

TITLE 28: Ports and Airports

PART 305: Personnel Guidelines, Policies and Procedures

Part 305 Chapter 1: General Information

Rule 1.1 The Principles.

The Mississippi State Port Authority at Gulfport (referred to herein throughout as the “MSPA” or the “Port” or the “Mississippi State Port Authority”), is a State agency (a Governing Authority) and operates under co-authority of the Mississippi Development Authority and an appointed Board of Commissioners. The Board of Commissioners appoints the Executive Director. The Executive Director, or a person designated by the Executive Director, shall serve as the Human Resources officer (“HRO”) for the purposes established within the Mississippi State Port Authority Personnel Guide.

- A. The State Personnel Board does not govern personnel matters at the Mississippi State Port Authority at Gulfport.
- B. The Port does, however, follow state guidelines and procedures governing administration and fiscal responsibilities.
- C. The Port’s employees do participate in state insurance programs, a retirement plan, vacation and sick leave schedules, a deferred compensation plan, and credit union privileges, among other benefits.
- D. The Board of Commissioners of the MSPA, through the Executive Director, has final authority on all Port Authority and personnel issues.
- E. Requests for records will be handled in accordance with the Mississippi Public Records Act of 1983, as amended.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.2 Employment-At-Will.

It is the policy of the Mississippi State Port Authority that all supervisors and other employees who do not have separate individual written contracts with the MSPA for a specific, fixed term of employment are employed at the will of MSPA for an indefinite period. Supervisors and employees may resign from MSPA at any time, for any reason, and may be terminated by MSPA at any time for any reason, or no reason, and with or without notice. This “at will” employment policy applies equally to all MSPA employees, including supervisors.

- A. Employees who do not have a separate individual written employment contract are employed at-the-will of the MSPA and are subject to termination at any time for any reason or no reason, with or without cause or notice. At the same time, such employees may terminate their employment at any time and for any reason.

- B. The Board of Commissioners may give authorization to the Executive Director to modify terms and conditions of employment with MSPA.
- C. This policy shall not be modified by any other employee hand-books, employment applications, MSPA memorandum, or other materials provided to employees in connection with their employment. None of these documents, regularly, singularly, or combined, shall create an express or implied contract of employment for a definite period. Nor shall they be an express or implied contract concerning any terms or conditions of employment, nor a guarantee of continuation of any benefits.
- D. At the time of hiring or at the time this personnel manual is implemented, whichever date is earlier, employees shall be required to sign a written statement acknowledging the understanding that they are employed at the will of MSPA and are subject to termination at any time, for any reason, with or without notice, and with or without cause.
- E. Completion of a probationary period or conferral of regular status shall not change an employee's status as an employee-at-will or in any way restrict MSPA's right to terminate such an employee, nor change the terms or conditions of employment.
- F. Nothing contained in this manual, employment application, MSPA memorandums or other materials provided to employees in connection with their employment shall require MSPA to have "just cause" to terminate that employee or otherwise restrict MSPA's right to terminate an employee at any time or for any reason. Statements of specific grounds for termination set forth in the manual or elsewhere are not all inclusive and are not intended to restrict MSPA's right to terminate at will.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.3 Equal Employment Opportunity

At MSPA, all decisions regarding applicants and employees are made without regard to race, color, creed, sex, religion, national origin, age, disability or military status. All employees advance on the basis of their performance and qualifications, without discrimination on the basis of race, color, creed, sex, religion, national origin, age, disability or military status. The same policy of nondiscrimination applies to all phases of personnel administration.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.4 Reporting Improper Activities

If any employee believes that he or she or any other employee has been subjected to any of the following, it is very important that they report it immediately, orally or in writing, to their supervisor, the Human Resources Officer, or the Executive Director:

- A. Improper political influence or coercion;
- B. Any attempt to instruct, direct, influence, or coerce any employee to do anything that would be illegal, unethical, or against MSPA policy;

- C. Any discrimination on the basis of race, color, sex, national origin, religion, age, or disability or any other protected characteristic. This includes sexual and racial harassment, whether by words or action.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.5 Retaliation Prohibited

These are serious matters, and there shall not be any retaliation against an employee for reporting. If the complaint is against the immediate supervisor of the employee, the employee should make his or her report orally or in writing, directly to the HRO or Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.6 Theft of Property

Employees shall be held responsible to protect, conserve and account for the tools and equipment assigned to, and signed for, by them. In accordance with Mississippi Code Annotated Section 29-9-17(2) the Port Authority shall demand swift recovery of the value of equipment assigned when it is missing. The Property Officer shall be responsible for investigating reports of theft of property and the proper completion of incident reports. Police reports shall be filed and reported theft of property shall be conveyed to the Executive Director. Reported theft of property does not relieve the responsible employee from recovery of the value of the missing equipment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.7 Code of Ethics

The Mississippi State Port Authority Board of Commissioners adopted a Code of Ethics for ALL Mississippi State Port Authority employees. As a public employee, you are responsible for conducting MSPA business solely in the public interest. MSPA, as a State agency, is committed to maintaining the highest level of honest, ethical conduct and public trust. Personal integrity is the cornerstone of this Code. Each employee bears primary responsibility to assure that his/her actions are consistent with the highest degree of ethical conduct. The MSPA Code of Ethics serves as a guideline for conduct and should be reviewed in conjunction with this personnel guide.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.8 Conflicts of Interest

Employees of MSPA should be especially careful to avoid using, or appearing to use, an official position for personal gain, or giving unjustified preferences. All employees must not lose sight of the need for efficient and impartial decisions in the operation of MSPA. No act should be committed which could result in questioning the integrity of MSPA. Employees are not to engage in any activity, in either a private or official capacity, whereby discredit is brought upon the employee nor directly or indirectly upon MSPA. The old adage applies here: “Your business is your business unless it affects my business;” (“my business” meaning MSPA).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.9 Safety Is Paramount

MSPA recognizes the importance of providing a work place with safe conditions. We ask for employee's help in maintaining a risk-free environment. An employee's example will greatly influence his or her fellow employees. Safety is contagious.

