

To: Kraig Knowlton, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
James E. Lowther, Chairperson, Civil Service Board

From: Michele L. Tunnell, Secretary, Civil Service Board

Date: January 17, 2012

Re: Quarterly Update

The following reflects the Civil Service Board case filings and action taken since the October 18, 2011 quarterly report:

A. Cases Decided and/or Disposed Of:

Dismissal

affirmed

Department of Social and Rehabilitation Services
Human Service Specialist. Appellant was dismissed for improperly accessing information without a legal basis. The agency filed a motion for summary judgment; Appellant failed to respond. The Board granted the motion as unopposed.

Dismissal

modified

Department of Transportation
Equipment Operator Senior. Appellant was dismissed because of two drug and alcohol program violations. The Board found the discipline unreasonable under the specific circumstances and modified the discipline to a 14-day suspension.

5-day suspension

withdrawn

Kansas Juvenile Correctional Complex
Corrections Officer I. Appellant was given a 5-day suspension for the unauthorized use of physical force, failure to call assistance with the use of force, and failure to report the use of force. The parties reached a settlement in which the 5-day suspension was reduced to a 3-day suspension. Appellant withdrew his appeal.

3-day suspension

affirmed

Kansas Juvenile Correctional Complex
Corrections Manager. Appellant received a 3-day suspension for failing to follow a proper directive from his supervisor and for failing to insure a timely employee review evaluation was completed on a probationary employee. The Board affirmed the decision of the appointing authority.

Dismissal

withdrawn

Kansas Juvenile Correctional Complex
Corrections Officer I. Appellant was dismissed after pleading guilty to two felony counts of possession of a controlled substance. Appellant withdrew his appeal.

Dismissal*withdrawn*

Kansas University Medical Center

Senior Administrative Assistant. Appellant was dismissed after receiving two unsatisfactory evaluations. Appellant withdrew her appeal.

Dismissal*dismissed*

Office of the Kansas State Fire Marshal

Fire Prevention Inspector. Appellant was dismissed for repeatedly failing to accept reasonable and proper assignments from an authorized supervisor and placing the public in danger. The parties reached a settlement and filed a joint dismissal.

Dismissal*withdrawn*

Pittsburg State University

Equipment Operator Senior. Appellant was dismissed for possession of an illegal substance on university property and making threatening statements to co-workers. Appellant withdrew his appeal.

Dismissal*reversed*

Department of Administration

Storekeeper Specialist/Division of Printing and Surplus Property. Appellant was dismissed after receiving two unsatisfactory performance evaluations, insubordination, and participation in actions that seriously disrupted or disturbed the normal operation of the department. The Board found the efforts taken by the supervisor during the special evaluations were not adequate to provide Appellant with an opportunity to correct his deficiencies. The Board also found that the evidence did not show insubordination or that Appellants conduct seriously disrupted or disturbed the normal operation of the department. As the result, the Board found the discipline was not reasonable and reversed the decision of the appointing authority.

1-day suspension*affirmed*

Topeka Correctional Facility

Corrections Officer II. Appellant was suspended for one day for unprofessional behavior and conduct that violated KDOC policy. The agency filed a motion for summary judgment; Appellant failed to respond. The Board granted the motion as unopposed.

Dismissal*withdrawn*

Department of Social and Rehabilitation Services

Administrative Assistant. Appellant was dismissed for habitually sleeping on the job. Appellant withdrew her appeal.

Dismissal*withdrawn*

Department of Social and Rehabilitation Services

Social Worker. Appellant was dismissed due to deficiencies in her work performance Appellant withdrew her appeal.

Dismissal*withdrawn*

Department of Health and Environment

Claims Research Manager. Appellant was dismissed for her habitual tardiness and insubordination. Appellant withdrew her appeal.

Dismissal*affirmed*

Rainbow Mental Health

Mental Health Technician. Appellant was dismissed for abusing a patient. The agency filed a motion to dismiss after Appellant was placed on the Kansas Central Registry for adult abuse. Appellant failed to respond. The Board granted the motion as unopposed.

B. Cases Filed Between October 12, 2011 and January 17, 2012:

- Suspension and Demotion, Department of Labor, filed October 12, 2011
- Dismissal, Pittsburg State University, filed October 21, 2011
- Dismissal, Lansing Correctional Facility, filed October 28, 2011
- Dismissal, Department of SRS, filed November 2, 2011
- Dismissal, Kansas Highway Patrol, filed November 8, 2011
- Dismissal, Juvenile Justice Authority, filed November 18, 2011
- Dismissal, Department of Transportation, filed November 18, 2011
- Dismissal, Department of Health and Environment, filed November 28, 2011
- Dismissal, Department of SRS, filed November 30, 2011
- Dismissal, Department of Wildlife, Parks and Tourism, filed December 2, 2011
- Dismissal, Kansas Bureau of Investigation, filed December 29, 2011
- Dismissal, Department of Wildlife, Parks and Tourism, filed December 29, 2011

C. Cases To Be Heard:

- Dismissal, Rainbow Mental Health Facility, stayed
- Demotion/Whistleblower, Department of Labor, set May 22-23, 2012
- Dismissal, Department of Labor, set February 24, 2012
- Dismissal, Department of Transportation, status conference set January 18, 2012
- Dismissal, Osawatomie State Hospital, motion to dismiss filed
- Dismissal, Department of SRS, set February 7, 2012
- Suspension and Demotion, Department of Labor, set April 16-17, 2012
- Dismissal, Lansing Correctional Facility, set March 8, 2012
- Dismissal, Kansas Highway Patrol, set June 19-20, 2012
- Dismissal, Juvenile Justice Authority, set February 22, 2012
- Dismissal, Department of Transportation, set February 8, 2012
- Dismissal, Department of SRS, set April 14, 2012
- Dismissal, Department of Wildlife, Parks and Tourism, set March 6, 2012
- Dismissal, Kansas Bureau of Investigation, prehearing set January 24, 2012
- Dismissal, Department of Wildlife, Parks and Tourism, set February 7, 2012

D. Statistics for Completed Cases:

Dismissals: 11
Demotions: 0
Suspensions: 3

Affirmed: 4
Reversed: 1
Modified: 1
Dismissed: 1

Withdrawn: 7

Department of Social and Rehabilitation Services: 3

Department of Transportation: 1

University of Kansas Medical Center: 1

Rainbow Mental Health: 1

Kansas Juvenile Justice Authority: 3

Office of the State Fire Marshal: 1

Pittsburg State University: 1

Department of Administration: 1

Department of Corrections: 1

Department of Health and Environment: 1