

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: October 18, 2010

Re: Amended Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 15, 2010 quarterly report:

A. Cases Decided and/or Disposed Of:

10-day suspension

withdrawn

Topeka Correctional Facility. Appellant received a 10-day suspension after her driver's license was suspended for a third time. Appellant withdrew her appeal after a settlement was reached between the parties.

Dismissal

affirmed

Department of Health and Environment
Laboratory Improvement Specialist. Appellant received two unsatisfactory performance evaluations within 180 days. After hearing all the evidence, the Board affirmed the decision of the appointing authority.

Dismissal

dismissed

Kansas Housing Resources Corporation
Appliance Program Manager. Appellant, an unclassified employee, was dismissed. Because the Board does not have jurisdiction to hear appeals with regard to dismissals of unclassified employees, the appeal was dismissed for lack of jurisdiction.

Dismissal

withdrawn

Division of Information Systems and Communications, Department of Administration
Network Service Technician. Appellant was terminated based on his continued pattern of causing disruption in the workplace with his confrontational outbursts, volatile temper, and extensive use of profanity. Appellant withdrew his appeal.

Dismissal

withdrawn

Adjutant General's Department
Public Service Executive III, Human Resources Director. Appellant was dismissed for lying or intentionally omitting and/or mischaracterizing material information to an investigating officer in the course of an official investigation. Appellant withdrew her appeal after a settlement was reached between the parties.

Demotion/Dismissal (2 cases)

affirmed

El Dorado Correctional Facility

Correctional Specialist I/Corrections Officer II. Appellant was demoted for leaving only one officer to supervise inmates for forty-five minutes and allowing an unrestrained inmate to receive an item from a disciplinary segregation inmate. At a later date, appellant was dismissed after taking property of an inmate and manipulating a telephone line to make calls without prior approval. After hearing all the evidence, the Board affirmed the decisions of the appointing authority.

10-day suspension

dismissed

Larned Correctional Facility

Juvenile Correctional Officer. Appellant was suspended for 10 days for failing to properly maintain visual contact with youth in the recreational yard which resulted in two youth escaping. She also failed to quickly respond once she became aware of the escape. The agency filed a motion to dismiss on the grounds that appellant had advised that she wanted to “cancel” her hearing. Appellant did not respond to the motion so her appeal was dismissed.

B. Cases Filed Between July 16, 2010 and October 15, 2010:

Dismissal, Adjutant General’s Department, filed August 12, 2010

Dismissal, Kansas Housing Resources Corporation, filed August 16, 2010

Dismissal/whistleblower, Kansas Housing Resources Corporation, filed August 20, 2010

10-day suspension, Larned Correctional Facility, filed August 24, 2010

3-day suspension, Larned Correctional Facility, filed August 25, 2010

Resignation, Department of Social and Rehabilitation Services, filed August 25, 2010

Dismissal, Department of Commerce, filed September 13, 2010

5-day suspension, Department of Transportation, filed September 16, 2010

Grievance, Lansing Correctional Facility, filed September 23, 2010

3-day suspension, Kansas Correctional Industries, filed October 8, 2010

3-day suspension, Ellsworth Correctional Facility, filed October 14, 2010

C. Cases To Be Heard:

Dismissal, Department of Social and Rehabilitation Services, stayed

Dismissal, Kansas Neurological Institute, set December 7, 2010

Dismissal, Department of Commerce, set October 20, 2010

Dismissal/whistleblower, Kansas Housing Resources Corporation, set December 8, 2010

3-day suspension, Larned Correctional Facility, set November 9, 2010

Resignation, Department of Social and Rehabilitation Services, motion to dismiss pending

Dismissal, Department of Commerce, set October 19, 2010

5-day suspension, Department of Transportation, set November 9, 2010

Grievance, Lansing Correctional Facility, motion to dismiss pending

3-day suspension, Kansas Correctional Industries, set November 8, 2010

3-day suspension, Ellsworth Correctional Facility, set November 23, 2010

D. Statistics for Completed Cases:

Dismissals: 5
Demotions: 1
Suspensions: 2

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

Department of Health and Environment: 1
Department of Corrections: 4
Department of Administration: 1
Kansas Housing Resources Corporation: 1
Adjutant General's Department: 1