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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: October 16, 2015

Re: Quarterly Update

The following reflects the Civil Service Board case filings and action taken since the July 15, 2015, quarterly report:

A. Cases Filed Between July 16, 2015 and October 15, 2015:

Dismissal, Topeka Correctional Facility, filed July 29, 2015
Dismissal, Oswatomie State Hospital, filed August 3, 2015
Dismissal, State Board of Indigents' Defense Services, August 31, 2015

B. Cases Decided and/or Disposed Of:

Dismissal *withdrawn*
Department of Corrections-El Dorado Correctional Facility
Corrections Officer II. Appellant was dismissed for failing to have a valid driver's license. During the prehearing conference, he withdrew his appeal.

Dismissal *affirmed*
Department for Aging and Disability Services-Parsons State Hospital and Training Center
Mental Health Developmental Disability Technician. Appellant was dismissed for using inappropriate language during an altercation with a patient and for spitting or making sounds and gestures simulating spitting on the patient. The Board affirmed the decision of the appointing authority.

Dismissal *default*
Department of Corrections-Topeka Correctional Facility
Grounds Maintenance Supervisor II. Appellant was dismissed for being careless in his duties, behaving in a manner unbecoming of the state employee, and being unduly familiar with inmates. A prehearing conference was scheduled; appellant did not appear. A proposed default order was issued for his failure to appear to which he did not respond.

Dismissal *dismissed*

Department for Children and Families

Human Services Specialist. Appellant was dismissed for gross misconduct or conduct grossly unbecoming a state employee. This involved conduct regarding her son's California food assistance benefit case and her willful abuse of state-owned equipment. The Department of Children and Families filed a motion to dismiss her appeal on the grounds that she had not properly filed the appeal as it was sent by an email message to Kraig Knowlton, Director of Personnel Services. The email message was also untimely as it was sent on the 31st day. Appellant filed a response to the motion to dismiss. The Board dismissed the appeal finding it was not properly and timely filed.

Dismissal *dismissed*

State Board of Indigents' Defense Services

Public Defender. Appellant was employed as an unclassified employee. He was dismissed by the State Board of Indigents' Defense Services (BIDS) for actions taken during his representation of clients. He filed an appeal with the Board. Because appellant was an unclassified employee, the Board dismissed his appeal for lack of jurisdiction.

Dismissal *withdrawn*

Department for Aging and Disability Services-Osawatomie State Hospital

Safety & Security Officer I. Appellant was dismissed for using profanity in an altercation with a patient and then jerking his head forward while entering the seclusion room. A prehearing conference was convened during which deadlines were established by agreement of the parties. A prehearing order was issued memorializing the deadlines. Thereafter, appellant did not comply with the deadlines. Osawatomie State Hospital filed a motion to dismiss to which appellant did not respond. Appellant was sent a letter prior to the hearing asking that he advise the Board by a specific date and time if he intended to appear at his hearing and that if he did not respond, his inaction would be construed as a withdrawal of his appeal. He did not respond, so the appeal was deemed withdrawn by appellant.

C. Cases Awaiting Final Order:

Dismissal, Kansas Highway Patrol, heard July 8-9, 2015. Awaiting documents and briefing from the parties.

D. Cases to be Heard:

Demotion/Whistleblower, Department of Labor, remanded-stayed
Dismissal, Department of Corrections, hearing November 16-17, 2015
10-day suspension, Office of Information Technology Services, hearing January 7, 2016
3-day suspension, Department of Health and Environment, hearing January 6, 2016

E. Statistics for Completed Cases:

Dismissals: 6

Suspensions: 0
Demotions: 0
Other: 0

Affirmed: 1
Modified: 0
Dismissed: 2
Withdrawn: 2
Default: 1

Department of Corrections: 2
Department for Aging and Disability Services: 2
Department for Children and Families: 1
State Board of Indigents' Defense Services: 1