

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: WORK POLICIES
EMPLOYEE PROCEDURES MANUAL	SECTION: 7.0 PAGE 1 OF 10 EFFECTIVE DATE: MAY 1, 2000 REVISION #5: JULY 1, 2024

OFFICIAL DUTY STATION

Each employee will be assigned an official duty station. An official duty station is defined as a location an employee reports for work. For most MDE employees, the official duty station will be in Jackson, MS (i.e., Central High School, Greymont Offices, or MSDB campus); however, school attendance officers will be assigned an official duty station in the town/city in which his/her office is located. Prior written approval from the State Superintendent is necessary for an employee to be assigned an official duty station other than Jackson, MS. Once an employee is assigned to an official duty station, travel for reimbursement purposes will be calculated from that point (see Section 13.0). An employee's official duty station is subject to change based on the requirements of the job.

EMPLOYEE WORK SCHEDULES

State law requires that all state offices be available to the public for services from 8:00 a.m. to 5:00 p.m., Monday through Friday.

All full-time employees are expected to work eight (8) hours per day, 40 hours per week.

All part-time/hourly employees shall be provided with a schedule of working hours.

FLEXIBLE WORKING SCHEDULE

The MDE implements flexible working schedules between the hours of 7:00 a.m. and 5:30 p.m. each day. All employees are expected to work the core hours of 8:30 a.m. to 4:00 p.m. To obtain a flex-time schedule, the employee shall submit a written request to his/her immediate supervisor. The supervisor shall submit the flex-time request to all approving levels and the appropriate MDE Leadership Team member shall concur with the schedule. Supervisors are responsible for ensuring that all branch and/or division functions are carried out when they recommend authorizing flex-time for an employee. If an employee is absent, others in the office may be required to temporarily change their work schedules to assure proper staffing is sustained.

Flexible work schedules shall be approved in advance and shall remain in place for a six (6) month period. Any alterations to a previously approved flex-time schedule shall be requested in advance. These requests shall follow the procedures established above.

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LUNCH PERIOD

Employees are allowed either 30 minutes or an hour for lunch depending on their daily scheduled time or flex-time schedule. The supervisor is responsible for scheduling the lunch period for employees so that workflow is not interrupted. Employees taking lunch breaks longer than the allotted time will be charged with personal leave or leave without pay if the employee does not have accrued personal leave. Employees taking lunch breaks longer than the allotted time may be subject to disciplinary action. Employees are not permitted to work during the lunch period to make up time for being late or to accumulate leave time.

BREAKS

Employees are permitted one break in the morning and one break in the afternoon neither of which is to exceed 15 minutes. Breaks are a privilege rather than a right and should never interfere with deadlines or work schedules. The supervisor is responsible for scheduling these breaks for employees so that the workflow is not interrupted, and each office is attended.

Employees cannot forego breaks for the purpose of accumulating this time for use at a later date, nor can employees arrive late for work and depart early and substitute this time for a break. If not taken at the authorized time, breaks are forfeited.

ATTENDANCE AND TARDINESS

Employees shall report to work on time and maintain regular attendance. Planned absences should be scheduled as outlined in the Leave Policies (See Section 8.0). All unexpected absences shall be reported to the employee's immediate supervisor by the time the employee was scheduled to report to work. Such notification shall be made directly to the employee's supervisor. The employee is responsible for securing approval from his or her supervisor before leaving the work site for any reason during the assigned work hours. If such absences become necessary, the employee shall give the reason and indicate an estimated time of return.

Any employee who has been instructed to report for orientation, training sessions, staff meetings, or other functions deemed beneficial by his or her supervisor, shall report as instructed and remain at such meetings until officially released. Prior approval shall be secured from the supervisor if the employee plans on leaving the meeting before its completion. In addition, those conducting these meetings must also be properly informed of any early departures. This policy also applies to any conferences attended by the employee.

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TIME REPORTING

All employees of the MDE shall be required to complete a monthly time sheet. The time sheets shall detail the number of hours worked each day. All time should be reported in increments of one hour. After review and verification, these time sheets are to be sent by each Office Director to the Office of Accounting for filing. (Each Superintendent’s Executive Leadership Team member and the State Superintendent will also send their employee time sheets to this office.)

The work week shall begin Monday at 12:00 a.m. and end the following Sunday at 11:59 p.m. midnight. This weekly review is made to ensure employees receive compensation as required by the FLSA.

