes
  - j. Clothes with holes, tears, or otherwise in disrepair

4. Consideration may be given to the type of work performed and special events to allow certain deviations from the dress code. As an example, shorts may be worn by the employees of the Recreation/Activity Department when appropriate. However, excessive jewelry, piercings or hoop/dangly ear-rings may be prohibited in programmatic areas.

CC. EMPLOYEE ASSISTANCE PROGRAM

From time to time, employees may experience problems of a personal nature which may affect their ability to perform their job to the best of their ability. DMH and its programs provide an Employee Assistance Program (EAP) which allows the employee to receive free short-term, confidential counseling services at a location away from work. On occasion, a program may require an employee to participate in the EAP as a condition of continuing employment. DMH Central Office and each program has someone designated as the EAP coordinator who can provide more information about the EAP, or employees may contact the Human Resources Office.

DD. PROHIBITED RELATIONSHIPS AND DATING POLICY

The State of Mississippi requires that all employees behave at all times in a professional manner that avoids any unlawful discrimination, including harassment, conflict of interest, or risk of a claim or loss to the State of Mississippi. These requirements include maintenance of a work environment in which the State prohibits romantic, dating or sexual relationships between employees working in a common sphere of influence (meaning a relationship between a supervisor and subordinate); any relationship in which one employee supervises or manages, directly or indirectly, another employee or makes decisions concerning another employee's terms, conditions or privileges of employment; and/or an employee and a contractor, subcontractor, potential employees or vendor when the employee has the capacity to influence, directly or indirectly, the business relationship or potential employment.

Such relationships can cause conflict and adversely affect morale, operations and productivity because of the perception of impropriety or unfairness and the possibility of accusations that one's position is being used to obtain or grant sexual favors, and of inappropriate influence on others, favoritism, bias or unfair treatment. Additional problems can occur in the workplace should the relationships cease.

DMH and DMH program supervisors are not permitted to date subordinate employees under their chain of command and supervision. Violation of this policy may result in disciplinary action, up to and including dismissal. All employees' interactions should be professional, with the proper workplace decorum observed while at the worksite.

Employees who wish to date, but whose relationship would fall within this policy, should speak with their Human Resource Office or other responsible administrator so that reassignment or other arrangements may be made to avoid a violation of policy.



EE. REPORTING FRAUD AND WRONGDOING

The Department of Mental Health has a strong and continuing commitment to ensure that its services are conducted in accordance with applicable laws relating to all professional practices, third party reimbursement, and contractual and legal obligations. Knowledge of applicable laws that could affect DMH is essential for employees. Such laws of reference are the False Claims Act (FCA), the Whistleblower Act, the Stark Law, and the Anti-kickback Statute.

The FCA is aimed at the following conduct:

- A. Knowingly presenting or causing to be presented a false or fraudulent claim for payment to the government;
- B. Knowingly using a false record or statement to obtain payment on a false or fraudulent claim paid by the government; or
- C. Engaging in a conspiracy to defraud the government by getting a false or fraudulent claim allowed or paid.

The FCA defines “knowing” conduct. This can include:

- A. Having actual knowledge of the falsity of the claim;
- B. Acting in deliberate ignorance of the truth or falsity of the claim; and/or
- C. Acting in reckless disregard of the truth or falsity of the claim.

A charge of False Claims is usually levied upon providers found to be committing fraud. The False Claims Act requires that the government show that some harm has come to it as a result of the fraud. If this is determined, fines three times the government’s damage plus civil penalties of \$5,000 to \$11,000 per false claim could be applied. All FCA violations carry a potential for imprisonment.

Examples of fraud include:

- Billing for services not rendered
- Requesting, offering, or receiving a kickback, bribe, or rebate
- Using an incorrect or inappropriate provider number in order to be paid
- Selling or sharing a patient’s Medicare/Medicaid number so false claims can be filed
- Falsifying information on applications, medical records, billing statements, and/or cost reports or on any statement filed with the government.

