

To: George Vega, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
James E. Lowther, Chairperson, Civil Service Board

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

Date: April 15, 2009

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the January 15, 2009 quarterly report:

A. Cases Decided and/or Disposed Of:

1. 3-day suspension *withdrawn*
University of Kansas Medical Center
Facilities Specialist. Appellant refused a reasonable and proper work assignment and was insubordinate. Appellant had previously been reprimanded for insubordinate behavior. Appellant withdrew his request for hearing.
2. dismissal *withdrawn*
Department of Social and Rehabilitation Services.
Human Services Assistant. Appellant disclosed confidential information regarding the fact that an individual was receiving assistance from SRS in violation of the agency's confidentiality policy. The parties reached a settlement agreement and the appellant withdrew her request for a hearing.
3. dismissal *reversed*
Kansas Neurological Institute
Developmental Disability Technician. Appellant was accused of threatening a resident with a knife. A co-worker allegedly overheard the threat and saw the knife. Several other residents and staff were present at the time of the alleged threat and neither saw a knife nor heard a threat. Although appellant did not pass a polygraph test, no knife was found in his home when it was searched by local law enforcement officers. After hearing all of the evidence, the Board reversed the decision of the appointing authority. KNI filed a petition for judicial review on March 27, 2009.
4. 5-day suspension *withdrawn*
Juvenile Justice Authority
Juvenile Correctional Officer I. Appellant exhibited unprofessional conduct when she became angry with an inmate and used profanity toward him and other staff. The parties reached a settlement agreement and the appellant withdrew her request for a hearing.
5. 3-day suspension *withdrawn*
Topeka Correctional Facility
Corrections Specialist III. Appellant kept his cell phone on his person while on the premises, in violation of policy. Appellant withdrew his request for hearing.
6. 3-day suspension *withdrawn*
Topeka Correctional Facility
Unit Team Manager. Appellant failed to complete the routine search process when entering the IJ Compound. On her first pass through, appellant failed to clear the metal detector. She then refused to

remove her boots and make another walk through the metal detector. The parties reached a settlement agreement and the appellant withdrew her request for a hearing.

7. demotion *withdrawn*
El Dorado Correctional Facility
Corrections Specialist I. Appellant learned of a serious security breach from a segregation inmate. He initially reported that he had questioned the officers involved in the incident and that they didn't act like they knew anything so he went on with his duties. Later, after additional inquiry and review of surveillance video, appellant indicated that he had not been forthright in his initial report. He had, in fact, been aware of incident, had counseled the officers involved, and had told them that he would cover for them and take the responsibility for the incident. Appellant withdrew his request for hearing.
8. 5-day suspension *withdrawn*
Kansas Juvenile Correctional Complex
Juvenile Corrections Officer II. Appellant failed to request leave without pay in advance of the need for leave. The parties reached a settlement agreement and the appellant withdrew his request for a hearing.
9. 7-day suspension *withdrawn*
Kansas Juvenile Correctional Complex
Juvenile Corrections Officer II. Appellant failed to request leave without pay in advance of the need for leave. The parties reached a settlement agreement and the appellant withdrew his request for a hearing.
10. dismissal *withdrawn*
Hutchinson Correctional Facility
Facilities Specialist. Appellant failed to perform assigned duties and when confronted exhibited insubordinate behavior. The parties reached a settlement agreement and the appellant withdrew his request for a hearing.

B. Cases Filed Between January 15, 2009 and April 15, 2009:

1. 7-day suspension, Juvenile Justice Authority, filed January 15, 2009
2. 3-day suspension, Topeka Correctional Facility, filed January 28, 2009
3. 3-day suspension, Topeka Correctional Facility, filed January 28, 2009
4. 3-day suspension, Hutchinson Correctional Facility, filed March 2, 2009
5. 3-day suspension, University of Kansas Medical Center, filed March 10, 2009
6. dismissal, Hutchinson Correctional Facility, filed March 10, 2009
7. 1-day suspension, Social and Rehabilitation Services, filed March 13, 2009
8. 1-day suspension, Juvenile Justice Authority, filed March 13, 2009
9. dismissal, University of Kansas Medical Center, filed March 23, 2009
10. dismissal, Hutchinson Correctional Facility, filed March 26, 2009
11. dismissal, Kansas Department of Health & Environment, filed April 9, 2009.

C. Cases Still To Be Heard:

1. dismissal, Department on Aging, settled, awaiting final paperwork
2. dismissal, Social and Rehabilitation Services, set October 19, 2009
3. resignation, Department of Revenue, status conference set September 17, 2009
4. demotion, Social and Rehabilitation Services, motion for summary judgment filed
5. 3-day suspension, Hutchinson Correctional Facility, motion for summary judgment filed
6. 1-day suspension, Social and Rehabilitation Services, set May 4, 2009
7. 1-day suspension, Juvenile Justice Authority, set April 21, 2009
8. dismissal, University of Kansas Medical Center, set June 2, 2009
9. dismissal, Hutchinson Correctional Facility, set May 5, 2009
10. dismissal, Kansas Department of Health & Environment, set May 7, 2009

D. Statistics for Completed Cases:

- 1. Dismissals: 3
- 2. Demotions: 1
- 3. Suspensions: 6
- 4. Other: 0

- 1. Affirmed: 0
- 2. Reversed: 1
- 3. Modified: 0
- 4. Dismissed: 0
- 5. Withdrawn: 9

- 1. Department of Corrections: 4
- 2. Juvenile Justice Authority: 3
- 3. Social and Rehabilitation Services: 2
- 4. University of Kansas Medical Center: 1