- A. All employees are asked to adhere strictly to the following common sense safety regulations and take all precautions to protect themselves and their fellow employees from injury.
 - 1. Employees shall not operate equipment unless they thoroughly understand its operation and have been certified as a qualified operator.
 - 2. Employees shall report IMMEDIATELY all accidents and workplace injuries directly to their supervisor.
 - 3. Employees shall always wear safety equipment where required, such as safety shoes, hard hats, safety glasses, masks, harness belts, and/or other gear as specified.
 - 4. Employees shall report IMMEDIATELY any and all unsafe conditions or safety hazards to their supervisor.
 - 5. Employees shall lift objects with their legs and not their back. Employees shall never attempt to lift objects that are considered heavy, alone. (in general over 45 lbs.)
 - 6. Employees shall attend safety meetings, read and initial all safety materials, and shall read product safety sheets for equipment and materials used in the course of their job duties.
 - 7. Employees are encouraged to talk safety to their fellow employees.
 - 8. Employees are encouraged to think safety for themselves and their fellow employees.
- B. The Executive Director shall designate a Safety Committee Chairperson to monitor workplace safety issues, implement safety measures in compliance with applicable state regulations, and conduct regular safety training programs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 1.10 Hiring, Promotion, and Job Assignment Practices

All hiring, promotion, and job assignment practices shall be on the basis of performance and qualifications.

- A. Unless otherwise directed, when a position to be filled at the Mississippi State Port

Authority becomes open or a vacancy occurs, a job opening notice shall be posted at the Port Authority and qualified applicants shall have a specified period to submit an application for the position. All job postings for vacant positions shall include the job title, duties and responsibilities, and minimum qualifications.

- B. In addition to posting of positions within the Mississippi State Port Authority, when a position becomes open or a vacancy occurs for a position with the Port Authority, an advertisement shall be placed in local newspapers of general circulation as a minimum.
- C. The interview, test, evaluation, and selection procedures of a person to fill the vacancy shall be under the overall supervision of the Executive Director, or his designated representative.
- D. Applicants for non-exempt positions at the Mississippi State Port Authority shall be required to complete a MSPA employment application. Applicants for exempt positions shall submit Resumes, Salary History, and References as specified in the job announcement.
- E. Except under unusual circumstances, a minimum period of fourteen (14) days will be allowed after advertising of a position for receipt of applications for the position. Applications submitted for a position will be reviewed initially by the immediate supervisor over the position for which recruitment is being conducted, and then forwarded with recommendations to the manager of the department. All job offers shall be reviewed and approved by the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 2: Work Rules

Rule 2.1 General

Examples of work rules are established to insure the safe and orderly operation of MSPA in the day to day performance of its mission.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.2 Schedule of Work Hours

- A. Normal work hours for the Mississippi State Port Authority are 0800 to 1700 hours, Monday through Friday, with an hour meal period. Under normal conditions, each regular employee may be allowed to two (2) ten (10) minute rest periods during his or her workday.
- B. Supervisors shall be responsible for designating the appropriate times for all meal and rest breaks during an employee's shift.
- C. In order to carry out the MSPA mission and to meet specific Port operational necessities, and subject to the approval of the Executive Director, supervisors may establish "flex-time" schedules for non-exempt employees within their operational unit. Prior to implementation,

all “flex-time” work schedules shall be submitted to and approved by the Executive Director. “Flex-time” scheduling is not intended to abrogate the rights of qualifying employees under the Fair Labor Standards Act.

- D. To the extent practical and feasible, non-exempt employees shall be assigned to a specific work schedule to be published and posted monthly in advance. Normally, all non-exempt employees shall be assigned to a forty (40) hour work week schedule.
- E. An employee’s regular work schedule may be modified to meet specific Port operations and emergency requirements.
- F. Supervisors will notify employees of changes to their work schedules as far in advance as possible.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.3 Overtime/Special Overtime

Supervisors shall establish work schedules to meet efficient, productive, and smooth Port authority operations. Work schedules shall be established to meet Port operational requirements, but shall, to the extent practical and feasible, be designed to avoid overtime hours. When an employee’s supervisor determines that it is necessary, an employee will be required to work overtime. When needed, employees shall be expected to work overtime unless an employee notifies his or her supervisor in advance that they are unable to do so for a good and acceptable reason, and the employee’s supervisor approves that reason.

- A. Failure to work overtime, when requested, will result in disciplinary action. Supervisors may exclude employees from overtime.
- B. Overtime:
 - 1. **Exempt Managerial Employees:** Employees who are identified as exempt managerial are employed on the basis that they will carry out their job functions effectively, without regard for the time required in their performance. At the discretion of the Executive Director, compensatory time off may be given in lieu of all overtime worked. When it is essential that an exempt managerial employee work during an official state holiday, the employee may receive credit for compensatory leave.
 - 2. **Non-exempt Employees:** Employees who are identified as non-exempt shall be entitled to overtime pay. Over-time shall be compensated as specified in Chapter III Pay Policy.
 - 3. **Special Overtime (Line Handling):** Line Handling functions at the Mississippi State Port Authority at Gulfport are the responsibilities of the Port Authority’s operations, maintenance, and mechanical handling departments. All employees within the operations, maintenance, and mechanical handling departments may be assigned to line handling duties unless the employee has a good reason not to be

assigned, and the employee's supervisor has approved the reason. The Operations Manager shall be responsible for preparing monthly schedules for employees to perform line handling duties and responsibilities. The monthly schedule shall be posted, indicating the employees responsible for line handling. Regardless of hours worked, employees who are called in for line handling duties between 1801 hours and 0659 hours shall be compensated at sixty dollars (\$60.00) per vessel. Line handling duties between the hours of 0700 and 1800 are considered "on the clock" and will not be paid the sixty dollars (\$60) per vessel call. If the line handling duties between these hours result in overtime, then the employee is entitled to overtime pay. Gate security and the scheduled operations personnel will maintain records for all line handling duties and responsibilities and submit those records to the Port Authority's Finance Department for payroll purposes.

