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Kansas
Civil Service Board

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Sam Brownback, Governor

To: Kraig Knowlton, Director, Office of Human Resources
Bob L. Corkins, Director, Office of Administrative Hearings

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

Date: April 16, 2015

Re: Quarterly Update

The following reflects the Civil Service Board case filings and action taken since the January 16, 2015 quarterly report:

A. Cases Filed Between January 15, 2015 and April 15, 2015:

Suspension/Demotion, Lansing Correctional Facility, filed January 20, 2015
Dismissal, Topeka Correctional Facility, filed March 17, 2015
Job abandonment, Topeka Correctional Facility, filed April 3, 2015

B. Cases Decided and/or Disposed Of:

**Dismissal** *modified*
Norton Correctional Facility
Physical Plant Supervisor Senior. Appellant was dismissed for insubordinate and unprofessional conduct arising out of an incident in which he thought he had hung up his telephone after a discussion with his supervisor and then began to yell profanities in his office. The telephone had not disconnected and his supervisor heard the appellant. The Board modified the dismissal to a ten day suspension based on the following: 1) the conduct, while certainly unbecoming of a supervisor, did not rise to the level of being gross misconduct; 2) the conduct was not insubordinate; 3) the conduct did not seriously disturb the normal operation of the facility; 4) the safety and property of others was not endangered; 5) the incident was a "he said-he said" incident and the agency never took the appellant's statement or questioned him prior to his dismissal being proposed; and 6) the agency failed to comply with IMPP 02-120 II.C.1 by failing to provide the appellant with all the materials upon which the disciplinary action was based prior to his opportunity to be heard.

**Dismissal** *withdrawn*
Topeka Correctional Facility
Grounds Maintenance Supervisor II. Appellant was dismissed for taking eleven inmates off grounds to attend a Kansas Forestry Seminar, which he paid for with personal funds, without the proper approval. He also transported the inmates in the back of the open bed

of the state pickup truck. The parties reached an agreement wherein the discipline was modified to a thirty day suspension with other conditions by both parties.

**Suspension/Demotion** *dismissed*
Lansing Correctional Facility
Unit Team Manager. Appellant received a five day suspension and a demotion for providing an inmate a censored magazine. The appeal was dismissed as being untimely filed.

**Dismissal** *affirmed*
Department of Labor
Senior Administrative Assistant. Appellant was dismissed after receiving two consecutive unsatisfactory performance evaluations for having excessive errors in her work. Appellant admitted that she could not do the job. The Board affirmed the decision of the appointing authority dismissing her.

**Dismissal** *default*
Department for Children and Families
Human Service Specialist. Appellant was dismissed for making inappropriate comments and for inappropriate use of state equipment for personal use. A default order was entered after the appellant failed to appear at a prehearing conference and failed to respond to the proposed default order.

**Dismissal** *withdrawn*
Topeka Correctional Facility
Corrections Officer II. Appellant was dismissed for behaving in a manner unbecoming of an employee, i.e., making inappropriate comments, and being unduly familiar with inmates, i.e., having inappropriate conversations with the inmates and letting the inmates address him by a nickname. Appellant withdrew his appeal.

**1 day suspension** *affirmed*
Juvenile Correctional Complex
Juvenile Corrections Officer III. Appellant was suspended for one day for exhibiting inappropriate and unprofessional conduct in dealing with a young female offender. The Board affirmed the decision of the appointing authority suspending the appellant for one day.

C. Cases to be Heard:

Demotion/Whistleblower, Department of Labor, remanded-stayed
Dismissal, Kansas Highway Patrol, hearing May 18-19, 2015
Dismissal, Parsons State Hospital, hearing June 25, 2015
Dismissal, Hutchinson Correctional Facility, hearing June 10, 2015
Job abandonment, Topeka Correctional Facility, motion to dismiss filed

D. Statistics for Completed Cases:

Dismissals: 5
Suspensions: 1
Demotions/suspension: 1

Affirmed: 2
Modified: 1
Dismissed: 1
Withdrawn: 2
Default: 1

Department for Children and Families: 1
Department of Corrections: 5
Department of Labor: 1