

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: January 15, 2009

Re: Quarterly Update

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

A. Cases Decided and/or Disposed Of:

1. 3-day suspension *affirmed*  
Hutchinson Correctional Facility  
Correctional Specialist I. The appellant exhibited unprofessional behavior when he publicly criticized a supervisor in the presence of a junior officer and an inmate. He further allowed an inmate to gain his favor when he permitted him to have more access to the facility without supervision than is permitted and argued on the inmate's behalf regarding reassignment of the inmate. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
2. dismissal *dismissed*  
Department of Administration  
Custodial Specialist. The appellant received two unsatisfactory performance evaluations within 180 days. He failed to appear for his scheduled hearing and a default order was issued for his failure to appear.
3. dismissal *dismissed*  
Winfield Correctional Facility  
Correctional Officer I. The appellant was habitually late to arrive at her assigned duty post. She received verbal counseling, a letter of reprimand and two unsatisfactory performance evaluations and yet she continued to fail to arrive at her post on time. The appellant resigned her position with the agency prior to the Board rendering a decision on the matter.
4. dismissal *withdrawn*  
Atchison Juvenile Correctional Facility  
Juvenile Correctional Officer I. The appellant was involved in an excessive use of force incident with a youth resident and another correctional officer. She opened two doors to block security cameras from recording the incident and also failed to report the excessive use of force as required. She also lied about seeing the excessive use of force when interviewed during the ensuing investigation. The parties reached a settlement prior to the scheduled hearing date and the appellant withdrew her request for a hearing.
5. dismissal *affirmed*  
Topeka Correctional Facility  
Activities Specialist II. The appellant was scheduled to oversee activities in the gym one evening, but because no inmates chose to participate in activities in the gym, the appellant went to a living unit in the maximum security of the prison. There he engaged in horseplay with the inmates, he allowed lewd

behavior to occur between two inmates, he read a magazine for approximately 30 minutes, he socialized and bantered with the inmates, and he gave them arm bumps and fist bumps. He also appeared to kiss or bite an inmate's hand. His behavior violated the undue familiarity policy of the agency and displayed a lack of supervision and authority by the appellant. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.

6. 3-day suspension *affirmed*  
Lansing Correctional Facility  
Correctional Specialist III. The appellant brought a cell phone into the facility in violation of agency policy. The agency's policy assesses a three day suspension for the first violation of the policy. The agency submitted a motion for summary judgment as the appellant did not dispute the violation of the policy. Summary judgment was granted and the decision of the appointing authority was affirmed.
7. dismissal *withdrawn*  
Department of Administration  
Custodial Specialist. The appellant was routinely late for her department's 3:00 pm briefings. She was counseled about the need to arrive to work promptly and to attend the daily meetings, and yet she continued to fail to arrive in time for the meetings, she was flagrantly defiant, disrespectful and insubordinate. She received seventeen (17) written or verbal counselings about her attitude and behavior from June 2006 through August 2008 with no improvement. The appellant withdrew her request for a hearing prior to her scheduled hearing date.
8. dismissal *modified*  
Larned Juvenile Correctional Facility  
Juvenile Correctional Officer III. During a restraint of a youth who had instigated a fist fight with another youth, the appellant used an unapproved pain control technique in an attempt to gain the youth's compliance so that other officers could put wrist and ankle restraints on him. After hearing all of the evidence, the Board found that the appellant did violate agency policy by using the unapproved pain control technique, but also found that he did not use excessive force as argued by the agency. The Board modified the disciplinary action from a dismissal to a demotion and 10-day suspension without pay.
9. 10-day suspension *dismissed*  
El Dorado Correctional Facility  
Correctional Officer I. The appellant left four 12 gauge shotgun shells and a box of .22 caliber rifle shells in the bed of his pick-up truck when it was parked in the facility parking lot in violation of the regulation governing the prohibition of bringing ammunition onto facility grounds. The appellant failed to appear for his scheduled hearing and a default order was issued for his failure to appear.
10. dismissal *dismissed*  
Department of Social and Rehabilitation Services  
Administrative Assistant. The appellant accessed confidential personnel records of her co-workers without authorization to do so and attempted to distribute them without permission. The appellant failed to appear for her scheduled hearing and a default order was issued for her failure to appear.
10. dismissal *dismissed*  
Kansas Juvenile Correctional Complex  
Juvenile Correctional Officer I. The appellant abused his leave privileges despite extensive counseling, an unsatisfactory performance evaluation and progressive discipline. The appellant failed to appear for his scheduled hearing and a default order was issued for his failure to appear.
12. 3-day suspension *affirmed*  
Lansing Correctional Facility  
Correctional Specialist I. The appellant brought a cell phone into the facility in violation of agency policy. The agency's policy assesses a three day suspension for the first violation of the policy. The agency submitted a motion for summary judgment as the appellant did not dispute the violation of the policy. Summary judgment was granted and the decision of the appointing authority was affirmed.