Based on OMB Circular A-87, all employees who are paid 100% from Federal funds must complete a Program Certification for Duty Assignment periodically as requested by the Budget Office. It is the duty of the supervisor to ensure that this form is completed in its entirety, complete with approval signatures of the Office Director and the appropriate member of the Superintendent’s Executive Leadership Team Member, and a file of these certifications is to be maintained in the program office. If the employee for whom the certification is to be completed is the Office Director, the approval signature will be the appropriate member of the Superintendent’s Executive Leadership Team Member(s).

ALCOHOL AND CONTROLLED SUBSTANCE USE (Drug-Free Workplace)

It is the policy of the MDE to maintain a drug and alcohol abuse- free workplace. As a condition of employment, all employees are required to certify, in writing, that they will abide by the terms of this policy as set out below. All employees are required to sign, at the time of employee orientation an acknowledgment of the “Drug-Free Workplace Act of 1988” memorandum. The signed certification shall be maintained in the employee's permanent personnel file.

In accordance with Public Law 100-690, the Drug Free Workplace Act of 1988 and Public Law 101647, the Drug Free Schools and Community Act of 1986, MDE employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or “drugs” in the workplace of the MDE. All MDE employees shall notify the State Superintendent if convicted for violation of any criminal drug statutes, should said violation occur in the workplace, no later than five (5) days after such conviction.

As used in this policy, the term "drugs" includes alcohol, inhalants (chemical vapors), cannabis (marijuana), controlled substances, and similar substances which impair a person's ability to work productively and safely.

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The proper use of drugs as prescribed by a licensed physician is not subject to disciplinary action. If an employee's ability to work safely may be affected using a prescribed drug, the employee shall inform his/her supervisor so that precautions can be taken.

MDE employees shall report to work without any alcohol or illegal or mind-altering substances in their systems. MDE employees shall not be allowed to work or participate in any MDE activities while using alcohol or under the influence of alcohol or any controlled substance which alters their ability to work safely and productively.

Reporting to work under the influence of, or when ability is impaired by, alcohol or the unlawful use of a controlled substance is cause for dismissal. The use of alcohol or the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while on the job, on the office premise or participating in any MDE activity is cause for dismissal.

All employees of the MDE are subject to reasonable suspicion drug and alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy. Such belief must be based on specific objective and articulable facts and reasonable inferences drawn from those facts. Reasonable suspicion drug and alcohol tests for employees may be directed by only the State Superintendent, or his designee and shall comply with Miss. Code Ann. § 71-7-1 et seq. Refusal to take a drug or alcohol test when directed to do so or any other violation of this policy is considered good cause for disciplinary action.

Employees who suffer from the problems of drug abuse or alcoholism must recognize that it is their responsibility to address these problems. Upon request by the employee for assistance with a substance abuse problem, the MDE Human Resources Office will advise the employee of leave, insurance benefits, and available treatment resources.

It is the employee's obligation to seek diagnosis and/or treatment and to abide by any program of care prescribed by medical personnel. A request for assistance may not be entertained if it is made after the employee engages in misconduct which the State Superintendent considers to be cause for dismissal, and no request for assistance will prevent the State Superintendent from taking disciplinary action based on the misconduct which may have been related to the employee's use of alcohol or drugs.

The MDE, however, is under no obligation to maintain the employment of anyone who constitutes a threat to the workplace or whose current use of alcohol or drugs prevents him/her from working safely or productively, or otherwise performing his/her duties.

The MDE is a tobacco-free workplace.

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ENFORCEMENT OF OMNIBUS TRANSPORTATION ACT

The following policies are related only to those employees, applicants, and contractual workers subject to 49 C.F.R. Part 40 and the Omnibus Transportation Employee Testing Act of 1991. To enforce these rules, the MDE reserves the right to require the above employees to submit, at any time an employee is on duty or at any time an employee may normally be called to be on duty, to drug tests to determine the presence of prohibited substances.

All current employees may be required to undergo testing where the State Superintendent or a member of the Executive Leadership Team has reasonable suspicion to believe an employee has violated the Alcohol and Drug Policy, and/or on a random basis without advance notice. No employee shall perform any job-related duties within four hours after using alcohol.

Employees are also required to report all injury or damage related accidents involving Department property or personnel or during MDE-related activities and may be required to submit to alcohol screening within two (2) hours and to drug screening within 32 hours of a reportable accident. Employees who return to work following rehabilitation will be required to undergo return to duty/follow up testing in addition to the general Department testing requirements.

