



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: October 16, 2007

SUBJECT: Quarterly Update

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

A. Cases Decided and/or Disposed Of:

1. 10-day suspension *withdrawn*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.

2. dismissal *affirmed*
Board of Indigent Defense Services
Office Assistant. The appellant accused her supervisor of lying and conspiring with other employees to make her do unnecessary work. The appellant resisted doing tasks that were part of her job description even when told specifically that she was to complete the task. After two written reprimands and repeated informal counseling, the appellant continued to be insubordinate and hostile toward her co-workers. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.

3. dismissal *affirmed*
Hutchinson Correctional Facility
Corrections Officer I. The appellant was found to have child pornography on his personal home computer. He was later convicted of sexual exploitation of a child, a level five felony. The agency filed a motion for summary judgment and the appellant failed to respond. After reviewing the agency's motion the Board affirmed the decision of the appointing authority.

4. dismissal *affirmed*
Larned State Hospital
Registered Nurse Senior. The appellant received two consecutive unsatisfactory performance evaluations within 180 days. She received more than adequate counseling and feedback as to what she needed to do in order to bring her performance up to the expected level, and yet she failed to do so. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.

5. 10-day suspension *affirmed*
Commission on Veteran's Affairs
Public Service Executive III. When the appellant provided a legislative briefing to the agency's Executive Director and Commissioners, he failed to provide a complete and accurate assessment of an important bill that was before the Kansas Legislature. His failure to provide complete and accurate information resulted in the Commission and Director not being aware of a \$500,000 appropriation for their agency. In addition, the appellant failed to disclose to the Executive Director and the Commission his discussions with the Revisor's Office regarding the funding for the bill. After hearing all of the evidence, the Board found that the decision of the appointing authority was reasonable.

6. 3-day suspension *withdrawn*
Topeka Correctional Facility
Corrections Officer II. The appellant withdrew his request for a hearing prior to the scheduled hearing date.

7. dismissal *withdrawn*
Department of Social and Rehabilitation Services
Social Worker. The parties reached a settlement and the appellant withdrew his request for a hearing prior to the scheduled hearing date.

8. dismissal *reversed*
Kansas State University
General Maintenance and Repair Technician Senior. Two female co-workers separately accused the appellant of sexually harassing them. The agency investigated the allegations through the Affirmative Action Department and found that the harassment had occurred. The appellant was told he had a right to appeal the finding of harassment and the recommendation of dismissal to the KSU Peer Review Committee (PRC). The appellant did not understand that two appeals were required and appealed only the recommendation of dismissal. Therefore, the PRC only addressed that issue. The appointing authority used only the information obtained by the Affirmative Action Department and the decision of the PRC without doing an independent investigation. Because the appellant did not understand the dual appeal, the Board found that he was not properly permitted to challenge the harassment finding. The Board reversed the decision of the appointing authority because the witnesses were not sworn under oath during the investigation, the appointing authority did not do an independent investigation and because there were no witnesses to the allegations of sexual harassment.

9. dismissal *withdrawn*
Department of Administration
Systems Software Analyst II. The parties reached a settlement agreement and the appellant withdrew his request for a hearing prior to the scheduled hearing date.

10. dismissal *withdrawn*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
11. dismissal *withdrawn*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
12. dismissal *withdrawn*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
13. 1-day suspension *dismissed*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant used his state issued computer to access and view adult, sexually explicit web sites in violation of the agency's computer use policy. The appellant resigned his position with the agency and failed to respond to the Board's inquiry as to his intent to proceed with the hearing. A proposed default order was issued against the appellant for his failure to respond.
14. 8-day suspension *dismissed*
Department of Social and Rehabilitation Services
Social Worker Specialist. The appellant falsified information claiming to have approval from her supervisor to issue a \$600.00 check to a client. She did not have approval from her supervisor to issue the check and lied about having such approval to the acting supervisor. Based upon the appellant's representation, the acting supervisor signed the forms to have the check issued. The appellant failed to appear for her scheduled hearing and a default order was issued against her.
15. dismissal *affirmed*
Osawatomie State Hospital/Rainbow Mental Health Center
Accountant III. The appellant was unable to maintain a harmonious relationship with her co-workers and was insubordinate when she refused to meet with her supervisor to discuss a project, refused to accept emails from her supervisor about projects, and required three days and a meeting with the HR department before she would accept and complete a simple assignment that only took two hours. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
16. dismissal *withdrawn*
Department of Transportation
Safety and Health Specialist. The appellant withdrew his request for a hearing prior to his scheduled hearing.
17. 3-day suspension *withdrawn*
Wichita Work Release Facility
Corrections Specialist I. The appellant withdrew his request for a hearing prior to the scheduled hearing date.