13. 3-day suspension *affirmed*  
Lansing Correctional Facility  
 Administrative Assistant. The appellant brought a cell phone into the facility in violation of agency policy. The agency's policy assesses a three day suspension for the first violation of the policy. The agency submitted a motion for summary judgment as the appellant did not dispute the violation of the policy. Summary judgment was granted and the decision of the appointing authority was affirmed.
14. dismissal *withdrawn*  
Department of Administration  
 Custodial Specialist. The appellant received two unsatisfactory performance evaluations within 180 days. He withdrew his request for a hearing prior to the scheduled hearing date.
15. 3-day suspension *affirmed*  
Lansing Correctional Facility  
 Correctional Officer I. The appellant brought a cell phone into the facility in violation of agency policy. The agency's policy assesses a three day suspension for the first violation of the policy. The agency submitted a motion for summary judgment as the appellant did not dispute the violation of the policy. Summary judgment was granted and the decision of the appointing authority was affirmed.

B. Cases Filed Between October 15, 2008 and January 15, 2009:

1. dismissal, Department of Administration, filed October 24, 2008
2. dismissal, Larned Juvenile Correctional Facility, filed October 24, 2008
3. demotion, Social and Rehabilitation Services, filed November 5, 2008
4. resignation, Department of Revenue, filed November 5, 2008
5. dismissal, Social and Rehabilitation Services, filed November 7, 2008
6. 3-day suspension, Lansing Correctional Facility, filed November 10, 2008
7. 5-day suspension, Kansas Juvenile Correctional Complex, filed December 4, 2008
8. dismissal, Kansas Neurological Institute, filed December 4, 2008
9. 5-day suspension, Kansas Juvenile Correctional Complex, filed December 11, 2008
10. demotion, El Dorado Correctional Facility, filed January 13, 2009
11. dismissal, Social and Rehabilitation Services, filed January 14, 2009

C. Cases Still To Be Heard:

1. dismissal, Department on Aging, set 2/19/09
2. dismissal, Social and Rehabilitation Services, set 2/3/09
3. dismissal, Social and Rehabilitation Services, set 2/16/09
4. dismissal, Kansas Neurological Institute, set 2/17/09
5. resignation, Department of Revenue, motion to dismiss pending
6. demotion, El Dorado Correctional Facility, set 2/16/09
7. demotion, Social and Rehabilitation Services, set 2/2/09
8. 5-day suspension, Kansas Juvenile Correctional Complex, set 2/4/09
9. 5-day suspension, Kansas Juvenile Correctional Complex, set 2/18/09

D. Statistics for Completed Cases:

1. Dismissals: 9
2. Demotions: 0
3. Suspensions: 6
4. Other: 0

- 1. Affirmed: 6
- 2. Reversed: 0
- 3. Modified: 1
- 4. Dismissed: 5
- 5. Withdrawn: 3

- 1. Department of Corrections: 8
- 2. Juvenile Justice Authority: 3
- 3. Department of Administration: 3
- 4. Social and Rehabilitation Services: 1