Furthermore, to encourage citizens to report violations, certain protections are in place to shield the individual from retaliation for bringing suit against his or her employer. The FCA protects anyone who lawfully acts in an investigation for, initiation of, testifies for, or assists in a claim under the act. The protections are still in effect if the claims under the FCA have not been filed. The individual is protected against discharge, demotion, suspension, threats, harassment, and discrimination.

Like the FCA, the Whistleblower Act protects employees who report wrongdoing. Employees are protected for providing information “in good faith.” However, employees who knowingly and intentionally provide false information may be subject to discipline up to and including termination.

The Stark Law (42 U.S.C. § 1395nn) is a body of federal law that places limitations on certain physician referrals. In general, if a physician (or an immediate family member of such physician) has a financial relationship with an entity then that physician may not make a referral to the entity for the furnishing of designated health services for which payment otherwise may be made under the law’s subchapter, and the entity may not present or cause to be presented a claim under the law’s subchapter or bill to any individual, third party payor, or other entity for designated health services furnished pursuant to a referral prohibited within the federal law.

The Anti-kickback Statute (42 U.S.C. § 1320a-7b(b)) is the federal law that states, whoever knowingly and willfully solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a federal healthcare program, or in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made whole or in part under a federal healthcare program shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than 5 years, or both.

For more information on the FCA, the Whistleblower Act, the Stark Law, or the Anti-kickback Statute or to report suspected violations, please contact your Compliance Officer or Human Resource Office.

The Stark Law and Anti-Kickback Statute is aimed at the following conduct:

- A. Purposefully making false or artificial entries or misstatements;
- B. Giving or receiving payments (or anything else of value), or agreeing to a purchase price, with an intention or understanding that part of that payment will be used for any purpose other than what is listed in the document supporting the payment;
- C. Documenting facts that are not truthfully and accurate

- D. Concealing or failing to document any transactions;
- E. Accepting gifts or benefits in exchange for patient referrals
- F. Providing gifts to patients/residents or potential patients/residents that could induce the patient/resident to obtain services

SECTION V - POLICIES RELATED TO THE PEOPLE RECEIVING SERVICES

A. CONFIDENTIAL INFORMATION

State and federal law requires that all information about people receiving services be confidential and permit release only under certain circumstances. The responsibility of maintaining confidentiality is shared by every employee of DMH and the programs.

Employees shall not discuss information about a person receiving services with any person except when authorized and necessary for the person's continued treatment or for legitimate healthcare operations or purposes. Access to the files of people receiving services may be given only to authorized personnel. Information may be released only as provided by applicable federal and state laws and regulations.

B. AUTHORIZED TREATMENT PROCEDURES

People receiving services may not be given or allowed access to any drugs or medical treatment without recognized authorization of designated program officers, medical personnel or nursing staff.

C. FRATERNIZING WITH PEOPLE RECEIVING SERVICES

Employees are expected to provide the people receiving services with professional, quality care. At no time may employees fraternize or associate in an unprofessional manner with individuals. Examples of fraternizing may include providing people receiving services with the employee's personal phone number or email address, exchanging correspondence, or "friending" on social media.

Employees are not to become involved with the personal affairs of people receiving services except as approved by the Program Director or treatment team. People who need or request assistance in personal matters should be referred to their treatment team or support service coordinator.

D. BORROWING, BUYING FROM OR SELLING TO PEOPLE RECEIVING SERVICES

Employees may purchase products made by people receiving services that are intended for sale and made at local centers. If available on program property, newspapers may be purchased from a newspaper vendor.

Employees shall not sell any article to a person receiving services. Employees shall not lend money or articles to, or borrow money or articles from the people receiving services. Employees will not take money from or keep money for people receiving services, except as part of an authorized programmatic duty. Employees must strictly comply with DMH

and program policies and directives regarding handling the funds of people receiving services.

People receiving services who want money deposited in a commercial bank should be taken to or referred to the staff member designated by the program to assist the person with their money and money management. Only authorized designated personnel are allowed to handle money for people receiving services.

