To: Kraig Knowlton, Director, Office of Human Resources

Bob L. Corkins, Director, Office of Administrative Hearings

Correne K. Green, Chairperson, Civil Service Board

From: Michele L. Tunnell, Secretary, Civil Service Board

Date: January 17, 2014

Re: Quarterly Update

The following reflects the Civil Service Board case filings and action taken since the October 15, 2013 quarterly report:

1. Cases Filed Between October 15, 2013 and January 15, 2014:

2 day suspension, Kansas State Gaming Agency, filed November 4, 2013

1 day suspension, Kansas State Gaming Agency, filed November 4, 2013

Dismissal, Department of Revenue, filed November 5, 2013

Dismissal, Department of Corrections, filed December 2, 2013

3 day suspension, Board of Nursing, filed December 19, 2013

Dismissal, Parsons State Hospital and Training Center, filed January 3, 2014

5 day suspension, Kansas Highway Patrol, filed January 3, 2014

B. Cases Decided and/or Disposed Of:

**30 day suspension** *withdrawn*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse. Appellant was dismissed for failing to ensure that the doctors’ orders were carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. Appellant withdrew her appeal.

**Dismissal** *withdrawn*

Department for Aging and Disability Services/Osawatomie State Hospital

Licensed Practical Nurse-Senior. Appellant was dismissed based on her inability to perform the essential functions of her job. Appellant withdrew her appeal.

**Dismissal** *affirmed*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse-Senior. Appellant, who was a supervisor, was dismissed for failing to monitor a patient’s treatment and ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board affirmed the decision of the appointing authority dismissing appellant.

**Dismissal** *affirmed*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse-Senior. Appellant, who was supervisor, was dismissed for failing to monitor a patient’s treatment and ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board affirmed the decision of the appointing authority dismissing appellant.

**Dismissal** *affirmed*

Kansas State University/Biosecurity Research Institute

Building System Technician. Appellant was dismissed after exhibiting a continuing pattern of poor judgment and threatening behavior towards other employees. The Board affirmed the decision of the appointing authority dismissing appellant.

**Dismissal**  *dismissed*

Department for Aging and Disability Services/Kansas Neurological Institute

Developmental Disability Technician. Appellant filed a request for hearing with regard to her dismissal. The agency filed a motion to dismiss on the grounds that the Board did not have jurisdiction to hear the appeal since the appellant was a probationary employee when she was dismissed. Appellant filed a response claiming she was not a probationary employee but rather had gained permanent status. The Board found that the appellant was a probationary employee and dismissed the case for lack of jurisdiction.

**30 day suspension** *modified*

Department for Aging and Disability Services/Larned State Hospital

Licensed Practical Nurse. Appellant, who was a clinical nurse, was suspended for 30 days for failing to ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board found that this appellant had a different role than the other nurses involved and modified the 30 day suspension to a 7 day suspension.

**30 day suspension**  *affirmed*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse-Senior. Appellant was suspended for 30 days for failing to ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board affirmed the decision of the appointing authority to suspend the appellant for 30 days.

**7 day suspension** *modified*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse-Senior. Appellant was suspended for 7 days for failing to ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board found that this appellant had only been an employee for two months during the six month period at issue and modified the 7 day suspension to a 2 day suspension.

**Dismissal** *affirmed*

Department of Agriculture

Agriculture Inspector II. Appellant was dismissed after receiving two unsatisfactory evaluations within a 180 day period. The Board affirmed the decision of the appointing authority dismissing the appellant.

**Dismissal** *withdrawn*

Wichita State University

Custodial Specialist. Appellant was dismissed for refusing to accept a reasonable and proper assignment. Appellant withdrew her appeal.

**30 day suspension**  *affirmed*

Department for Aging and Disability Services/Larned State Hospital

Registered Nurse-Senior. Appellant was suspended for 30 days for failing to ensure that doctors’ orders were being carried out with regard to a patient. The patient’s catheter was not changed for six months. The patient subsequently died. The Board affirmed the decision of the appointing authority to suspend the appellant for 30 days.

C. Cases To Be Heard:

Dismissal, Osawatomie State Hospital, hearing January 21-22, 2014

Suspension/Dismissal, Department of Health and Environment,

hearing February 18-19, 2014

Demotion/Whistleblower, Department of Labor, remanded-stayed

2 day suspension, Kansas State Gaming Agency, hearing April 8, 2014

1 day suspension, Kansas State Gaming Agency, hearing April 9, 2014

Dismissal, Department of Revenue, hearing July 8-9, 2014

Dismissal, Department of Corrections, hearing May 20, 2014

3 day suspension, Board of Nursing, prehearing February 4, 2014

Dismissal, Parsons State Hospital and Training Center, prehearing January 28, 2014

5 day suspension, Kansas Highway Patrol, prehearing January 30, 2014

E. Statistics for Completed Cases:

Dismissals: 7

Suspensions: 5

Affirmed: 6

Modified: 2

Dismissed: 1

Withdrawn: 3

Kansas Department of Agriculture: 1

Kansas State University: 1

Kansas Department for Aging and Disability Services: 9

Wichita State University: 1