1020 S. Kansas Avenue
Topeka, KS 66612

Kansas
Civil Service Board

Phone: (785) 296-2433
Fax: (785) 296-4848

Sam Brownback, Governor

To: Kraig Knowlton, Director, Office of Personnel Services
Bob L. Corkins, Director, Office of Administrative Hearings
Phillis Setchell, Chairperson, Civil Service Board

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

Date: April 18, 2016

Re: Quarterly Update

The following quarterly report reflects the Civil Service Board case filings and action taken between January 15, 2016 and April 15, 2016:

A. Cases Filed Between January 15, 2016 and April 15, 2016:

Disqualification for safety sensitive positions for one year, Department of Administration, filed February 4, 2016
Dismissal, Kansas Highway Patrol, filed February 10, 2016
Disqualification for safety sensitive positions for one year, Department of Administration, filed February 18, 2016
Dismissal, Department of Transportation, filed February 26, 2016
Dismissal, Department for Children and Families, filed March 10, 2016
Dismissal, Department of Corrections-Winfield Correctional Facility, filed March 22, 2016
Dismissal, Department of Transportation, filed March 29, 2016

B. Cases Decided and/or Disposed of:

Dismissal *withdrawal*
Social Worker-Department for Aging and Disability Services-Larned State Hospital
Appellant was dismissed from her position as a Social Worker for allegedly screaming at and striking a patient. Appellant withdrew her appeal on the grounds that Larned had withdrawn the proposed dismissal.

Disqualification for safety sensitive positions for one year *dismissed*
Department of Administration
Appellant had had discussions regarding applying for a position at KNI. Appellant claimed that after considering the position, he determined he was not interested and, therefore, did not appear for the required drug screening. In accordance with K.A.R. 1-6-32 and K.S.A. 75-4362, the appellant was disqualified for safety sensitive positions for one year for failing to appear for a drug screen. Appellant claimed he did not appear since he was not going to take the position. After the prehearing conference, the appellant filed a motion to dismiss on the grounds that the parties had reached an agreement. The case was dismissed.

Dismissal *withdrawal*

Corrections Officer II, Department of Corrections-Winfield Correctional Facility

Appellant was dismissed for soliciting another employee to trade with or purchase prescription pain medications from him. After the prehearing conference, the appellant withdrew his appeal.

Disqualification for safety sensitive positions for one year *affirmed*

Department of Administration

Appellant was offered a "conditional offer of employment" after passing the Corrections Officer I test interview. In accordance with K.A.R. 1-6-32, the appellant had to pass a drug screening test but failed the drug screening test, testing positive for marijuana (TSC). He also admitted to the drug use approximately two weeks prior to the test. Accordingly, the appellant was disqualified for safety sensitive positions for one year. The Department of Administration filed a motion for summary judgment. Appellant was given an opportunity to respond but failed to do so. The Board granted the motion for summary judgment affirming the decision of the Director of Personnel Services.

Dismissal *dismissed*

Storekeeper Specialist, Department of Corrections-Kansas Correctional Industries

Appellant was dismissed for admittedly bringing his cell phone, cigarettes, lighter, and a spring loaded knife into the facility. He also admitted to having inappropriate conversations with inmates. A prehearing conference was convened during which deadlines were established by agreement of the parties. A prehearing order was issued memorializing the deadlines. Thereafter, the appellant did not comply with the deadlines. The KCI filed a motion to dismiss for failing to comply with the prehearing order and a motion for summary judgment. Appellant was given an opportunity to respond but failed to do so. The Board granted the motion to dismiss rendering the motion for summary judgment moot.

C. Cases to be Heard:

Demotion/whistleblower, Department of Labor, remanded-stayed
Dismissal, Department of Wildlife, Parks and Tourism, hearing June 6, 2016
Dismissal, Kansas Highway Patrol, motion for summary judgment pending
Dismissal, Department of Transportation, hearing September 19-20, 2016
Dismissal, Department for Children and Families, motion to dismiss pending
Dismissal, Department of Transportation, prehearing April 19, 2016

D. Statistics for Completed Cases:

Dismissals: 3
Suspensions: 0
Demotions: 0
Other: 2

Affirmed: 1
Modified: 0
Dismissed: 2

Withdrawn: 2
Default: 0

Department of Corrections: 2
Department of Administration: 2
Department of Aging and Disability Services: 1