Violation of this policy may constitute exploitation and abuse the people receiving services and may subject the employee to discipline up to and including termination. Employees violating this policy may also be subject to criminal prosecution and imprisonment.

E. BORROWING OR USE OF PROPERTY OF PEOPLE RECEIVING SERVICES

Each person receiving services right to possess and enjoy personal property must be respected. Employees shall not borrow or use any article of clothing or property belonging to the people. Theft or misuse of the property of people receiving services must be reported to Risk Management/Quality Assurance, Security, or Program Police Department immediately. Violation of this policy may constitute exploitation and abuse of the people receiving services and may subject the employee to discipline up to and including termination. Employees violating this policy may also be subject to criminal prosecution and imprisonment.

F. EMPLOYMENT OF PEOPLE RECEIVING SERVICES

DMH programs may employ people receiving services in various jobs. All employment of people receiving services by programs and by employees must be approved by the Program Director.

G. TRANSPORTING PEOPLE RECEIVING SERVICES

Employees may not transport people receiving services on or off the program grounds or have individuals in vehicles, except as duly authorized by the designated program authority.

H. ABUSE, NEGLECT OR EXPLOITATION OF PEOPLE RECEIVING SERVICES

Under no circumstances will an employee strike, shove, pinch, engage in sexual acts, neglect or otherwise subject any person receiving services to violent treatment, verbal abuse or exploitation.

Any employee witnessing or having suspicion of any mistreatment, violence, threat, neglect, exploitation, physical abuse, sexual abuse or verbal abuse must report the

incident immediately. If an immediate report is not possible, the employee must report the incident not later than the end of the shift. Failure to report the offense to proper authorities may result in disciplinary action

Abuse, neglect and exploitation of people receiving services are very serious offenses and may result in immediate removal from the workplace and termination of employment. Further, such actions may lead to criminal prosecution to the fullest extent of the law.

Working with people in the care of DMH programs is a position of trust and confidence. Many of these people are unable to report abuse, neglect or exploitation, and must rely on the goodwill of the employees caring for them. When DMH Program Directors no longer have trust and confidence an employee can care for people receiving services, an employee's position with DMH may be terminated.

It is the practice of DMH programs that should circumstances indicate an employee may have mistreated a person under DMH program care, or if an employee is witnessed mistreating a person, and a polygraph examination indicates deception on the part of the accused employee or lack of deception on the part of the eyewitness, the accused employee may be terminated from their position. To maintain an employee in a position caring for people receiving services under such circumstances could constitute negligence in regard to the agency's duties to the people DMH serves, the public or to other State employees.

#### I. USE OF POLYGRAPH EXAMINATIONS

Employees involved in the investigation of a case involving abuse, neglect or exploitation, theft or other serious violation of DMH policy may be asked to submit to a polygraph examination. An employee may be terminated for refusing to answer questions or submit to a polygraph examination. The results of such polygraph tests cannot be used against the employee in criminal prosecution.

#### J. PHOTOGRAPHING PEOPLE RECEIVING SERVICES

People receiving services may not be photographed by any person at any time without proper authorization from the Program Director or his/her designee. Violation of this policy may constitute a violation of a person's privacy rights and may subject the employee to discipline, up to and including termination.

#### K. REQUIRED SUPERVISION OF PEOPLE RECEIVING SERVICES

An assigned employee may not leave a person receiving services unsupervised at any time. An employee must be released from their assigned responsibility by another employee before leaving the work station for any break or at the end of a shift. Violation of this policy may constitute neglect of people and may subject the employee to discipline up to and including termination.

## SECTION VI - PROGRAM SECURITY

### A. SECURITY

Most programs are staffed with security personnel, some of whom are also campus police with training in law enforcement. They are empowered to enforce laws, make arrests and issue tickets for traffic violations. They may also be available for assistance in handling violent or aggressive individuals.

