



KANSAS

D. KENT HURN, CHAIRPERSON

DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

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TO: George Vega, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

FROM: Peggy Graham, Secretary, Civil Service Board

DATE: July 15, 2007

SUBJECT: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the April 15, 2007 quarterly report:

A. Cases Decided and/or Disposed Of:

1. dismissal *affirmed*
Topeka Correctional Facility
Corrections Officer II. The appellant injured her hand in a non-work related auto accident rendering her permanently unable to perform 27 of the 30 essential functions of her position. The agency filed a motion for summary judgment as the appellant did not contest her permanent inability to perform her job duties. The agency's motion was granted and the decision of the agency was affirmed.
2. dismissal *withdrawn*
Juvenile Justice Authority
Juvenile Corrections Officer III. The appellant withdrew his request for hearing prior to the scheduled hearing time.
3. 3-day suspension *affirmed*
Parsons State Hospital and Training Center
Mental Health Developmental Disability Technician. On September 13, 2006, a co-worker observed the appellant sleeping for approximately three hours while on duty. The appellant had been observed by other co-workers sleeping while on duty numerous times in the last four years. He has previously received a letter of reprimand and a 2-day suspension without pay for sleeping while on duty. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.

4. dismissal *withdrawn*
Department of Revenue
Storekeeper Specialist. The appellant withdrew his request for hearing prior to the scheduled hearing time.
5. dismissal *affirmed*
Department of Social and Rehabilitation Services
Social Worker Specialist. The appellant used a state vehicle to conduct personal business routinely over the course of several months. The typical mileage put on a state vehicle in a month by a social worker in the Wichita SRS office averaged about 400 miles. The appellant put between 900 and 1500 miles on her vehicle each month. In addition, she failed to keep her caseload up to date, close cases in a timely manner and properly log all of her activity on her cases. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.
6. performance evaluation appeal *withdrawn*
Kansas Arts Commission
Arts Counselor II. The appellant withdrew his request for hearing prior to the scheduled hearing time.
7. dismissal *withdrawn*
Department of Corrections
Parole Officer I. The parties reached a settlement and the appellant withdrew his request for a hearing.
8. demotion *dismissed*
University of Kansas Medical Center
Public Service Administrator I. KUMC performed a review of both of the administrative positions at the fitness center. In doing so, it was determined that both positions were incorrectly classified. Based upon the actual duties performed, both positions were reclassified to positions that most accurately reflect their job duties. Therefore, because the appellant's position was changed due to a reallocation rather than a disciplinary demotion the Board lacked jurisdiction to hear her appeal and the matter was dismissed.
9. 5-day suspension *withdrawn*
University of Kansas Medical Center
Public Service Administrator I. The appellant withdrew her request for hearing prior to the scheduled hearing time.
10. compensation for promotion appeal *dismissed*
University of Kansas Medical Center
Facilities Maintenance Worker. The appellant received a promotion but disagreed with the amount of compensation accompanied with the promotion. The request for hearing was dismissed for lack of jurisdiction.
11. dismissal *affirmed*
Topeka Correctional Facility
Facilities Maintenance Supervisor. The appellant was responsible for teaching inmates the plumbing trade. The agency found that he violated several agency policies when he used profanity toward the inmates, and called the inmates "stupid" and "idiots", asked an inmate

to use a dangerous piece of equipment without training, and when he gave the inmates keys to the tool box on the facility maintenance vehicle and allowed them access to the tools without supervision. After hearing all of the evidence the Board found that insufficient evidence was presented to establish the appellant had violated any policy other than giving the inmates keys to the tool box without supervision. Not all of the allegations against the appellant could be substantiated, but the Board found that allowing inmates access to the tool box without supervision was a reasonable basis upon which to dismiss him from his employment and the decision of the appointing authority was affirmed.

