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Kansas
Civil Service Board

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Correne K. Green, Chairperson

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To: Kraig Knowlton, Director, Office of Human Resources
Robert M. Tomlinson, Director, Office of Administrative Hearings
Correne K. Green, Chairperson, Civil Service Board

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

Date: January 16, 2013

Re: Quarterly Update

The following reflects the Civil Service Board case filings and action taken since the October 15, 2012 quarterly report:

A. Cases Decided and/or Disposed Of:

Dismissal *modified*
Kansas Highway Patrol
Trooper. Appellant was dismissed for violations of the Kansas Highway Patrol Rules of Conduct, specifically insubordination. The Board found that appellant's conduct was not insubordination and modified the action of the appointing authority dismissing appellant to a suspension (without pay and benefits) for one year from the date of his dismissal.

Exclusion from applicant pool *default*
Office of Human Resources/Department of Administration
Applicant. Appellant was removed from the eligible pool for designated positions in state civil service for a period of one year due to a "confirmed positive" on a drug screening test. A prehearing conference was scheduled and appellant did not appear. A proposed default order was issued for his failure to appear to which he did not respond.

5-day suspension *dismissed*
Lansing Correctional Facility/Department of Corrections
Corrections Specialist I. Appellant was suspended for five days for failing to remove an unauthorized electric razor from his lunch bag before entering the facility. The agency filed a motion to dismiss on the grounds that the appeal was filed one day out of time; the appellant filed a response. The Board granted the motion and dismissed the appeal for lack of jurisdiction.

Dismissal *dismissed*
Department of Transportation
Administrative Assistant. Appellant was dismissed after receiving two consecutive unsatisfactory evaluations within 180 days. The parties reached a settlement and the appeal was dismissed.

Dismissal *affirmed*
Rainbow Mental Health/Department for Aging and Disability Services
Mental Health Technician. Appellant was dismissed after receiving two consecutive unsatisfactory evaluations within 180 days. The Board affirmed the decision of the appointing authority.

14-day suspension *affirmed*
Kansas Highway Patrol
Master Trooper. Appellant was suspended for fourteen days for violating several Kansas Highway Patrol (KHP) policies. Specifically, appellant criticized public officials on her Facebook page and at a community meeting, used her position as a trooper to obtain information regarding a police investigation notwithstanding a supervisor's warning not to do so, and posted a comment on her Facebook page that evidenced a lack of poor judgment and was not the type of high conduct expected of a KHP employee. The Board affirmed the decision of the appointing authority.

3-day suspension *default*
Lansing Correctional Facility/Department of Corrections
Corrections Officer II. Appellant was suspended for three days for possessing a lighter and cigarettes while on an inmate transport trip. A prehearing conference was scheduled and appellant did not appear. A proposed default order was issued for his failure to appear to which he did not respond.

Dismissal *withdrawn*
Juvenile Justice Authority
Juvenile Corrections Officer I. Appellant was dismissed after pleading guilty to a charge of battery based on an incident at a bar in which she viciously attacked an individual, striking her repeatedly in the head with her fists. Appellant admitted the attack was unprovoked. Appellant also failed to self-report her criminal charge as required by agency policy. Appellant withdrew her appeal.

5-day suspension *withdrawn*
Department of Health and Environment
Senior Administrative Assistant. Appellant received a five day suspension for disregarding supervisory direction to be professional and courteous to co-workers and her supervisor. Appellant withdrew her appeal.

3-day suspension *withdrawn*
Department of Health and Environment
Senior Administrative Assistant. Appellant received a three day suspension for insubordinate actions including failing to obtain prior approval to remain on duty outside of her work schedule and falsification of her timesheet. Appellant withdrew her appeal.

Dismissal *withdrawn*
El Dorado Correctional Facility/Department of Corrections
Corrections Officer I. Appellant was dismissed based on her inability to perform the essential functions of her position. Appellant withdrew her appeal.

Dismissal *withdrawn*
Kansas Securities Commission
State Auditor III. Appellant was dismissed for an ongoing pattern of poor performance. Appellant withdrew his appeal.

B. Cases Filed Between October 15, 2012 and January 15, 2013:

Dismissal, Department of Transportation, filed October 17, 2012
Exclusion from applicant pool, Department of Administration, filed October 17, 2012
Dismissal, Kansas Veterans Home, filed October 19, 2012
Dismissal, Topeka Juvenile Correctional Complex, filed October 22, 2012

Dismissal, Juvenile Justice Authority, filed November 2, 2012
3-day suspension, Lansing Correctional Facility, filed November 14, 2012
Dismissal, Department for Children and Families, filed November 15, 2012
30-day suspension, Larned State Hospital, filed November 26, 2012
5-day suspension, Department for Health and Environment, filed November 30, 2012
Dismissal, Kansas Highway Patrol, filed December 5, 2012
30-day suspension, Larned State Hospital, filed December 4, 2012
Dismissal, Department of Transportation, filed December 5, 2012
7-day suspension, Larned State Hospital, filed December 5, 2012
30-day suspension, Larned State Hospital, filed December 6, 2012
Dismissal, Larned State Hospital, filed December 6, 2012
Dismissal, Larned State Hospital, filed December 7, 2012
30-day suspension, Larned State Hospital, filed December 7, 2012
3-day suspension, Department for Health and Environment, filed December 13, 2012
3-day suspension, Lansing Correctional Facility, filed January 2, 2013
Dismissal, Norton Correctional Facility, filed January 7, 2013

C. Cases To Be Heard:

5-day suspension, Department of Corrections, set February 6, 2013
Dismissal, Osawatomie State Hospital, stayed
Dismissal, Department for Children and Families, set February 7, 2013
Dismissal, Department of Transportation, set February 21, 2013
Dismissal, Kansas Veterans Home, set February 5, 2013
Dismissal, Topeka Juvenile Correctional Complex, set January 23, 2013
Dismissal, Department for Children and Families, set March 21, 2013
30-day suspension, Larned State Hospital, set for prehearing April 18, 2013
Dismissal, Kansas Highway Patrol, filed set March 4-5, 2013
30-day suspension, Larned State Hospital, set for prehearing April 18, 2013
Dismissal, Department of Transportation, set for hearing March 6, 2013
7-day suspension, Larned State Hospital, set for hearing March 7, 2013
30-day suspension, Larned State Hospital, set for prehearing April 18, 2013
Dismissal, Larned State Hospital, set for prehearing April 18, 2013
Dismissal, Larned State Hospital, set for prehearing April 18, 2013
30-day suspension, Larned State Hospital, set for prehearing April 18, 2013
3-day suspension, Lansing Correctional Facility, set for prehearing January 24, 2013
Dismissal, Norton Correctional Facility, set for prehearing January 24, 2013

D. Statistics for Completed Cases:

Dismissals: 6
Suspensions: 5
Exclusion from applicant pool: 1

Affirmed: 2
Modified: 1
Dismissed: 2
Withdrawn: 5
Default: 2

Department of Administration: 1

Department of Health and Environment: 2
Department of Transportation: 1
Department of Corrections: 3
Kansas Highway Patrol: 2
Juvenile Justice Authority: 1
Department for Aging and Disability Services: 1
Kansas Securities Commission: 1