18. 1-day suspension *affirmed*
Kansas Highway Patrol
Highway Patrol Trooper. The appellant was told three times by his supervising captain to cancel the auto towing service he had called. It was not on the rotation list and he was instructed to use the service that was on the agency's approved rotation list. He agreed to do so, but he failed to cancel the towing service and use the one from the rotation list. The appellant was found to have engaged in insubordination when he failed to follow a direct order from an authorized supervisor. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
19. dismissal *affirmed*
Wichita State University
Custodial Supervisor. The appellant failed to maintain a harmonious working relationship with his coworkers and was insubordinate toward his supervisor when he created a climate of fear with his harassment of coworkers and other staff. He jerked a feedback memo from his supervisor's hand, threw it to the floor and stomped on it. He also told his supervisor that she was not his boss and that he would only clean up after students, not other WSU staff members. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
20. dismissal *withdrawn*
Department of Commerce.
Economic Development Representative II. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
21. 5-day suspension *withdrawn*
Department of Commerce.
Economic Development Representative II. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
22. dismissal *withdrawn*
Department of Transportation
Equipment Operator. The appellant reached a settlement with the agency and withdrew his request for a hearing.
23. dismissal *withdrawn*
Social and Rehabilitation Services
Human Services Specialist I. The appellant withdrew his request for a hearing prior to the scheduled hearing date.
24. dismissal *dismissed*
Juvenile Justice Authority
Juvenile Corrections Officer I. The appellant was dismissed because she was no longer physically able to perform the duties of her position due to an injury that resulted in permanent restrictions in her activities. She filed her request for hearing out of time and the matter was dismissed for lack of jurisdiction.
25. dismissal *withdrawn*
El Dorado Correctional Facility
Corrections Officer I. The appellant withdrew his request for a hearing prior to his scheduled hearing date.

26. dismissal *withdrawn*
Social and Rehabilitation Services
Human Services Specialist. The parties reached a settlement and the appellant withdrew his request for a hearing prior to the scheduled hearing date.

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

1. dismissal, Department of Transportation, filed July 18, 2007
2. 10-day suspension, Social and Rehabilitation Services, filed July 23, 2007
3. 2-day suspension, Health Policy Authority, filed July 24, 2007
4. dismissal, Department of Transportation, filed July 25, 2007
5. 1-day suspension, Department of Transportation, filed July 26, 2007
6. dismissal, Social and Rehabilitation Services, filed July 30, 2007
7. dismissal, Social and Rehabilitation Services, filed July 30, 2007
8. dismissal, Social and Rehabilitation Services, filed July 30, 2007
9. dismissal, Social and Rehabilitation Services, filed August 1, 2007
10. dismissal, Juvenile Justice Authority, filed August 1, 2007
11. 3-day suspension, Winfield Correctional Facility, filed August 2, 2007
12. dismissal, Social and Rehabilitation Services, filed August 8, 2007
13. dismissal, Social and Rehabilitation Services, filed August 24, 2007
14. 2-day suspension, Department of Commerce, filed August 30, 2007
15. dismissal, Lansing Correctional Facility, filed August 31, 2007
16. dismissal, Social and Rehabilitation Services, filed September 10, 2007
17. 1-day suspension, Juvenile Justice Authority, filed September 19, 2007
18. dismissal, Lansing Correctional Facility, filed October 12, 2007

C. Cases Still To Be Heard:

1. 1-day suspension, Juvenile Justice Authority, set 11/8/07
2. dismissal, Department of Transportation, set 12/19/07
3. 5-day suspension, Fire Marshal, set 12/18/07
4. 1-day suspension, Lansing Correctional facility, set 11/21/07
5. 2-day suspension, Department of Commerce, set 12/3/07
6. dismissal, Social and Rehabilitation Services, set 2/08
7. 3-day suspension, Winfield Correctional Facility, set 11/20/07
8. 1-day suspension, Department of Transportation, set 11/7/07
9. dismissal, Social and Rehabilitation Services, set 12/4/07
10. dismissal, Department of Transportation, set 1/8/08
11. dismissal, Department of Health and Environment, set 10/30/07 – status conf
12. 10-day suspension, Social and Rehabilitation Services, set 12/5/07
13. dismissal, El Dorado Correctional Facility, set 11/19/07
14. dismissal, Lansing Correctional Facility, set 10/22/07
15. dismissal, Social and Rehabilitation Services, set 11/6/07
16. dismissal, KU Medical Center, set 10/24/07

D. Statistics for Completed Cases:

1. Dismissals: 18
2. Demotions: 0
3. Suspensions: 8
4. Other: 0

1. Affirmed: 7
2. Reversed: 1
3. Modified: 0
4. Dismissed: 3
5. Withdrawn: 15

1. Social and Rehabilitation Services: 11
2. Department of Corrections: 4
3. Department of Commerce: 2
4. Department of Transportation: 2
5. Juvenile Justice Authority: 1
6. Indigent Defense Services: 1
7. Commission on Veterans Affairs: 1
8. Kansas State University: 1
9. Department of Administration: 1
10. Highway Patrol: 1
11. Wichita State University: 1