### B. PROHIBITION OF WEAPONS OR FIREARMS

No persons are permitted to bring any type of weapon or firearm onto DMH and program premises. Programs may allow employees to check their weapons at the front gate, where applicable. Employees who own firearms and live on campus may bring their firearms on campus but must take them directly to their assigned residence and lock them in a program approved secure container. Such employees must also register their firearms with the security or campus police personnel. Unless a certified law enforcement officer, employees living in dorms are not permitted to store their firearms on campus in this manner, only employees living in houses or similar residences. However, because of the unique security concerns at each program, DMH programs reserve the right to prohibit all employees residing on their grounds from storing firearms in their assigned residences or impose any other restrictions regarding weapons Program Directors deem necessary.

### C. UNAUTHORIZED INDIVIDUALS OR INDIVIDUALS CREATING DISTURBANCES

Prompt management of unauthorized individuals or individuals who are creating disturbances prevents disruption of the program's therapeutic environment.

Employees should report immediately the presence of suspicious persons to their department director or security personnel. Employees should immediately make potentially difficult situations known to their supervisor and seek immediate aid and, if possible, inform security personnel.

### D. SEARCH OF PERSONAL PROPERTY

Employees may be prohibited from carrying large purses, bundles, bags, backpacks, boxes, packages, etc., in or out of any building, except as part of their duties. Anyone observed not abiding by this regulation may be subject to having the item searched and may be subject to disciplinary action. Each program

reserves the right to search any vehicle or container, including mobile phones and other electronic devices, entering, leaving, or while on the program grounds.

E. INVESTIGATIONS

From time to time incidents arise which require investigation to determine the facts and what if any remedial measures should be taken to assure quality. These investigations are undertaken to protect the individuals we serve, the public, DMH employees, and to ensure compliance with law and policy. Employees may be subject to investigation and may be called upon to give information related to ongoing investigations. Employees should promptly, truthfully, and completely participate in investigations when called upon by the agency to do so.

Employees may be directed to refrain from communicating during the course of an investigation with other employees and potential witnesses about the investigation or the incidents being investigated. This confidentiality directive serves the purpose of allowing investigators to accurately develop facts without rumors being spread and false information being disseminated which could prevent investigators from doing their jobs correctly. Employees who breach confidentiality may be subject to disciplinary action up to and including termination.



## SECTION VII- EMPLOYEE CORRECTIVE AND DISCIPLINARY ACTION

Employees are expected to maintain certain standards of conduct while on the job. The standards of conduct are not arbitrary guides for employee behavior. They are consistent with state and federal laws, safeguard employee rights and contribute to the quality and efficiency of state service.

Mississippi Code Annotated § 25-9-127 provides that no employee of any department, agency or institution under the State Personnel System, who is subject to the policies and procedures prescribed by MSPB, may be dismissed or otherwise adversely affected as to compensation or employment status except for inefficiency or other good cause. Before such disciplinary action, a State Service employee must be provided written notice and hearing within the department, agency or institution as provided in the policies and procedures promulgated by MSPB complying with due process of law.

### A. DISMISSED OR OTHERWISE ADVERSELY AFFECTED AS TO COMPENSATION OR EMPLOYMENT STATUS

Dismissed means an involuntary termination of employment. An employee is adversely affected as to compensation or employment status when the employee is dismissed, involuntarily demoted with a reduction in pay, or suspended without pay. Each of these personnel actions either reduces or terminate an employee's compensation and shall be based on inefficiency or other good cause. State Service employees are first entitled to due process of law before receiving such disciplinary action. Mississippi Code Annotated § 25-9-127 provides that this provision does not apply to the following persons: 1) employees separated from employment due to a curtailment of funds or a reduction in force approved by the MSPB; 2) employees dismissed or otherwise adversely affected as to compensation or employment status during the probationary period of state service of twelve (12) months; 3) or employees dismissed or otherwise adversely affected as to compensation or employment status, as an executive officer or other Non-State Service employees of any state agency who serves at the will and pleasure of the Governor, board, commission or other appointing authority.

