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Kansas
Civil Service Board

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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: July 18, 2016

Re: Quarterly Update

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

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

Dismissal, Commission on Veterans' Affairs Office/Kansas Veterans Home, filed April 29, 2016
Dismissal, Commission on Veterans' Affairs Office/Kansas Veterans Home, filed June 14, 2016
Dismissal, Department of Corrections, Lansing Correctional Facility, filed June 30, 2016

B. Cases Decided and/or Disposed of:

Dismissal *dismissed*
Human Services Assistant, Department for Children and Families
Appellant was dismissed due to workplace theft of her supervisor's financial cards and subsequent unauthorized and illegal use of financial cards. DCF filed a motion to dismiss on the grounds that the appeal was untimely filed. Appellant was given an opportunity to respond but failed to do so. The Board granted the motion to dismiss.

Dismissal *dismissed*
Natural Resource Officer I, Department of Wildlife, Parks and Tourism
Appellant was dismissed based on his inability to satisfactorily perform his assigned duties; careless, negligent or improper use of state property; and failure to maintain satisfactory relationships with the public and fellow employees. Prior to the hearing, the parties reached a settlement and requested dismissal of the case.

Dismissal *affirmed*
Master Trooper, Kansas Highway Patrol
Appellant was dismissed after being convicted of Aggravated Assault (severity level 7, person felony); Criminal Threat (severity level 9, person felony); Criminal Threat (severity level 9, person felony); and Domestic Battery. The jury entered a special finding that all four counts

were “an act of domestic violence.” The KHP filed a motion for summary judgment and the appellant responded. The Board granted the KHP’s motion finding that there was no material issue of factual dispute that the appellant’s felony convictions prevented him from performing the essential functions of his position. The decision of the appointing authority was affirmed.

Dismissal *dismissed*

Engineering Technician Specialist, Department of Transportation
Appellant was dismissed as the result of being unable to perform his job duties. Specifically, he was arrested for driving under the influence. His license was suspended for a year and then he was required to operate a motor vehicle with an ignition interlock device for an additional year. A prehearing conference was held and a prehearing order was entered setting forth deadlines agreed to by the parties. Appellant did not comply with one of the deadlines. KDOT filed a motion to dismiss. Appellant was given a deadline to respond to the motion. He did not respond so the case was dismissed.

Dismissal *dismissed*

Certified Nurse Aide I, Commission on Veterans’ Affairs Office/Kansas Veterans Home
Appellant was dismissed due to alleged sexual abuse/boundary issues with male residents. Appellant filed her appeal out of time. Appellant was given an opportunity to show cause why her appeal should not be dismissed as untimely. She did not respond so her appeal was dismissed.

C. Cases to be Heard:

Demotion/whistleblower, Department of Labor, remanded-stayed
Dismissal, Department of Transportation, hearing September 19-20, 2016
Dismissal, Commission on Veterans’ Affairs Office/Kansas Veterans Home, hearing December 19, 2016
Dismissal, Department of Corrections, Lansing Correctional Facility, prehearing July 21, 2016

D. Statistics for Completed Cases:

Dismissals: 5
Suspensions: 0
Demotions: 0
Other: 0

Affirmed: 1
Modified: 0
Dismissed: 4
Withdrawn: 0
Default: 0

Department for Children and Families: 1
Department of Wildlife, Parks and Tourism: 1
Kansas Highway Patrol: 1
Kansas Department of Transportation: 1
Kansas Commission on Veterans' Affairs Office: 1