4. **Special Overtime (Emergency):** All non-exempt employees who are called in on an emergency basis will receive compensation for two (2) hours at a rate of time and one-half. If the call-in requires more than two (2) hours and the total time worked during that weekly pay period exceeds 40 hours, then all time worked on the call-in which contributes to the over 40 hours will be credited as time and one-half. But, if the call-in time exceeds two (2) hours and the total time worked in that weekly pay period does not add up to 40 hours, then all time worked during the call-in that exceeds two (2) hours will be compensated at straight time only.
5. **Change of Employee Schedule:** Employees whose schedules may be changed in advance due to operation's necessity or other unforeseen events will be compensated at straight time rates unless the scheduled work week runs into more than 40 hours. Then overtime is computed for all time exceeding 40 hours.
6. **Employees on leave:** Employees on leave will not normally be called in during the leave period. However, if an emergency makes it necessary to call in an employee on leave, his/her leave status will automatically terminate when he/she reports to work. Double compensation (compensation for leave in addition to the call-in pay) will not be paid. The above emergency leave termination provision does not apply to those employees on leave under the Americans with Disabilities Act or the Family and Medical Leave Act.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.4 Standards of Conduct.

- A. This section is not intended to create a contract between the MSPA and its employees and does not hinder MSPA's right to terminate an employee, without notice, for a good reason, a bad reason, or no reason at all.
- B. All employees are expected to be aware of and to comply with all Port Authority guidelines and policies. Employees shall conduct themselves in accordance with the following guidelines:

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.5 Attendance.

- A. Employees are expected to report to and leave work during the normal work hours for the Port Authority or at the time designated by his or her supervisor.
- B. Employees shall arrange planned absences with their supervisor as far in advance as reasonable and feasible.
- C. Employees shall report unexpected lost time as promptly as possible to his or her supervisor.
- D. Any employee who is absent for three successive working days without proper notice shall be considered to have resigned his or her position without notice.
- E. Each occasion of tardiness shall be considered a loss of an equivalent amount of annual leave (or of pay, if no annual leave balance exists). Repeated tardiness on the part of any regular employee will be grounds for discipline up to and including dismissal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.6 Diligence

Employees shall apply themselves to their assigned duties during the full work schedule for which they are being compensated.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.7 Personal Appearance

Employees of the MSPA should take pride and have integrity in their professional appearance and employment performances. Standards of dress and grooming should be in compliance with the accepted business practices and safety considerations of our community and industry. Administrative, management, and office personnel are not required to wear a uniform and are expected to dress in a manner conducive to a professional atmosphere. The Executive Director may designate special casual dress work days.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.8 Work Performance

Employees shall meet the performance standards set by their supervisor or MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.9 Meal Hour and Breaks

Employees shall take their meal hour and breaks as scheduled by their supervisor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.10 Sexual Harassment

- A. MSPA respects each of its employees, and will not tolerate any form of sexual harassment in the workplace. Accordingly, MSPA will not permit conduct or language that creates an intimidating, hostile, or offensive working environment for other employees. This includes, for example, repeated offensive or unwelcome sexual flirtations, advances, propositions, continual or repeated verbal abuse of a sexual nature, graphic commentaries about an individual's body; sexually degrading words used to describe an individual; and the display in the workplace of sexually suggestive objects or pictures.
- B. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, and which therefore interferes with work effectiveness.
- C. MSPA employees are employed and advanced on the basis of their performance and qualifications, not on their gender or reaction to romantic or sexual advances.
- D. Any employee who violates this policy will be subject to appropriate discipline, up to and including discharge. Any employee who believes he or she is being subjected to sexual harassment or other forms of inappropriate conduct should contact his or her supervisor or the HRO. If the complaint is against the employee's immediate supervisor, then the employee should request a meeting with the supervisor's next higher authority. No employee will be retaliated against for bringing sexual harassment to the attention of management.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.11 Uniforms

Except for the maintenance and operations departments, there are no specified uniforms for employees of the MSPA. Maintenance and operations employees will be furnished uniforms, and they shall be worn while on the job. There shall be no deviation from the prescribed uniforms unless specifically permitted in writing by the supervisor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.12 Safety Equipment and Shoes

All safety equipment required by employees in carrying out their duties and responsibilities shall be supplied by the Port Authority. Employees shall strictly adhere to all safety requirements. Safety shoes and equipment (gloves, goggles, masks, hard hats, etc.) will be worn while working in any hard hat area or industrial area within the confines of MSPA. Exceptions will be made in accordance with the Americans with Disabilities Act (ADA) for those employees who are disabled unless the exception would violate a safety rule that is job related and consistent with business necessity. All safety equipment and shoes are considered a personal item and are turned into the Port Authority only when replacement is required. Safety equipment and shoes shall be turned into the Port Authority Safety Officer and he/she shall be responsible for issuing the replacement equipment. Upon termination of employment, all safety equipment and shoes shall be turned in to

the Port Authority prior to receiving a final pay check.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.13 Hard Hat Area and Mechanical Equipment

Employees working in any hard hat area or around mechanical equipment will follow these rules:

- A. No rings will be worn at any time while working with or around moving equipment, electricity or batteries.
- B. No watch bands or neck chains will be worn. Pocket watches are allowed.
- C. No long hair will be worn out from under the hard hat.
- D. Beards will be closely cropped - not flowing or hanging down from the face.
- E. Articles of clothing must not have dangling sleeves, flapping tails or hanging decorations that could be caught in machinery.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.14 Holidays

Employees at MSPA currently receive regular pay for ten (10) holidays. All employees shall observe the following designated holidays:

- A. New Year's Day (First of January)
- B. Martin Luther King's/Robert E. Lee's Birthday (Third Monday of January)
- C. President's Day (Third Monday of February) OR Mardi Gras (Tuesday before Ash Wednesday)
- D. Good Friday (Friday before Easter)
- E. Memorial Day (Last Monday of May)
- F. Independence Day (Fourth of July)
- G. Labor Day (First Monday of September)
- H. Veterans Day (Eleventh day of November)
- I. Thanksgiving (Fourth Thursday of November)
- J. Christmas Day (Twenty-Fifth Day of December)