#### *Written Reprimand and Informal Corrective Action*

Employees may also be issued a Written Reprimand before disciplinary action reducing or terminating an employee's compensation is necessary. A Written Reprimand is formal notice to an employee of inefficiency or other good cause warranting disciplinary action and is intended to correct unacceptable behavior or unsatisfactory job performance. When warranted, an employer may attempt to correct unacceptable behavior or unsatisfactory job performance with a documented warning/counseling session or other appropriate informal means,

before taking formal disciplinary action (Written Reprimand, Suspension Without Pay, Involuntary Demotion or Dismissal.)

B. INEFFICIENCY OR OTHER GOOD CAUSE

The following list of examples illustrating inefficiency or other good cause is not all-inclusive. It is not intended to limit an appointing authority's discretion in determining that inefficiency or other good cause exists, warranting disciplinary action in compliance with MSPB procedures.

- Failure to report to work at the required time.
- Unauthorized time away from the assigned work area.
- Leaving the work site without permission during assigned work hours.
- Failure to report to work without giving the required notice to the supervisor.
- Unauthorized or chronic absenteeism without required notification and satisfactory explanation to the supervisor or the appointing authority in a timely manner.
- Acts in violation of Section 5.6 of the MSPB Handbook (Workplace Harassment).
- Acts in violation of Section 5.7 of the MSPB Handbook (Conflicts of Interest).
- Acts in violation of Section 5.8 of the MSPB Handbook (Political Activity).
- Acts in violation of Section 5.9 of the MSPB Handbook (Workplace Violence).
- Acts in violation of Section 5.13 of the MSPB Handbook (Prohibited Relationships).
- Acts in violation of Section 5.15 of the MSPB Handbook (Social Media).
- Conviction of a moving traffic violation while operating a state vehicle or operating a state vehicle in an unsafe manner.
- Operation of a state vehicle without a valid driver's license.

- Transporting people receiving services in state or personal vehicles without authorization.
- Arrest or conviction of driving under the influence while in a state vehicle or while in a personal vehicle and on state business.
- Failure or refusal to follow supervisor's instructions or perform assigned work.
- Failure or refusal to comply with agency policies or procedures.
- Resisting management directives through insolent behavior, undermining a supervisor's ability to manage.
- Failure to receive a Successful MSPB Performance Review rating at the conclusion of a Review Period.
- Failure to perform job duties requiring disciplinary/corrective action before the conclusion of a Review Period.
- Use or possession of alcohol during assigned work hours or consuming alcohol preceding reporting to work. This also includes violation of the DMH substance abuse policy.
- The unlawful manufacture, distribution, possession, or use of controlled substances during assigned work hours or being under the influence of or impaired by the unlawful use of controlled substances during assigned work hours.
- Refusal to take a drug or alcohol test when directed to do so by an employer, in accordance with applicable state and federal law.
- Falsification of records (including electronic communication), such as, but not limited to, travel reimbursement vouchers, time records, leave records, employment applications, invoices, reports, or other documents.
- Intentionally or negligently causing damage to state property or the property of another employee or invitee of the agency.
- Neglect, exploitation, abuse (verbal, physical, sexual, or mental), or failure to report any such conduct toward a person receiving services at any time or under any circumstances.
- Aiding, encouraging or inciting the elopement of a person receiving services.

- Photographing or recording a person receiving services without proper authorization.
- Violation of DMH safety rules, workplace violence, workplace harassment, or courtesy policies.
- Sleeping on duty.
- Unauthorized possession or use of firearms, dangerous weapons or explosives.
- Careless, negligent, or unauthorized use or intentional misuse of state property or records.
- Breach of agency confidentiality requirements.
- Refusing to cooperate or intentionally giving false statements in an administrative investigation concerning, but not limited to, work performance, misconduct or violations of MSPB/agency policies and procedures.
- The failure of any appointing authority or supervisor of an employee to properly deduct an employee's donation of leave to another employee for a catastrophic injury or illness from the donor employee's earned personal leave or major medical leave.
- Theft on the job.
- Arrest or conviction for a felony criminal charge.
- Arrest or conviction for a misdemeanor criminal charge that is related to an employee's job duties or conflicts with the mission of the agency.
- Other violations of MSPB or agency policies, procedures, rules or regulations not specifically referenced herein.

