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Kansas
Civil Service Board

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Governor Jeff Colyer, M.D.

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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 24, 2018

Re: Quarterly Update

The following quarterly report reflects the Civil Service Board case filings and action taken between January 15, 2018 and April 19, 2018:

A. Cases Filed Between January 15, 2018 and April 15, 2018:

Dismissal, Board of Indigents' Defense Services, filed December 30, 2017 (omitted from the January 23, 2018, Quarterly Update)
Dismissal, Department for Children and Families, filed February 5, 2018
Dismissal, Department of Revenue, filed February 28, 2018
4-day Suspension, Board of Indigents Defense Services, filed March 12, 2018
4-day Suspension, Department for Children and Families, filed April 3, 2018

B. Cases Decided and/or Disposed of:

3-day Suspension *affirmed*
Department of Corrections, Lansing Correctional Facility
Corrections Officer I. Appellant received a 3-day suspension for making inappropriate and unprofessional remarks to the mother of an inmate and wife of another employee while on duty as security patrol. The Board affirmed the action of appointing authority.

Demotion/Whistleblower *reversed*
Department of Labor
Public Service Administrator II. During the reorganization of the Call Center, the appellant was "transferred" from a management position to a data input position in the Records Management Division. Appellant's pay and job classification remained the same. This position required skills that the appellant did not possess. Appellant believed the move was a demotion, so he filed an appeal with Board. He later added a claim under the Kansas Whistleblower Act. While the appeal was pending, the appellant was subjected to a layoff in the Records Management Division. The Board initially dismissed the appeal as untimely. Ultimately, the appeal was remanded back to the Board by the Kansas Court of Appeals. The Board found that the appellant established that the move was a demotion

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and was unreasonable. KDOL was ordered by the Board to reinstate the appellant to a position at the same job classification and pay in the same or similar position with the same or similar duties. The Board found that the appellant did not establish that there had been a violation of the Kansas Whistleblower Act.

4-day Suspension *withdrawn*
Board of Indigents' Defense Services
Administrative Assistant. Appellant was suspended for four days for conduct including accessing and reading documents from mail boxes of other office members; ongoing rude behavior for which she had received previous "Consultation Reports" back to 2002; and speaking negatively in the office about a client of the office and other matters. Appellant withdrew her appeal.

Demotion *modified*
Department of Corrections, Lansing Correctional Facility
Corrections Officer I. Appellant was demoted for inserting another employee's name in a custody classification record as the creator of the record, without permission of the employee. Appellant then also approved the custody classification. The Board found that the appellant established that the demotion was unreasonable. The Board modified the discipline to a 5-day suspension.

5-day Suspension *dismissed*
Kansas Department for Aging and Disability Services/Kansas Neurological Institute
Client Training Supervisor. Appellant was suspended for 5-days for failing to follow KNI/Employee policies and for exhibiting sub-standard leadership/behavior towards staff. Prior to the hearing, KDADS withdrew the suspension.

C. <u>Cases to be Heard</u>:

Dismissal, Department for Aging and Disability Services, Osawatomie State Hospital, discovery pending
10-day Suspension and Dismissal, Department of Corrections, Wichita Parole Office, hearing May 8-9, 2018
Voluntary Transfer/Demotion, Department of Corrections, Lansing Correctional Facility, hearing June 6, 2018
Dismissal, Board of Indigents Defense Services, hearing May 29, 2018
Dismissal, Department for Children and Families, hearing August 7, 2018
Dismissal, Department of Revenue, hearing August 6, 2018
4-day Suspension, Department for Children and Families, prehearing May 4, 2018

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