- K. NOTE: If any holiday falls on a Saturday or Sunday, then the Executive Director shall designate the day to be observed as a legal holiday.
- L. The Executive Director may designate other days as MSPA holidays that are appointed by the President or Governor for a public feast, Thanksgiving, or holiday.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.15 Probationary Employment and Probationary Period

Unless otherwise provided in writing by the Executive Director, employee's initial six (6) months of service with the Port Authority or employee's initial six (6) months of service in a new position at the Port Authority, constitutes a probationary period. This trial period enables employees to become better acquainted with their new job responsibilities and helps them to form a better understanding of the work expected of them. It is an employee's chance to show his or her ability and willingness to do the job. This probationary period is strictly a trial and does not create a contract of employment, nor change the relationship between MSPA and its employees as employment-at-will. Employees may be returned to their previously held position or terminated without notice at any time during their tenure of employment for any reason or no reason at all. Normal disciplinary measures do not apply, and no hearing is required. Successful completion of the probationary period does not alter the employment-at-will relationship between the employee and the MSPA.

- A. An employee should never hesitate to ask questions or discuss matters with his or her supervisor, if he or she is uncertain of duties or does not understand a given task.
- B. Probationary periods for exempt managerial employees shall be established by the Executive Director and shall be agreed upon by the Executive Director and the managerial employee as a condition of employment or appointment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.16 Performance Appraisals

Appraisals of employee performances are used to measure the progress and performance of employees.

- A. All appraisals shall be performed on forms approved by the Executive Director.
- B. An employee's appraisal is his or her supervisor's assessment of their performance on the job. Every effort is made to ensure its fairness and accuracy. Performance appraisals shall not be discussed with other employees who do not have a need to know.
- C. Appraisals are administered without regard for age, race, sex, religious beliefs, political affiliation, national origin or disability status.
- D. Appraisal frequency can be any time depending on circumstances but normally is scheduled as follows:

1. During the third month of the probationary period for new hires or employees assigned to new positions.
2. During the sixth month of the probationary period a probationary employee may be recommended for regular status or assignment to regular status in a new position, which would not commence until the first day of their seventh month of employment or assignment.
3. Appraisals of performance for a regular employee shall generally be made annually, prior to the end of the fiscal year – June 30th.
4. Department Managers shall review each appraisal and comments of employees assigned to their department. All appraisals shall be placed in the employee's personnel folder in the Human Resources Department. Employees shall sign their appraisal at the time that the review is presented to them by their supervisor. An employee's signature indicates only that he or she has reviewed the appraisal, not necessarily that they agree with it. Employees are encouraged to supplement the appraisal with their own comments.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.17 Hearings

Employees will be provided written notice and opportunity for a hearing in case of any termination or disciplinary suspension without pay, and in case of lay-off or any other action that will have a substantial effect on their compensation. This does not include actions that are voluntary on the part of the employee, actions taken against probationary employees, or suspensions with pay for purposes of investigation or other non-disciplinary reasons. The written notice will include the action proposed, the reasons for taking the action, an explanation of the employee's hearing rights, and the procedures and deadlines that should be followed in claiming those rights.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.18 Reduction In Force

In order to meet changes in technology or economic conditions at the Port, the Mississippi State Port Authority may be required, from time to time, to eliminate positions and to reduce its workforce. No actions involving layoff or action which may affect compensation shall be taken without written notice of same to the employee. Employees impacted by a reduction in force may seek a hearing in accordance with Rule 17 of this Chapter.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.19 Mississippi Driver's License/Auto Insurance

- A. All employees driving a Mississippi State Port Authority Vehicle, or any other vehicle on MSPA business, must have a valid Mississippi State Driver's License. When driving a

MSPA vehicle, or any other vehicle on MSPA business or onto MSPA property, it is the responsibility of all employees to operate that vehicle in a safe and sensible manner. The practice of driving defensively should provide a safe journey for employees and their passengers.

- B. Employees shall immediately report all accidents involving MSPA vehicles to their immediate supervisor. The Port's Safety Officer shall investigate all accidents and a written incident report shall be filed with the Executive Director within five (5) working days of the incident.
- C. Employees shall immediately report all accidents or traffic citations that may result in the employee losing his or her driving privileges.
- D. Any vehicle driven onto the MSPA premises by an employee must be covered by a valid automobile insurance policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.20 Drug Free/Alcohol Free Workplace

The Mississippi State Port Authority absolutely prohibits any form of substance abuse by employees while on Port Authority premises or while conducting Mississippi State Port Authority business. For this purpose, substance abuse means use, possession, sale, manufacture, distribution, dispensing, or being under the influence of unauthorized drugs or alcohol on Port Authority premises, in Port Authority vehicles, or while on Mississippi State Port Authority business. Employees may maintain prescription drugs on Mississippi State Port Authority premises provided the drugs have been prescribed by a physician for the person in possession of the drugs. Employees should notify their supervisor concerning the possession of prescription drugs. Provided that an employee is not driving a vehicle, an employee may consume a moderate amount of alcoholic beverages associated with public relations, marketing, or official business activities and events.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.21 Continuing Education/Training Programs

From time to time, the Mississippi State Port Authority will sponsor, promote, or offer continuing education and training programs for employees of MSPA. All education and training programs shall be directly related to furthering and enhancing the overall professionalism of the MSPA staff. Employees may submit applications and requests to the Executive Director to participate in outside education and training assistance. All requests will be reviewed and evaluated based upon the overall benefit the education and training program will have upon the Port Authority and the employee. The Executive Director may approve special tuition assistance and cooperative financial support for continuing education and training programs only if the continuing education and training program will enhance an employee's ability to perform specific job duties and responsibilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 2.22 Travel and Expenses

- A. Employees may be required to travel in the performance of assigned duties. When an employee travels on official business, the employee is an official representative of MSPA, and the employee's conduct and actions reflect upon the image of MSPA.
- B. All travel shall be coordinated through the Department Travel Coordinators in accordance with State of Mississippi Travel Guidelines. All expense reimbursements and/or travel advances shall be submitted to the Executive Director and shall be paid in accordance with State of Mississippi Travel Guidelines.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 3: Pay Policy

Rule 3.1 Salaries and Wages

In association with the budgetary process of the Port Authority, the salary ranges for positions at the Mississippi State Port Authority shall be fixed by the Board of Commissioners based on recommendations of the Executive Director. Salary ranges for MSPA positions shall be established on the basis of salary schedules in effect at other smaller deep water ports and at appropriate City, County, State, and Federal Governmental agencies. All salaries are per annum and are paid biweekly.