C. DUE PROCESS

A State Service employee may be dismissed or otherwise adversely affected as to compensation or employment status only after being given written notice and hearing, complying with due process of law. A Non-State Service employee may be dismissed or otherwise adversely affected as to compensation or employment status, with or without cause and is not entitled to due process.

Written notice means the employee is provided with a statement summarizing the reasons(s) the employee is facing possible disciplinary action. The notice should state with sufficient specificity the inefficiency and/or other good cause reason(s), so the employee may adequately respond. The notice must state an appointed time and location for the employee to respond to the allegation(s) in a hearing. The employee may choose to submit a written waiver of the hearing or respond in writing to the allegation(s) in the notice. The hearing is an informal conference between the employee and the appointing authority or designated representative. The employee must be provided the notice at least five (5) working days prior to the hearing. The purpose of the hearing is to give the employee a meaningful opportunity to respond to the allegation(s) in the notice and for the employer to determine if inefficiency or other good cause exists, warranting disciplinary action.

Administrative Leave/Suspension with Pay Pending the Employee's Due Process Hearing

An employee may be placed on administrative leave/suspension with pay before the due process hearing. The hearing must take place within twenty-five (25) working days from the first day of the administrative leave/suspension with pay and the written notice must be provided to the employee at least five (5) working days prior to the hearing. Factors an employer shall consider in determining if administrative leave/suspension with pay pending the hearing is appropriate include, but are not limited to:

- The seriousness of the allegation(s) against the employee, taking into account the mission of the agency and the employee's particular job duties;
- The reasonable possibility of serious disciplinary action being issued as a result of the pending hearing;
- Whether the employee's continued presence at work pending the hearing would be contrary to the best interests of the agency.

In circumstances where the employee has been charged with a felony, the employee may be suspended without pay before the hearing. This period of suspension without pay prior to the hearing shall not be considered as a disciplinary Suspension Without Pay pursuant to Section 7.5 of the MSPB Handbook.

D. DISCIPLINARY/CORRECTIVE ACTION DECISION

In the hearing, the appointing authority or designated representative should only consider the reasons stated in the written notice, any related supporting documentation, and the employee's response. A determination and recommendation from the designated representative to the appointing authority should include both a summary of the employee's response and the basis for the decision and recommendation. The appointing authority should carefully

consider the designated representative's determination and recommendation but may choose to accept or disregard the recommended personnel action.

If it is determined that inefficiency or other good cause exists, factors to consider in determining the appropriate personnel action include, but are not limited to:

- The seriousness of the misconduct/unsatisfactory job performance.
- The mission of the agency and the employee's particular duties.
- The employee's assigned level of responsibility.
- The employee's previous record of both formal and informal disciplinary/corrective action
- Consistency with past disciplinary/corrective action for other similarly situated employees.

Disciplinary action should be timely, and employers are to ensure fair treatment for employees while also providing efficient operation of the agency. When warranted, employers should practice progressive disciplinary/corrective action to address employee misconduct or unsatisfactory job performance. Depending on the particular circumstances, escalated disciplinary/corrective action may not be possible.

If a disciplinary notice is issued as a result of the due process hearing, the notice shall:

- Re-state the reasons contained in the written notice that was the subject of the due process hearing and were determined to be inefficiency or other good cause for disciplinary action;
- State the effective date(s) of the disciplinary action. If the employee is involuntarily demoted, the notice should state the new job class and salary;
- State the decision may be appealed to the Mississippi Employee Appeals Board (MEAB) with a written Notice of Appeal filed within fifteen (15) calendar days after receipt of the disciplinary notice or within fifteen (15) calendar days of the first attempted delivery date by certified mail, return receipt request, whichever occurs first. The disciplinary notice may be hand delivered or sent by certified mail;
- Refer the employee to chapter nine (9) of the MSPB Handbook for additional information concerning appeals to the MEAB.  
Mississippi Code Annotated § 25-9-127 provides that any State Service employee who appeals to the MEAB his or her dismissal or action adversely affecting

compensation or employment status shall be required to furnish evidence that the reasons stated by the employer are not true or are not sufficient grounds for the action taken.

