

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: October 17, 2011

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 19, 2011 quarterly report:

A. Cases Decided and/or Disposed Of:

**Dismissal**

*dismissed*

Osawatomie State Hospital

Mental Health/Developmental Disability Technician Trainee (MHDDT Trainee). Appellant was dismissed and filed an appeal. The agency filed a motion to dismiss on the grounds that the Board did not have jurisdiction to hear the appeal since the appellant was a trainee and not a permanent status employee when she was dismissed. Appellant responded. After hearing oral argument by the parties, the Board found that the appellant was a trainee and dismissed the case for lack of jurisdiction.

**Dismissal**

*dismissed*

Kansas Historical Society

Policy and program Analyst. Appellant was dismissed for inappropriate use of the internet and agency computer system. Prior to the hearing, the parties reached a settlement and agreed to a voluntary dismissal of the appeal.

**Dismissal**

*dismissed*

Department of Social and Rehabilitation Services

Attorney II. Appellant filed a request for hearing with regard to his dismissal. The agency filed a motion to dismiss on the grounds that the Board did not have jurisdiction to hear the appeal since the appellant was a probationary employee when he was dismissed. The appellant filed a response claiming he was not a probationary employee but rather had gained permanent status. The Board found that the appellant was a probationary employee and dismissed the case for lack of jurisdiction.

**Dismissal**

*withdrawn*

University of Kansas Medical Center

Safety and Security Officer I. Appellant was dismissed for failing to respond to a request for assistance with a locked vehicle. The appellant had two prior suspensions due to accidents he had had while driving the KUMC shuttle bus. The appellant withdrew his request for appeal.

**Lay-off***withdrawn*

Department of Labor

Public Service Administrator II. The appellant was laid off from the Department of Labor. The agency filed a motion to dismiss on the grounds that the Board did not have jurisdiction to hear the appeal since the appellant was laid-off. The appellant withdrew his request for appeal.

**Dismissal***affirmed*

Department of Social and Rehabilitation Services

Attorney II. Appellant, a Child Support Enforcement attorney, was dismissed for insubordination, gross misconduct and participation in an action that seriously disrupted or disturbed the normal operation of the agency. Specifically, after being warned on numerous occasions, verbally and in writing, including a formal written reprimand, the appellant violated SRS policy by entering an appearance in a domestic case involving a child that had an open case. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

**B. Cases Filed Between July 16, 2011 and October 15, 2011:**

Dismissal, Office of the Kansas State Fire Marshal, filed July 21, 2011

Layoff, Department of Labor, filed August 24, 2011

Dismissal, Department of Labor, filed August 26, 2011

Dismissal, Kansas University Medical Center, filed August 30, 2011

5-day suspension, Kansas Juvenile Correctional Complex, filed August 31, 2011

Dismissal, Department of Transportation, filed September 6, 2011

Dismissal, Department of SRS, filed September 12, 2011

3-day suspension, Kansas Juvenile Correctional Complex, filed September 23, 2011

Dismissal, Department of Transportation, filed October 6, 2011

Dismissal, Kansas Juvenile Correctional Complex, filed October 7, 2011

Dismissal, Osawatomie State Hospital, filed October 12, 2011

Dismissal, Department of SRS, filed October 12, 2011

3-day suspension, Topeka Correctional Facility, filed October 13, 2011

**C. Cases To Be Heard:**

Dismissal, Office of the Kansas State Fire Marshal, motion to dismiss pending

Dismissal, Department of Administration, November 9, 2011

Dismissal, Rainbow Mental Health Facility, stayed

Dismissal, Rainbow Mental Health, stayed

Demotion/Whistleblower, Department of Labor, January 4-5, 2012

Dismissal, Department of SRS, motion for summary judgment pending

Dismissal, Department of Labor, hearing setting pending

Dismissal, Kansas University Medical Center, set November 10, 2011

5-day suspension, Kansas Juvenile Correctional Complex, set October 19, 2011

Dismissal, Department of Transportation, set October 18, 2011

Dismissal, Department of SRS, set December 6, 2011

3-day suspension, Kansas Juvenile Correctional Complex, set October 19, 2011

Dismissal, Department of Transportation, set January 18, 2012

Dismissal, Kansas Juvenile Correctional Complex, motion for summary judgment pending

Dismissal, Osawatomie State Hospital, set November 22, 2011

Dismissal, Department of SRS, set November 23, 2011

3-day suspension, Topeka Correctional Facility, set November 8, 2011

D. Statistics for Completed Cases:

Dismissals: 5  
Demotions: 0  
Suspensions: 0  
Other (lay-off): 1

Affirmed: 1  
Reversed: 0  
Modified: 0  
Dismissed: 3  
Withdrawn: 2

Department of Social and Rehabilitation Services: 2  
Department of Labor: 1  
University of Kansas Medical Center: 1  
Osawatomie State Hospital: 1  
Kansas Historical Society: 1