

To: George Vega, 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 19, 2010

Re: Amended Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the October 15, 2009 quarterly report:

A. Cases Decided and/or Disposed Of:

Dismissal

affirmed

Kansas Department of Corrections

Corrections Officer I. Appellant was dismissed for taking an inmate's wallet. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

5-day suspension

withdrawn

Kansas Department of Transportation

Equipment Operator. Appellant was suspended for failing to lower the boom on the Cherry Picker while traveling down the highway which then came into contact with a large capacity power line. The contact caused the line to come down on the roadway and start a fire. This was the third accident the appellant had had while operating State equipment. All three accidents were found to be preventable. Appellant withdrew his appeal.

Dismissal

modified

Kansas Department of Corrections

Corrections Officer II. Appellant was dismissed for undue familiarity with offenders in that she had given a bicycle to an offender. After hearing all the evidence, the Board found that dismissal was unreasonable under the circumstances and modified the disciplinary action to a 10-day suspension without pay.

Dismissal

dismissed

Kansas Social and Rehabilitation Services

Administrative Assistant. Appellant was dismissed for inappropriate behavior in the workplace. Appellant failed to appear for her scheduled hearing and a default order was issued for her failure to appear.

Dismissal*dismissed*

Kansas Social and Rehabilitation Services

Public Service Administrator II. Appellant was dismissed for deficiencies in his work performance and personal conduct detrimental to state service. The parties reached a settlement and the appeal was dismissed.

Suspension/Demotion*dismissed*

Hutchinson Correctional Facility

Corrections Officer II. Appellant was suspended and demoted after initiating the use of force because he lost his temper as the result of an inmate baiting him with profanity. Appellant requested dismissal of his appeal.

Dismissal*withdrawn*

Osawatomie State Hospital

Mental Health Developmental Technician. Appellant was dismissed for purposefully leaving patients' doors locked during times they could be unlocked thus causing undue disruption on the unit and emotional stress to the patients. Appellant withdrew her appeal.

Dismissal*dismissed*

Osawatomie State Hospital

Mental Health Developmental Technician. Appellant was dismissed for purposefully leaving patients' doors locked during times they could be unlocked thus causing undue disruption on the unit and emotional stress to the patients. The Board granted the agency's motion to dismiss on the grounds that appellant had returned to work.

Demotion*affirmed*

Emporia State University

Administrative Specialist. Appellant was demoted to an Administrative Assistant after receiving two unsatisfactory performance evaluations in 180 days for displaying inefficiency and incompetency in the performance of her duties. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

Dismissal*withdrawn*

Department of Administration

Laborer Supervisor in the Division of Facilities Management. Appellant was dismissed for failing to address complaints of allegations of sexual harassment in the workplace; participating in the falsification of time and leave records; misusing state funds; and failing to inform management of employee issues. Appellant withdrew his appeal.

Dismissal*dismissed*

Norton Correctional Facility

Corrections Officer I. Appellant was dismissed for gross misconduct or conduct unbecoming a state officer or employee and exhibiting personal conduct detrimental to state service which could cause undue disruption of work or endanger the safety of persons or property of others. Specifically, the appellant charged with multiple felony offenses involving drugs and firearms. Appellant failed to appear for her scheduled hearing and a default order was issued for her failure to appear.

B. Cases Filed Between October 15, 2009 and January 15, 2010:

Suspension/Demotion, Hutchinson Correctional Facility, filed October 15, 2009
Dismissal, Social and Rehabilitation Services, filed October 19, 2009
Dismissal, Wichita State University, filed October 20, 2009
Dismissal, Social and Rehabilitation Services, filed November 9, 2009
Dismissal, Social and Rehabilitation Services, filed November 17, 2009
3-day suspension, University of Kansas Medical Center, filed November 24, 2009
Dismissal, Social and Rehabilitation Services, filed December 1, 2009
3-day suspension, Topeka Juvenile Correctional Facility, filed December 10, 2009
Dismissal, Kansas Neurological Institute, filed December 14, 2009
Dismissal, Rainbow Mental Health, filed December 16, 2009
Dismissal, Larned State Hospital, filed December 31, 2009
Dismissal, Ellsworth Correctional Facility, filed January 14, 2010

C. Cases To Be Heard:

Dismissal, Department of Health and Environment, set February 24, 2010
Dismissal, Kansas State University, set March 11, 2010
Dismissal, Kansas Highway Patrol, stayed upon the request of the parties
Dismissal, Kansas Bureau of Investigation, motion to dismiss pending
Dismissal, Kansas Neurological Institute, settled, awaiting withdrawal
Dismissal, Department of Health and Environment, set February 9, 2010
Dismissal, Wichita State University, set April 7, 2010
Dismissal, Social and Rehabilitation Services, set February 10, 2010
Dismissal, Wichita State University, set February 23, 2009
Dismissal, Social and Rehabilitation Services, set February 25, 2010
Dismissal, Social and Rehabilitation Services, set February 22, 2010
3-day suspension, University of Kansas Medical Center, set April 6, 2010
Dismissal, Social and Rehabilitation Services, motion to dismiss filed, awaiting response
3-day suspension, Topeka Juvenile Correctional Facility, set March 22, 2010
Dismissal, Kansas Neurological Institute, set March 10, 2010
Dismissal, Rainbow Mental Health, motion to dismiss filed, awaiting response
Dismissal, Larned State Hospital, set February 12, 2010
Dismissal, Ellsworth Correctional Facility, set February 26, 2010

D. Cases Awaiting Final Order:

Dismissal, Wichita State University, heard on January 8, 2010. The Board announced its finding affirming the decision of the appointing authority. The final written order has not yet been filed.

E. Statistics for Completed Cases:

Dismissals: 8
Demotions: 1
Suspensions: 1
Demotion/Suspension: 1

Affirmed: 2
Reversed: 0
Modified: 1
Dismissed: 5
Withdrawn: 3

Department of Corrections: 4
Department of Transportation: 1
Emporia State University: 1
Department of Administration: 1
Social and Rehabilitation Services: 4