E. FORMS OF DISCIPLINE AND CORRECTIVE ACTION

*Dismissal*

Dismissal is an involuntary termination of employment. Involuntary termination of employment can occur based upon disciplinary action or a Reduction in Force approved by the MSPB. Dismissal can also occur based on the failure of the employee to continue to meet the eligibility criteria for the position held or an inability to perform the essential functions of the job.

*Involuntary Demotion*

An involuntary demotion is when an employee is demoted for disciplinary reasons from a position in one job class to a position in a lower job class having a lower salary range. The involuntary demotion shall include a reduced salary in accordance with the MSPB Variable Compensation Plan. An employee may receive an involuntary demotion in addition to a suspension without pay.

*Suspension Without Pay*

A disciplinary suspension without pay is the temporary removal of an employee from performing his or her duties and from receiving payment. The maximum period an employee may be suspended without pay during any twelve (12) month period is thirty (30) cumulative work days. The twelve (12) month period shall begin with the first day of the initial suspension.

*Written Reprimand*

A written reprimand is a formal notice to an employee of inefficiency or other good cause warranting disciplinary action. It is intended to correct unacceptable behavior or unsatisfactory job performance before disciplinary action reducing or terminating an employee's compensation is necessary. A written reprimand should state with sufficient specificity the inefficiency or other good cause reason(s) for the disciplinary action. The reprimand must also:

- Inform the employee of his/her right to grieve the reprimand in accordance with MSPB grievance procedures;
- Inform the employee that a copy of the reprimand will be placed in his/her personnel file

- Contain the employee's signature acknowledging that he/she has received the reprimand. If the employee refuses to sign the acknowledgment, the person issuing the reprimand should sign the acknowledgment section confirming the reprimand was delivered to the employee.

An employee is not entitled to a due process hearing before being issued a written reprimand. If the employee has a due process hearing before being issued the reprimand, the reprimand may be appealed directly to the MEAB without first exhausting the MSPB grievance procedure. Otherwise, employees must exhaust the grievance procedure before appealing the reprimand to the MEAB.

#### *Informal Corrective Action*

When warranted, an employer may attempt to also correct unacceptable behavior or unsatisfactory job performance with a documented warning/counseling session or other appropriate informal means, before taking formal disciplinary action (Written Reprimand, Suspension Without Pay, Involuntary Demotion or Dismissal.) Informal corrective action is not grievable.

A formal disciplinary action notice shall be maintained in the employee's personnel file. Supervisors should coordinate with Human Resources as to whether documentation of informal corrective action should be included in the employee's personnel file. Employees must be given copies of any disciplinary/corrective action documentation placed in his/her personnel file. Documentation of formal disciplinary action or informal corrective action may be kept indefinitely in the employee's personnel file.



## SECTION VIII – GRIEVANCES AND APPEALS

### A. GRIEVABLE ISSUES

The following issues are grievable and appealable to the Mississippi Employee Appeals Board (MEAB) after exhausting the MSPB grievance procedure:

- A. Written Reprimands issued pursuant to Section 7.5 of the MSPB Handbook. Non-state service employees may only grieve Written Reprimands on the basis of alleged violations of state or federal law.
- B. Open Competitive Appointments or Promotions into a Permanent State Service position alleged to be in violation of MSPB or agency policy;
- C. Promotions or appointments alleged to be in violation of state and federal law;
- D. Involuntary relocation of an employee as an alleged disciplinary measure or for arbitrary or capricious reasons; or
- E. Alleged violations of Mississippi Code Annotated §25-9-171 through §25-9-177.