The overall administration and setting of salaries for the employees of MSPA shall be under the Executive Director, but shall be consistent with the salary ranges approved and adopted by the Port Commission. The salary of the Executive Director shall be under the control of the Port Commission.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 3.2 Time Sheets

All Employees shall be responsible for reporting on a payroll time sheet provided by the Finance Department. Non-exempt employees will record, regular hours worked, overtime worked and exceptions to the regularly scheduled workday, such as Personal Leave, Sick Leave, or Leave without Pay. Exempt employees will not record hours worked but must include Personal Leave, Sick Leave and Holidays. Each Employee shall sign and attest to the accuracy of the information pertaining to their employment status on the payroll time sheet. The time sheet shall be turned in bi-weekly to the immediate supervisor who will sign, after reviewing for accuracy and completeness.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 3.3 Calculation of Overtime Pay

All time which is worked in excess of the forty (40) hour week shall constitute overtime and shall be paid at one and one-half the employee's regular rate. For purposes of calculating

overtime, time not worked such as medical, annual, or holiday leave, shall not be counted.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 3.4 Working on Holidays

Some employees will be required to work on holidays. Non-exempt employees required to work on holidays will be given the choice of compensatory time-off based upon one and one-half times the hours worked on the holiday at a time convenient for them and their supervisor or receiving holiday pay of eight (8) hours at regular compensation in addition to hours worked at their regular rate of pay. In concert with Department of Labor Laws, any overtime that arises from a non-exempt employee working on a holiday must be treated as overtime pay and compensation time cannot be issued. This does not apply to call-outs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 3.5 Compensatory Time

Compensatory time off shall not be carried over during any fiscal year, and if the compensatory time off is not taken during the fiscal year, then it shall be lost.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 4: Leave and Benefits

Rule 4.1 Leave Policy

- A. **Vacation Leave.** All VACATION LEAVE (Personal Leave in excess of five (5) days and Personal Leave during the months of November and December) requests must be submitted in advance for approval by the Executive Director and, if approved, shall be scheduled and approved to accommodate the employee's requests but must be consistent with the overall requirements of the Mississippi State Port Authority. All vacation leave, as defined herein, shall be approved in advance by the Executive Director. All personal leave for vacation shall be submitted on the form provided by the MSPA, and shall be first submitted to the employee's immediate supervisor, forwarded with his or her recommendation to the Department Manager, and sent to the Executive Director for approval. All vacation leave requests shall be submitted at least two (2) weeks in advance of the request. The time that vacation may be taken is subject to the needs of the Mississippi State Port Authority. All requests for vacation not submitted two (2) weeks in advance shall include a reason for the request and for the failure to submit it two weeks in advance.
- B. **Personal Leave.** All PERSONAL LEAVE, other than Vacation Leave described above, shall be submitted for approval in advance to the Supervisor or Department Manager. Requests for personal leave shall be made to the immediate supervisor, on the form provided by the MSPA. The Supervisor may forward leave requests with his/her recommendations to the Department Manager, or if designated, the Supervisor may approve or disapprove the requested personal leave. Normally, requests for personal leave when recommended by the Supervisor shall be granted. All requests for personal leave

shall be made with as much notice as is practical and feasible and shall be granted on the basis of the Port's operational requirements. All personal leave not for vacation purposes and in excess of twenty-four (24) working hours shall require the approval of the Department Manager.

- C. **Personal Leave Credit.** Personal leave credit commences after one month of continuous employment.
- D. **Six Month Employment Requirement.** Personal leave for vacation purposes may not be used until after six (6) months of continuous employment.
- E. **Accrual of Personal Leave.** Employees who were hired prior to July 1, 1984, who have continuous service of more than five (5) years but not more than eight (8) years shall accrue fifteen (15) hours of personal leave each month. Temporary employees who work less than a full workweek and part-time employees shall be allowed credit for personal leave computed on a pro rata basis. For the purpose of computing credit for personal leave, each employee shall be considered to work not more than five (5) days each week.
- F. **No limitation.** There shall be no limit to the accumulation of personal leave.
 - 1. Upon retirement, unused personal leave in excess of thirty (30) days shall be converted as credited service for retirement.
 - 2. Upon termination of employment, for any reason, employees will be paid in a lump sum for the amount of accumulated, unused personal leave, up to thirty (30) days maximum.
 - 3. The beneficiary or designee of an employee who dies with unused personal leave may receive payment for all personal leave accumulated but not used by the employee.
 - 4. Exceptions to this policy may be made only in writing and signed by the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.2 Military Leave.

- A. **Introduction.** The MSPA offers unpaid military leave in accordance with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA). Military leave without pay is granted when an employee is recalled, inducted or voluntarily enters the Armed Services.
- B. **Leave with Pay.** Employees who are members of the Armed Services are entitled to leave with pay up to fifteen (15) working days in any one (1) calendar year if they are required to perform duties with troops at field services, for instruction, for state service, or for annual field training. A copy of the order shall be required by the Port Authority.

