

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

From: Peggy Graham, Secretary, Civil Service Board

Date: October 15, 2008

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 15, 2008 quarterly report:

A. Cases Decided and/or Disposed Of:

1. dismissal *withdrawn*
Larned Correctional Mental Health Facility
Facility Maintenance Supervisor. The appellant reported for work with the odor of alcohol on his breath. He was taken for a blood alcohol test and it registered a blood alcohol level of .083. He was dismissed for reporting to work while under the influence of alcohol. Appellant withdrew his request for a hearing prior to the scheduled hearing date.
2. 3-day suspension *withdrawn*
El Dorado Correctional Facility
Librarian. The appellant inadvertently brought her cellular telephone into the facility in violation of agency policy. Appellant withdrew her request for a hearing prior to the scheduled hearing date.
3. 10-day suspension *withdrawn*
Topeka Correctional Facility
Storekeeper Specialist. The appellant engaged in a habitual pattern of failing to report for duty at the assigned time and place or to remain on duty. Appellant withdrew his request for a hearing prior to the scheduled hearing date.
4. dismissal *dismissed*
Osawatomie State Hospital
Psychologist II. The appellant was dismissed for failing to maintain records on some patients, failing to complete testing reports for patients' files, and for destroying testing records that didn't agree with his findings. Appellant chose to resign in lieu of dismissal and his appeal was dismissed for lack of jurisdiction.
5. dismissal *dismissed*
Lansing Correctional Facility
Correctional Officer. The appellant failed to properly perform security checks as required. Appellant was still a probationary employee at the time of her dismissal.

6. dismissal *withdrawn*
Parsons State Hospital and Training Center
Mental Health Developmental Disability Technician. The appellant was arrested on a charge of shoplifting, but failed to report this to her employer as required by agency policy. In addition, on an outing with residents, she reported that there were three residents in the back of the van when there were only two there at the time. She failed to report that a resident was missing. The parties reached a settlement agreement and the appellant withdrew her request for a hearing prior to the scheduled hearing date.
7. dismissal *affirmed*
Osawatomie State Hospital
Administrative Assistant. The appellant received two unsatisfactory performance evaluations within 180 days. She appealed both evaluations to the agency's review committee and both unsatisfactory ratings were upheld by the committee. The appellant was more than adequately counseled regarding her work performance and how to meet the agency's standards, and yet she continued to perform inadequately. In addition, the appellant failed to maintain a harmonious working relationship with her supervisor, director and co-workers. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.
8. 3-day suspension *withdrawn*
Department of Social and Rehabilitation Services
Social Work Specialist. The appellant drank alcoholic beverages over the lunch break during an out of town work conference, then drove a state car from the restaurant where she had lunch, back to the conference site. The parties reached a settlement agreement and the appellant withdrew her request for a hearing prior to the scheduled hearing date.
9. dismissal *affirmed*
Kansas Public Employees Retirement System
Program Specialist I. The appellant received three consecutive unsatisfactory performance evaluations over a nine month period. He was adequately counseled during this period with respect to improving his performance and yet he failed to do so. He appealed all three evaluations to the peer review committee and all three unsatisfactory ratings were upheld on review. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.
10. dismissal *withdrawn*
Juvenile Justice Authority
Juvenile Correctional Officer I. The appellant used unwarranted and excessive force against a youth in his care and supervision, and he was dishonest about the incident during the investigation of it. The parties reached a settlement agreement and the appellant withdrew his request for a hearing prior to the scheduled hearing date.
11. 3-day suspension *modified*
Larned Correctional Mental Health Facility
Correctional Specialist I. The appellant inadvertently brought his personal cellular telephone into the facility in violation of agency policy. This occurred between the time that the Secretary of Corrections issued a verbal directive to the wardens that the sanction for a first violation of the policy would now be an automatic three-day suspension, and when the new policy on the sanction for the violation was actually reduced to writing. The Board found that the appellant did violate agency policy and therefore discipline was reasonable, but that three days was unreasonable due to the fact that the policy had not been reduced to writing at the time of the violation.
12. dismissal *withdrawn*
Kansas Bureau of Investigation
Senior Special Agent. The appellant knowingly and willfully falsified a time sheet when he continued investigating a case after being specifically instructed not to continue with the investigation. The appellant withdrew his request for a hearing prior to the scheduled hearing date.