An employee is not permitted to file a grievance or appeal to the MEAB concerning issues which are pending or have been concluded in a separate administrative or judicial forum. When an employee has received due process (written notice and hearing pursuant to Section 7.3 of the MSPB Handbook) prior to being issued a Written Reprimand, the employee may appeal directly to the MEAB without exhausting the MSPB grievance procedure.

### B. GRIEVANCE PROCEDURE

- A. Grievances must be submitted to the agency Human Resources Director or other agency designee(s) within seven (7) working days of the employee becoming aware of the alleged grievable issue. In the event that an agency does not have a Human Resources division, grievances must be submitted to the appointing authority's designee who has Human Resources responsibilities. The HR Director or other agency designee shall then timely forward the grievance to the appropriate level supervisor to review the issues, meet with the employee, and provide a 1st Level Agency Response. The agency Human Resources Director or other agency designee shall assist the supervisor in this process.
- B. Within seven (7) working days of the employee initially submitting the grievance, the designated supervisor shall meet with the employee. This

timeframe may be extended by agreement of the parties. Within three (3) working days of the meeting, the supervisor shall provide the employee with the 1st Level Agency Response to the grievance.

- C. If not satisfied with the 1st Level Agency Response, within three (3) working days of receipt, the employee may re-submit the grievance to the Human Resources Director or other agency designee for it to be timely forwarded to the agency Appointing Authority.
- D. Within seven (7) working days of the grievance being re-submitted, the Appointing Authority or his/her designee shall meet with the employee. This timeframe may be extended by agreement of the parties. Within three (3) working days of the meeting, the Final Agency Response shall be provided to the employee.
- E. If not satisfied with the Final Agency Response, the employee may file an appeal with the Mississippi Employee Appeals Board in compliance with Chapter 9 of the MSPB Handbook.

C. GRIEVANCE FORM AND TIMEFRAME REQUIREMENTS

Grievances are to be submitted using the MSPB Grievance Form and management shall provide the 1st Level and Final Agency Response on the grievance form. If necessary, either party may attach relevant supporting documents.

An employee's failure to comply with the required timeframe in Section 8.2(A) or 8.2(C) prohibits the employee from using or exhausting the grievance procedure. In such circumstances, the MEAB does not have jurisdiction to hear an appeal concerning the issue.

An employee's failure to comply with or exhaust the grievance procedure does not relieve an agency's responsibility to timely and appropriately address such issues as necessary. Issues of concern to an employee that are not considered grievable pursuant to Section 8.1 may still require an immediate and appropriate response by the agency. Agencies are especially required to timely and effectively respond to complaints of alleged workplace harassment (Section 5.6) and workplace violence (Section 5.9).

If the agency fails to comply with the required timeframe in Section 8.2 (B) or 8.2 (D) the employee may elect to treat the relief requested as denied at that step and immediately appeal the grievance to the next step.

D. EMPLOYEE APPEALS

Most employees may appeal disciplinary actions and terminations of employment to the Mississippi Employee Appeals Board. Employees must exhaust the agency level grievance process before an appeal may be filed, except in the case of termination of employment. Appeals regarding terminations may be filed directly to the Employee Appeals Board. Notice of appeal must be filed with the *Mississippi* Employee Appeals Board within fifteen (15) days of the date of the first attempted delivery date by certified mail or the date an employee receives written notice of a final agency decision, whichever occurs first. A fee of \$100.00 in the form of a cashier's check or a bona fide attorney's check made payable to the Employee Appeals Board must also be sent with the appeal for the appeal to be accepted.

Probationary employees, non-state service employees, and applicants for employment may appeal only alleged acts of discrimination based on race, color, creed, religion, national origin, gender, age, disability or political affiliation in any personnel action or unlawful employment practice, or for alleged retaliation based upon the employee or applicant's reports of alleged improper government action to a state investigative body. Contract employees are neither state-service nor non-state service, and may not file grievances or appeals, except pursuant to the terms of their contracts.

See the *Mississippi State Employee Handbook* for more complete information about employee appeals.