- C. **Leave Without Pay.** If an employee uses all of his or her military leave, employees may charge off additional days against annual leave or may take authorized leave without pay.
- D. **Pay During Pre-Induction Examination Period.** Employees are also entitled to leave with pay for the time required to report and be processed for military pre-induction examination.
- E. **Enlistment.** Employees are granted a leave of absence without pay when they enlist or are drafted into the Armed Services of the United States.
- F. **Continuation of Benefits.** An employee may elect to continue health coverage during the military service for up to two (2) years. If the military service is less than 31 days, the employee's premium contribution will remain unchanged. If the military service is for longer than 31 days, then the employee will be required to pay the entire premium. An employee may elect to use any available sick pay, vacation, and personal time during the military service.
- G. **Reinstatement.** An employee on military leave who receives an honorable discharge may be entitled to reinstatement to his or her position or to a position of like seniority, status and pay.
 1. Employees reinstated from military service may return with the same seniority, and rights and benefits determined by seniority, that the employee had on the date his or her military service commenced, plus any additional seniority rights and benefits that the employee would have attained if he or she had remained continuously employed. Employees on military leave will be deemed to be on furlough or leave of absence while performing their military service, and their rights and benefits which are not determined by seniority will be the same as employees with similar seniority, status, and pay who are on leave of absence.
 2. An employee's rights to reinstatement and benefits when returning from military service are subject to the time limits and other limitations which apply under the USERRA. A copy of honorable discharge or release papers will be required by the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.3 Administrative Leave – FMLA

- A. **Introduction.** The MSPA provides leave according to the Family and Medical Leave Act of 1993 ("FMLA"), which provides for unpaid, job-protected leave to covered employees in certain circumstances.
- B. **Eligibility.** To qualify for FMLA leave, you must: (1) have worked for the MSPA for at least 12 months, though it need not be consecutive; (2) worked at least 1,250 hours in the last 12 months; and (3) be employed at a work site that has 50 or more employees within 75 miles. Employees must contact the Human Resources Officer for additional information if they believe they qualify for leave under this Act.

C. **Leave Policy.** If eligible, you may take up to 12 or 26 weeks of family or medical leave, whichever is applicable (as explained below), within the relevant 12-month period defined below. While you are on FMLA leave, the MSPA will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working, as explained more fully under the section titled, Medical and Other Benefits. Upon returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations and exceptions provided by law.

D. **Leave Entitlement.** You may take up to 12 weeks of unpaid FMLA leave in a 12-month period, which is defined using a “rolling” method that is measured backward from the date you use any FMLA leave for any of the following reasons:

3. the birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child’s birth);
4. the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child’s placement);
5. to care for a spouse, son, daughter or parent with a serious health condition;
6. to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
7. the birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child’s birth);
8. a qualifying exigency of a spouse, son, daughter or parent who is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).
9. You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA’s regulations, (known as military caregiver leave).

E. **Spouses Employed by the MSPA.** Spouses who are both employed by the MSPA and eligible for FMLA leave may be limited in some circumstances. Employees should contact the Human Resources Officer for additional information if they believe they qualify for leave under this particular provision of the Act.

F. **Notice of Leave.** If your need for FMLA leave is foreseeable, you must give the MSPA at least 30 days’ prior written notice. If this is not possible, you must at least give notice as

soon as practicable (within one to two business days of learning of your need for leave). Failure to provide such notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances. Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with the MSPA first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee or the covered military member, if applicable, and the MSPA. Where the need for leave is not foreseeable, you are expected to notify. Please submit a written request, the Human Resources Officer, when requesting leave under the Act.

G. Certification of Need for Leave. The MSPA reserves the right to request a relevant healthcare provider to supply the appropriate medical certification as provided in the Act. Failure by the employee to provide the MSPA requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

H. Request for Reexamination by the MSPA. The MSPA, at its expense, may require an examination by a second healthcare provider designated by the MSPA. If the second healthcare provider's opinion conflicts with the original medical certification, the MSPA, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion. The MSPA may require subsequent medical recertification.

I. Reporting While on Leave. If you take leave because of your own serious health condition or to care for a covered relation, you must contact the MSPA on a bi-weekly basis regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

J. Leave is Unpaid. FMLA leave is unpaid. You may be required to substitute any accrued and unused sick days/personal days for unpaid FMLA leave as described below:

1. If you request leave because of a birth, adoption or foster care placement of a child, any accrued and unused paid leave may be first be substituted for unpaid family/medical leave and run concurrently with your FMLA leave.
2. If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid personal leave or medical leave may be substituted for any unpaid family/medical leave and run concurrently with your FMLA leave.
3. The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100%

of your salary. Your FMLA leave runs concurrently with other types of leave, for example, accrued vacation time that is substituted for unpaid FMLA leave and any state family leave laws, to the extent allowed by Mississippi state law.

- K. **Medical and Other Benefits.** During approved FMLA leave, the MSPA will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, the MSPA will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium. Your healthcare coverage will cease if your premium payment is more than 30 days late. If your payment is more than 15 days late, the MSPA will send you a letter to this effect. If the MSPA does not receive your premium payment within 15 days after the date of this letter, your coverage may cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the MSPA for the cost of the health benefit premiums paid by the MSPA for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.
- L. **Returning from Leave.** If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.4 Sick Leave

- A. **Generally.** Sick leave is not an entitlement, rather it is a privilege and a form of employee insurance. Use of sick leave for any purpose other than medical reasons, in effect, constitutes a form of fraud against the Port. All employees who are sick shall telephone the Port Authority and report that they are sick and will be taking sick leave.
1. Sick leave benefits are available to all employees who have completed one (1) month of service.
 2. Part-time employees shall accrue major medical leave on a pro rata basis.
- B. There shall be no maximum limit to sick leave accumulation. Sick leave may be used for the illness or injury of an employee, an employee's immediate family, or bereavement as provided for in this Personnel Guide. Following a reported illness, injury, or bereavement, Supervisors may require reasonable evidence to support the employee's claim of illness, injury or bereavement.
- C. Personal leave shall be used for the first day of an employee's illness requiring his absence of more than one (1) day, and if the employee has no accrued personal leave, the first day will be counted as leave without pay. However, sick leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or hospital for

continuing treatment of a chronic disease, as certified in advance by a doctor of medicine, osteopathy, dental medicine, podiatry or chiropractic. An employee may substitute personal leave for sick leave after the first day only with the prior written approval of the Executive Director and when all sick leave has been exhausted due to medical reasons.