12. 10-day suspension *affirmed*
Topeka Correctional Facility
Corrections Officer II. The appellant engaged in horseplay with an inmate by trying to tape her pony tail to a desk, and engaged in undue familiarity with an inmate when he affectionately stroked her ear and included an inmate in conversations about disciplinary actions against other inmates; all in violation of agency policy. He had received suspensions twice before for engaging in undue familiarity with inmates. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.
13. 3-day suspension *withdrawn*
Department of Commerce
Administrative Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
14. 3-day suspension *withdrawn*
Social and Rehabilitation Services
Social Work Specialist. The appellant withdrew his request for a hearing prior to the hearing date.
15. dismissal *withdrawn*
Larned State Hospital
Registered Nurse. The appellant withdrew her request for a hearing.
16. dismissal *withdrawn*
Parsons State Hospital and Training Center
Developmental Disability Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.

B. Cases Filed Between April 15, 2007 and July 15, 2007:

1. 5-day suspension, Kansas State Fire Marshal, filed April 24, 2007
2. dismissal, Department of Social and Rehabilitation Services, filed April 24, 2007
3. 8-day suspension, Department of Social and Rehabilitation Services, filed April 26, 2007
4. 10-day suspension, Commission on Veterans Affairs, filed April 26, 2007
5. dismissal, El Dorado Correctional Facility, filed May 4, 2007
6. performance evaluation, Kansas Arts Commission, filed May 14, 2007
7. dismissal, KU Medical Center, filed May 14, 2007
8. dismissal, Topeka Correctional Facility, filed May 17, 2007
9. dismissal, Juvenile Justice Authority, filed May 17, 2007
10. suspension, Highway Patrol, filed May 31, 2007
11. dismissal, Kansas State University, filed June 15, 2007

12. 3-day suspension, Topeka Correctional Facility, filed June 19, 2007
13. 1-day suspension, Social and Rehabilitation Services, filed June 22, 2007
14. dismissal, Indigents' Defense Services, filed June 26, 2007
15. dismissal, Department of Administration, filed June 27, 2007
16. dismissal, Department of Health and Environment, filed July 2, 2007
17. dismissal, Osawatomie State Hospital, filed July 3, 2007
18. dismissal, Department of Transportation, filed July 11, 2007

C. Cases Still To Be Heard:

1. dismissal, Indigents' Defense Services, set 8/6/07
2. dismissal, Hutchinson Correctional Facility, set 8/23/07
3. dismissal, Larned State Hospital, set 8/9/07
4. 5-day suspension, Fire Marshal, set 9/19/07
5. 10-day suspension, Veterans Affairs, set 10/11/07
6. 3-day suspension, Topeka Correctional Facility, motion dism pending
7. dismissal, Social and Rehabilitation Services, settlement pending
8. dismissal, Kansas State University, set 9/5/07
9. dismissal, Department of Administration, set 8/6/07
10. 1-day suspension, Social and Rehabilitation Services, set 8/7/07
11. 8-day suspension, Social and Rehabilitation Services, set 9/18/07
12. dismissal, Osawatomie State Hospital, set 8/20/07
13. dismissal, Department of Transportation, set 8/20/07
14. 5-day suspension, Wichita Work Release, set 7/19/07
15. suspension, Highway Patrol, set 9/17/07
16. dismissal, Wichita State University, set 8/22/07
17. 5-day suspension, Department of Commerce, set 7/17/07
18. dismissal, Department of Commerce, set 7/17/07
19. dismissal, Department of Health and Environment, set 8/7/07
20. dismissal, Department of Corrections, set 9/7/07
21. dismissal, Social and Rehabilitation Services, set 10/10/07
22. dismissal, El Dorado Correctional Facility, set 8/21/07
23. dismissal, El Dorado Correctional Facility, set 10/23/07
24. dismissal, Social and Rehabilitation Services, set 8/8/07
25. dismissal, KU Medical Center, set 10/24/07

D. Statistics for Completed Cases:

1. Dismissals: 7
 2. Demotions: 1
 3. Suspensions: 5
 4. Other: 3
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1. Affirmed: 5
 2. Reversed: 0
 3. Modified: 0
 4. Dismissed: 2
 5. Withdrawn: 9

1.	Social and Rehabilitation Services:	8
2.	Department of Corrections:	4
3.	Department of Commerce:	1
4.	Juvenile Justice Authority:	1
5.	Department of Revenue:	1
6.	Kansas Arts Commission:	1