The MDE reserves the right to search desks, cabinets, toolboxes, vehicles, including personal vehicles brought on the MDE's property, bags, or any other property at the work site or in vehicles when the MDE has reasonable cause to believe an employee has violated its Alcohol and Drug Policy. Violation of these rules, including testing positive, will subject the employee to discipline, up to and including dismissal. Refusal to cooperate in any test investigation will result in discipline, up to and including dismissal as appropriate under the applicable state and federal laws.

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be disclosed except in accordance with the Policy/Consent/Release form and Federal Regulations 49 C.F.R. 40 et seq., and 49 C.F.R. 382 et seq.

Any questions should be directed to the Human Resources Manager, who has been assigned by the State Superintendent of Education and/or the State Board of Education as the Drug Program Coordinator.

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SAFETY PROGRAM

MDE staff shall conduct all operations as safely and efficiently as possible. All levels of management are held accountable for maintaining a safe and healthy workplace for all employees and ensuring all safety precautions are followed. Every employee shall follow all rules and safety regulations for his/her own safety and that of his/her fellow employee. The purpose of the safety program will be to provide a safe environment for employees, the public and/or the preservation of property. The objectives of the safety program are to reduce the risk of injury to employees and visitors as follows:

- Conduct regular safety inspections of facilities and take action when opportunities to improve safety exist;
- Provide general safety training to all personnel on a regular basis on issues consistent with industry standards and the ongoing review of information collected regarding specific issues;
- Facilitate efforts to correct safety problems as they occur.

Training

Training activities coordinated by the safety officer will improve the safety of employees and visitors. Office directors are responsible for ensuring that employees under their direction participate in relevant educational programs.

Rules of Safety

All MDE employees shall observe the rules of safety in the performance of their job tasks.

Procedures:

- A. Employees will familiarize themselves with the relevant work procedures and safe work practices.
- B. Employees will ask their supervisor when in doubt about how they should perform any task safely and properly.
- C. Employees will report any unsafe condition or act observed to their immediate supervisor.
- D. Employees will remove or report any foreign materials on floors.
- E. Employees will report defective or damaged equipment and/or tools immediately.
- F. Employees will report all injuries, however slight, to the supervisor, and get immediate first aid.

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- G. Employees are responsible for keeping their individual work areas clean and orderly. Pick up items such as pencils or paper clips and immediately wipe up any spilled liquids.
- H. Employees will never leave articles in a passageway.
- I. Employees will keep electrical cords, computer cables, and other tripping hazards out of aisles and open floor areas.

Inspection Program

The purpose of an inspection program is to reduce the overall accident rate. The inspection program plays a vital role in the MDE’s safety program which aims to improve environmental safety for employees and visitors.

Procedures

- A. Inspections will be conducted by the MDE's Safety Coordinator.
- B. The Safety Coordinator will make periodic inspections, announced or unannounced, of the facilities and work sites of the organization, concentrating on certain areas, types of hazards, or inspection of facilities and equipment in accordance with applicable codes, laws, and safety inspections.

Reporting Accidents/Incidents and Health Hazards

All employees shall report all accidents/incidents and health hazards.

- Employees will report all accidents regardless of whether an injury occurs or not to ensure that MDE addresses issues to reduce/eliminate future accidents.
- Employees will also report near accidents. A near accident is an indication that something is wrong, and if not reported and corrected, an accident will likely occur.

Procedures

- A. It is the responsibility of the employee to immediately report to his/her immediate supervisor and the safety coordinator any accident and/or injury that occurs to an employee or visitor, or any possible health safety hazard.
- B. Accidents and injuries are to be reported regardless of the nature or the extent of injury and regardless of whether medical attention is needed or not needed.

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- C. The Human Resources Manager will work with the employee and his/her supervisor in completing the necessary forms (i.e., Workers' Compensation and/or Tort claims) in filing a claim when necessary. The Human Resources Manager will contact the Safety Coordinator, when applicable.

NOTE: Should there be any questions and/or concerns regarding this safety program, please refer them to the Office of Safe and Orderly Schools which has been designated as the Safety Office for the Department.

WORKPLACE VIOLENCE POLICY

The MDE is committed to the prevention of workplace violence and the promotion of a safe environment for its employees and the public it serves. The MDE is further committed to working with its employees to maintain a work environment free from violence against persons and/or property, threats of violence, acts of aggression, harassment, intimidation, stalking and other disruptive behavior. Such behavior by MDE employees is strictly prohibited. Any threat of violence to MDE employees or the public, direct or implied, is strictly prohibited. Violence against persons and/or property, threats, harassment, intimidation, stalking and other disruptive behavior directed at a MDE employee while conducting official MDE business or members of the public while participating in official business is strictly prohibited. Off-site threats prohibited by this policy include but are not limited to threats made via telephone, fax, electronic or conventional mail or any other communication medium.