- D. Each absence due to illness of thirty-two (32) or more consecutive working hours (combined personal leave and sick leave) shall be authorized only where certified by the employee's doctor. Recognized doctors are: Doctor of Medicine, Osteopathy, Dental Medicine, Podiatry and Chiropractic.
- E. An employee who has a prearranged doctor's appointment may use sick leave for the time he is absent, but only if a doctor's slip is turned in upon return.
- F. All unused sick leave shall be counted as creditable service for purposes of the retirement system.
- G. An employee may use sick leave, when approved in writing, under the following circumstances:
 - 1. When there is a death of a member in the immediate family of the employee or immediate family of the employee's spouse. A member of immediate family shall include spouse, parent, sibling, child, step-child, grandchild and grandparent, son- or daughter-in-law, mother- or father-in-law or brother- or sister-in-law. Three (3) days authorized for each occurrence may be used for this purpose. No qualifying time or use of personal leave will be required prior to use of sick leave for this purpose.
 - 2. Absence due to the illness or injury of an employee or member of the employee's immediate family (as defined above) will be covered by sick leave when requested in writing. Employees may be required to produce a doctor's certification of treatment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.5 Authorized Leave of Absence with Pay

The Executive Director may grant administrative leave with pay to any employee serving as a witness or juror or party litigant when verified by the Clerk of the Court. Such leave will not be counted as personal leave. Also administrative leave may be granted to employees when the Executive Director determines the following conditions warrant:

- A. Extreme weather conditions
- B. Event man-made
- C. Technological or natural disaster or emergency

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.6 Maternity Leave

Requests for leave for medical disabilities related to pregnancy will be handled on the same basis as requests for leave for disabilities unrelated to pregnancy. Requests for pregnancy leave when the employee is not disabled, and re-requests for leave for child care purposes will be handled on the same basis as requests for personal leave for other reasons, subject to the Family Medical Leave Act.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 4.7 Authorized Leave of Absence Without Pay

An employee may be granted a continuous leave of absence without pay not to exceed (12) months without forfeiting previously accumulated continuous employment. If an employee wishes to continue with the insurance coverage while on leave, a reimbursement arrangement must be made prior to starting leave. Any absence from work not otherwise authorized or approved under the Leave Policies of MSPA shall be considered Leave without Pay. Leave of absence without pay for any employee shall not exceed six (6) days in a six month period. Excessive leave without pay shall be considered grounds for dismissal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 5: Employee Benefits

Rule 5.1 Unemployment Compensation

Regular employees who become separated from their jobs may be eligible for unemployment compensation. Probationary employees are not eligible for unemployment compensation if they become separated from their jobs. For a complete list of eligibility requirements and answers to your questions regarding unemployment compensation, benefits, policies, and claims, contact the nearest office of the Mississippi Department of Employment Security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.2 Workers' Compensation

Workers' Compensation is to provide fixed benefits for employees in the event they are injured in the course of their employment. Employees cannot collect accumulated major medical leave at the same time they are collecting Workers' Compensation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.3 Benefits for Injuries on the Job

An employee who is injured on the job may be entitled to the following benefits:

- A. Compensation for medical expenses;

- B. Partial replacement of income lost because of the injury or illness;
- C. Re-training for new skills, if necessary;
- D. Funeral expenses in case of death due to a job related accident or illness;
- E. The amount of compensation in all cases depends on the severity of the disability;
- F. Employees shall report ALL injuries, no matter how minor the injury, to their supervisor as promptly as possible and obtain immediate medical attention; and
- G. Employees who are compensated by Workers' Compensation for time off are not to accrue personal nor major medical leave. If an employee is partially paid by the Port in the form of time worked or use of personal or medical leave, then the accrual rate shall be the pro-rata share of the day the Port compensates the employee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.4 Social Security

Every employee of the Port Authority is required by Federal Law to participate in the Federal Social Security Pro-gram, which provides monthly cash benefits when you retire under the Social Security guidelines.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.5 Retirement Plan

Employees of the MSPA become members of the Public Employees Retirement System as a condition of employment unless they have attained the age of 60 when hired, in which case, they may voluntarily join the retirement system if they desire. Employees will be furnished with a Member Information Form to establish their membership number.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.6 Insurance

- A. **Comprehensive Health Benefits:** Employees are eligible to participate in the health insurance program offered by the State of Mississippi. The Comprehensive Health Benefits Plan is designed to pay most of the medical care and treatment resulting from illness or injury of an employee and the other covered members of the employee's family, once the deductibles have been met. For more information consult the Comprehensive Health Benefits booklet.
- B. **Term Life Insurance Protection:** Employees of the Port Authority are eligible for the optional life insurance protection. Dependent life insurance coverage is not available.
- C. **Accidental Death and Dismemberment:** Accidental Death and Dismemberment Insurance and Life Insurance are available to employees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.7 State Offices Credit Union

The State Offices Credit Union is a non-profit financial organization serving the saving and borrowing needs of its members. MSPA employees are eligible for membership. Employees must pay into funds administered wholly or partially by the State. Employee's spouses and children may also become members.

For additional information, write: Mississippi Public Employees Credit Union, 637 North President Street, Suite 106, Jackson, Mississippi 39202 or call (601) 359-6500.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 5.8 Cafeteria Plan

Employees of the MSPA are eligible to participate in a cafeteria plan described in Section 25-17-1(c) of the Mississippi Code of 1972.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 6: Disciplinary

Rule 6.1 Procedural Rules

- A. **Introduction.** Any group of people must have rules, not only for the accomplishment of their mission, but also for their own safety and well-being. Most MSPA employees recognize this and respect the rules on their own volition. Those who do not, however, are subject to disciplinary action.