13. dismissal *affirmed*
Department of Administration
Custodial Worker. The appellant engaged in sexual harassment, was insubordinate toward his supervisor, used inappropriate language in the work place, and abused his leave privileges repeatedly over the course of two years. He received a proposed dismissal in 2006 that was later withdrawn to allow the appellant another chance to improve his behavior. However, shortly after the dismissal was withdrawn, the appellant began to behave in the same manner again. He received a written reprimand and several suspensions before he was finally dismissed. After considering all of the evidence presented, the Board affirmed the decision of the appointing authority.
14. dismissal *withdrawn*
Kansas Neurological Institute
Developmental Disability Technician. The appellant left a resident in a soiled adult disposable brief for a long period of time before cleaning him. She failed to properly store trash and disposable briefs leaving them accessible to a resident known for eating inedible objects. The appellant had previously been disciplined with a one day suspension in March 2008, a three day suspension in January 2008, two letters of reprimand in October 2007, a four day suspension in December 2006 and a written reprimand in July 2006. The appellant withdrew her request for a hearing prior to the scheduled hearing date.

B. Cases Filed Between July 15, 2008 and October 15, 2008:

1. dismissal, Winfield Correctional Facility, filed July 17, 2008
2. dismissal, Kansas Bureau of Investigation, filed July 18, 2008
3. 3-day suspension, Hutchinson Correctional Facility, filed July 22, 2008
4. dismissal, Social and Rehabilitation Services, filed July 25, 2008
5. 15-day suspension, El Dorado Correctional Facility, filed August 1, 2008
6. 10-day suspension, Topeka Correctional Facility, filed August 18, 2008
7. dismissal, Kansas Public Employees Retirement System, filed August 28, 2008
8. dismissal, Lansing Correctional Facility, filed September 10, 2008
9. dismissal, Department of Administration, filed September 10, 2008
10. dismissal, Juvenile Justice Authority, filed September 11, 2008
11. dismissal, Juvenile Justice Authority, filed September 26, 2008
12. 3-day suspension, Lansing Correctional Facility, filed October 2, 2008
13. dismissal, Department of Administration, filed October 8, 2008
14. 3-day suspension, Lansing Correctional Facility, filed October 9, 2008
15. 3-day suspension, Lansing Correctional Facility, filed October 10, 2008

C. Cases Still To Be Heard:

1. 3-day suspension, Hutchinson Correctional Facility, set 11/5/08
2. dismissal, Department on Aging, set 12/1/08
3. dismissal, Winfield Correctional Facility, set 10/23/08
4. dismissal, Juvenile Justice Authority, set 11/6/08
5. dismissal, Topeka Correctional Facility, set 11/3/08
6. 3-day suspension, Lansing Correctional Facility, set 11/18/08
7. dismissal, Department of Administration, set 1/22/09
8. 15-day suspension, El Dorado Correctional Facility, set 11/4/08
9. dismissal, Social and Rehabilitation Services, set 10/21/08
10. dismissal, Juvenile Justice Authority, set 10/20/08
11. 3-day suspension, Lansing Correctional Facility, set 11/18/08
12. dismissal, Department of Administration, set 11/17/08
13. 3-day suspension, Lansing Correctional Facility, set 11/19/08

D. Statistics for Completed Cases:

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| 1. | Dismissals: | 10 |
| 2. | Demotions: | 0 |
| 3. | Suspensions: | 4 |
| 4. | Other: | 0 |
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| 1. | Affirmed: | 3 |
| 2. | Reversed: | 0 |
| 3. | Modified: | 1 |
| 4. | Dismissed: | 2 |
| 5. | Withdrawn: | 8 |
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| 1. | Department of Corrections: | 5 |
| 2. | Social and Rehabilitation Services: | 5 |
| 3. | Juvenile Justice Authority: | 1 |
| 4. | Kansas Bureau of Investigation: | 1 |
| 5. | KPERS: | 1 |
| 6. | Department of Administration: | 1 |