

TO: George Vega, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
James E. Lowther, Chairperson, Civil Service Board

FROM: Peggy Graham, Secretary, Civil Service Board

DATE: April 15, 2008

SUBJECT: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the January 15, 2008 quarterly report:

A. Cases Decided and/or Disposed Of:

1. 3-day suspension *dismissed*
KU Medical Center
Office Assistant. The appellant repeatedly violated the agency's attendance policy dating back to 2006. She has a flagrant history of accumulating attendance points for failing to call in and failing to report for duty, and patterns of absences. She was counseled verbally and in writing about her attendance problems on September 27, 2006, October 23, 2006, May 7, 2007, October 19, 2007 and October 26, 2007. She was counseled about her attendance again on January 2, 2008 and January 9, 2008. The appellant failed to appear for the scheduled hearing and the matter was dismissed.

2. dismissal *modified*
Department of Social and Rehabilitation Services
Human Services Specialist. The appellant hired a client to perform work privately on a rental home that she owned. She paid him in cash from money she had in her personal vehicle and he later returned and stole the rest of her money from her vehicle. The appellant went to his home to assist law enforcement in apprehending him and in the process, prevented him and his girlfriend, also a client, from leaving their home for 30-45 minutes. She returned to his home the following morning with 10-12 other individuals and they searched the grounds for the stolen money. In the process, one member of the group entered the client's home without permission and stole the clients TV, DVD player and computer. The appellant assisted in returning the stolen items to the client. After hearing all of the evidence, the Board found that dismissal was unreasonable under the circumstances and modified the disciplinary action to a 6-month suspension without pay.

3. dismissal *dismissed*
Department of Social and Rehabilitation Services
Human Services Consultant. The appellant received two unsatisfactory performance evaluations within 180 days and was counseled regarding her performance and how to improve it, yet she was unable to do so. She had also received an earlier unsatisfactory performance evaluation. Each of her unsatisfactory evaluations were appealed to the peer review committee and each were upheld. The appellant failed to appear at the scheduled hearing and a default order was issued against her.
4. 10-day suspension *withdrawn*
Department of Commerce
Program Specialist I. The parties reached a settlement prior to the start of the hearing and the appellant withdrew her request for a hearing.
5. dismissal *dismissed*
Department of Health and Environment
Food, Drug and Lodging Surveyor III. The appellant was responsible for inspecting food, drug and lodging establishments in the Greensburg, Kansas area for compliance with state statutes and regulations. Shortly after a tornado struck Greensburg in May 2007, a law enforcement officer gave the appellant two sacks of prescription drugs allegedly taken from a pharmacy that had been destroyed by the tornado. The appellant stored the drugs in his home in Hays, Kansas and did not notify anyone at KDHE that he had the drugs. All of which is contrary to agency policy, procedure and training. The appellant did not appear for his scheduled hearing and a default order was issued against him.
6. dismissal *affirmed*
Board of Emergency Medical Services
Administrative Assistant. On at least seven occasions between January 2005 and January 2007, the appellant lost her composure in the office and began yelling, screaming and acting wholly unprofessional. She was repeatedly counseled about the need for her to maintain a professional demeanor in the office and yet this behavior continued. In the summer of 2006, the appellant was given a written warning following and outburst in which she was told that she would be dismissed if she had one more outburst in the workplace. Later in 2006, she was given a second final warning following an unprofessional outburst in the workplace informing her that a subsequent outburst would result in dismissal. On January 8, 2007 the appellant again had an outburst in the workplace that caused undue disruption in the office. In addition, her behavior had caused problems for other employees as they never knew what would set her off and felt that they were “walking on eggshells”. After hearing all of the evidence the Board found the decision of the agency to be reasonable.
7. dismissal *withdrawn*
Osawatomie State Hospital
Mental Health/Developmental Disability Technician. The appellant withdrew his request for a hearing prior to the scheduled hearing date.

B. Cases Filed Between January 15, 2008 and April 15, 2008:

1. dismissal, Department of Social and Rehabilitation Services, filed January 25, 2008
2. dismissal, Board of Emergency Medical Services, filed January 30, 2008
3. dismissal, Osawatomie State Hospital, filed January 31, 2008
4. dismissal, Juvenile Justice Authority, filed February 4, 2008

5. dismissal, Department of Transportation, filed February 14, 2008
6. 3-day suspension, El Dorado Correctional Facility, filed February 22, 2008
7. dismissal, Kansas State University, filed February 26, 2008
8. suspension, Parsons State Hospital, filed February 27, 2008
9. 3-day suspension, KU Medical Center, filed March 3, 2008
10. 1-day suspension, Department of Corrections, filed March 7, 2008
11. 3-day suspension, Parsons State Hospital, filed March 11, 2008
12. dismissal, Department of Administration, filed March 19, 2008
13. 3-day suspension, Social and Rehabilitation Services, filed March 26, 2008
14. dismissal, Highway Patrol, filed April 7, 2008
15. dismissal, Parsons State Hospital, filed April 7, 2008
16. 3-day suspension, Beloit Juvenile Correctional Facility, filed April 9, 2008

C. Cases Still To Be Heard:

1. dismissal, Department of Transportation, set 5/8/08
2. dismissal, Highway Patrol, set 5/20/08
3. 1-day suspension, Department of Corrections, set 4/21/08
4. 1-day suspension, Lansing Correctional facility, set 5/19/08
5. dismissal, Parsons State Hospital, set 5/22/08
6. 3-day suspension, Social and Rehabilitation Services, set 5/5/08
7. suspension, Parsons State Hospital, set 6/18/08
8. dismissal, Juvenile Justice Authority, set 6/3/08
9. 3-day suspension, KU Medical Center, set 4/10/08
10. 3-day suspension, El Dorado Correctional Facility, set 6/17/08
11. dismissal, Department of Administration, set 7/23/08
12. dismissal, Larned Correctional Facility, set 5/21/08
13. 3-day suspension, Beloit Juvenile Correctional Facility, set 5/20/08
14. dismissal, Department of Health and Environment, set 5/7/08
15. dismissal, Kansas State University, set 5/6/08
16. 3-day suspension, Parsons State Hospital, set 4/23/08

D. Statistics for Completed Cases:

1. Dismissals: 5
2. Demotions: 0
3. Suspensions: 2
4. Other: 0

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

1. Social and Rehabilitation Services: 3
2. KU Medical Center: 1
3. Commerce: 1
4. Health and Environment: 1
5. Emergency Medical Services: 1