- B. **Discipline – Generally** - Since it is impossible to foresee every contingency, MSPA's rules are intended only as examples of the types of conduct that are prohibited and do not modify the employment-at-will relationship between the MSPA and its employees. These rules do not limit MSPA's right to terminate, without notice, for a good reason, a bad reason, or no reason at all. Every MSPA employee is expected to exercise common sense and good judgment. Employee misconduct can result in discipline or discharge even if the conduct is not specifically prohibited by the rules. In addition, although MSPA's rules set out examples of misconduct that normally result in discharge for the first offense and examples that will normally result in less severe discipline, these are intended as guides and examples only. They are not intended to limit MSPA's ability to consider the circumstances of each case and to determine an appropriate discipline that may be more or less severe. Examples of such circumstances include whether the misconduct is willful; whether it endangers other employees, the public, or MSPA property, and the employee's past discipline record. An offense that would otherwise result in a written warning may result in termination if the employee has received other warnings for the same or other offenses, especially if the offenses occurred within the same six (6) month period.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 6.2 Examples of Conduct that can result in DISCHARGE for the first offense

- A. Misappropriation or destruction of MSPA Property.
- B. Forging, falsification, or unauthorized alteration of MSPA records, or unauthorized copying or disclosure of MSPA information.
- C. Conviction of a felony or other crime which is related to the safe and effective performance of an employee's job.
- D. Immoral or indecent conduct.
- E. Violation of MSPA's code of ethics and/or policy on conflicts of interest.
- F. Threat of bodily harm, fighting, physical altercation or disorderly conduct within the confines of MSPA.
- G. Violation of MSPA's drug and alcohol policy.
- H. Unauthorized possession or use of a weapon, firearm, or explosive device.
- I. Threatening or coercing of a supervisor or other employee(s).
- J. Sexual harassment, or harassment on the basis of race, color, gender, national origin, religion, age, or disability.
- K. Refusal to perform assigned duties and insubordination.
- L. Violation of safety rules resulting in severe danger to the employee, other employees, the public, or MSPA property.
- M. Refusal to undergo inspection by security or refusal to fully cooperate in any investigation conducted by or at the direction of the MSPA.
- N. Insubordination.
- O. Dishonesty.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 6.3 Examples of conduct that can result in a WARNING for the first offense:

- A. Unsatisfactory attendance or tardiness.
- B. Use of abusive, profane or obscene language.
- C. Unauthorized absence from work area.
- D. Failure to inform supervisor promptly upon completion of assigned job.

- E. Conviction of a moving traffic violation while operating MSPA equipment or vehicles.
- F. Conviction of a moving traffic violation while operation a private vehicle within MSPA premises.
- G. Unauthorized use, abuse or taking of MSPA equipment, property or records.
- H. Conduct or appearance that is unbecoming for an employee of MSPA which could be considered an adverse reflection on MSPA.
- I. Negligence or carelessness of such a degree or recurrence as to increase the financial liability of MSPA.
- J. Telling ethnic jokes and using ethnic slurs or phrases that are offensive to fellow employees and members of ethnic communities.
- K. Poor work performance.
- L. Failure to work in harmony with other employees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Part 305 Chapter 7: Grievance Procedure

Rule 7.1 Policy Statement

Whenever people work together, problems and misunderstandings are inevitable, and they cannot be resolved without good communications. All regular employees are encouraged to use MSPA's grievance procedure. It is designed to call attention to these problems so that they can be rationally resolved. These procedures do not modify the employment-at-will relationship between MSPA and its employees. These grievance procedures are intended as guidelines and examples only and are not intended to limit MSPA's ability to consider the circumstances of each case and to determine an appropriate procedure that may be more or less restrictive. This manual in no way limits the discretion of the MSPA to administer discipline in a manner which is different from what is described herein, and reserves the right to discipline employees in any fitting manner, including termination, for any conduct which the MSPA, in its sole discretion deems inappropriate.

- A. Step One:
 1. Upon recognizing a problem that an employee cannot resolve at the employee's level of responsibility, the employee then should present the matter to the immediate supervisor.
 2. This is to be done in an informal, verbal, person to person meeting with the immediate supervisor.
 3. If the grievance is not solved by the employee's immediate supervisor, or if the grievance is against the immediate supervisor, then the employee should request a

meeting with the supervisor's next higher authority, within three (3) working days, which takes the grievance to Step Two.

B. Step Two:

The meeting with the next higher authority is also verbal and person to person. Within three (3) business days, the supervisor will advise the employee of his/her decision. If the employee does not agree with the decision, he/she may take the grievance to the next step by reducing the grievance to writing and delivering it to the HRO within three (3) working days of the time he/she is informed of the decision.

C. Step Three:

1. The HRO receives the grievance and advises all parties involved in the process, now in motion, that a formal hearing will take place within seven (7) working days from receipt of the grievance. The hearing will be scheduled and all parties to the grievance will be advised of the time and place.
2. The HRO will conduct the hearing using a tape recorder to insure all information is received as given during the hearing.
3. After hearing both sides of the grievance and interviewing the parties involved, the HRO then must issue a decision within seven (7) working days from the hearing date. This decision will be in writing to the principal parties involved with a copy to the grievance file. If the decision is still not acceptable to the employee, then the process moves to Step Four.

D. Step Four:

1. In order to initiate Step Four proceedings, the employee must request in writing a review of the grievance by the Executive Director within three (3) working days after receipt of the HRO decision.
2. The HRO provides the Executive Director with a transcript of the Grievance Process including the tape recording of the Step Three Hearing, and all written information pertinent to the grievance.
3. The Executive Director will make a decision based on the information available without personal interviews unless the Executive Director determines interviews would be helpful in making the final decision.
4. The Executive Director has seven (7) working days from receiving the review request to hand down his written decision after reviewing the grievance process transcript and file.
5. The Executive Director's decision is final and that decision is the final step in the grievance process.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 7.2 Time Limits

- A. If a grievance is not initiated within the time limit as set forth above, it will be considered waived.
- B. If a grievance is not appealed to the next higher step in the specified time limit or an agreed extension thereof, it will be considered settled on that level.
- C. If the grievance appeal is not addressed within the specified time limit, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step.
- D. Time limits may be extended by the Executive Director if good cause is demonstrated for doing so.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

Rule 7.3 Duplication of Procedures

Some personnel actions entitle the employee to a hearing under Chapter 2, Rule 17. Employees who elect to pursue a hearing under Chapter 2, Rule 17 may not duplicate those proceedings with a grievance filed under this section.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21