MDE employees are to immediately report violations of this policy to any MDE employee in a management position, regardless of the division the complainant is assigned. An MDE supervisor receiving such a complaint shall immediately report the alleged violation to General Counsel and the Human Resources Manager for a swift and appropriate response. Retaliation in any form is forbidden against complainants, witnesses, or other employees participating in an investigation concerning the complaint.

When deemed necessary by management, authorized persons may search and inspect both state property and personal items, including, but not limited to vehicles brought onto state property under the MDE's control. Employees are placed on notice that state property issued for employee use, including but not limited to desks, lockers, storage areas, computers, telephones, etc., does not create privacy rights for the employee. The MDE specifically reserves the right to inspect or search state property and reserves the right to access state property for business purposes. Refusal by an employee to cooperate in a search, seizure, or investigation may result in disciplinary action up to and including dismissal. Refusal to cooperate by any non-employee may result in referral of the matter to appropriate authorities and/or removal of the person from the MDE offices, facilities, work sites, or vehicles.

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Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior might be carried out on or in MDE offices, facilities, work sites, vehicles or while conducting official MDE business. Do not ignore violent, threatening, harassing, intimidating, stalking or other disruptive behavior. If you observe or experience such behavior by anyone on or in MDE offices, facilities, work sites or vehicles whether he or she is an employee of the MDE or not, report it immediately to a supervisor, a manager, or to the Human Resources Director.

Threats or assaults that require immediate attention by security or police should be reported first to Capitol Police at (601) 359-3125.

Employees who, in good faith, report what they believe to be workplace violence or who cooperate in any investigation will not be subjected to retaliation. Any employee who believes that he or she has been the victim of retaliation for reporting workplace violence or cooperating in an investigation should immediately contact the Human Resources Manager.

To make a deliberate false report of workplace violence violates this policy. In such instances, the complainant may be subject to disciplinary action up to and including dismissal. However, failure to prove a claim of workplace violence does not constitute proof of a false and/or malicious accusation.

Each MDE employee who applies for or obtains a protective or restraining order which lists MDE offices, facilities or work sites as a protected area is strongly encouraged to provide the Human Resources Office with a copy of any such order, whether temporary or permanent. Confidentiality will be maintained to the extent possible. The MDE provides an Employee Assistance Program (EAP) for its employees and their eligible dependents. The EAP is offered at no cost to employees and provides confidential 24-hour assistance for issues related to stress, relationship or family conflicts including domestic violence, alcoholism, drug addiction, anxiety, depression, child or adolescent problems, and grief. An employee is encouraged to use the EAP whenever he/she needs guidance in coping with life's difficulties and challenges. In addition, any MDE employee who displays a tendency to engage in violent, abusive, or threatening behavior may be referred to the EAP for counseling or other appropriate treatment.

The MDE will support all appropriate efforts by supervisors and agency specialists in dealing with violent, threatening, harassing, intimidating, stalking, or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively.

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NO WEAPONS POLICY

Employees, contract workers, and visitors, are NOT permitted to carry weapons of any kind on MDE property. The only exceptions to this policy are police officers, security guards, or other persons who have been given written consent by the MDE to carry a weapon on the property.

Security Officers are stationed at the main entrance of the building and all persons coming onto or entering the property of the MDE are subject to search and questioning.

The unauthorized possession of a deadly weapon while on or in MDE offices, facilities, work sites, and/or vehicles is prohibited by the policy. Any individual possessing a deadly weapon without appropriate authorization may be removed from or denied access to MDE offices, facilities, work sites or vehicles and may be subject to disciplinary action up to and including dismissal, criminal penalties, or both. Deadly weapons are defined by Miss. Code Ann. § 97-37-1.

The MDE prohibits all persons who enter MDE property from carrying a handgun, firearm, or prohibited weapon of any kind onto the property regardless of whether the person is licensed to carry a handgun or not. Such weapons include, but are not limited to, knives (including pocket knives), pepper spray, stun-guns, slingshots, concealed weapons, firearms etc.).

All MDE employees are also prohibited from carrying a weapon while in the course and scope of performing their job for the MDE, whether they are on MDE property at the time and whether they are licensed to carry a handgun. This policy also prohibits weapons at any MDE sponsored function such as conferences or training events.

"MDE property" covered by this policy includes, without limitation, all MDE owned or leased buildings and access ramps under the MDE's ownership or control.