

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: July 15, 2009

Re: Quarterly Update

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

A. Cases Decided and/or Disposed Of:

dismissal *withdrawn*

Department of Aging

Regional Manager. Appellant exhibited personal conduct detrimental to state service by refusing to accept a reasonable and proper assignment from an authorized supervisor. The parties reached a settlement agreement and the appellant withdrew her request for a hearing.

dismissal *withdrawn*

Hutchinson Correctional Facility

Corrections Officer II. Appellant failed to follow established safety and security protocol. That is, appellant overheard information during an inmate's phone call that should have been reported to a supervisor, but instead shared it with other officers. Appellant withdrew her request for a hearing.

1-day suspension *withdrawn*

Social and Rehabilitation Services

Human Service Assistant. Appellant sent excessive emails that were determined non-work related while on duty. Appellant withdrew her request for a hearing.

1-day suspension *dismissed*

Juvenile Justice Authority

Juvenile Correctional Officer I. Appellant swung a closed fist in the direction of a resident entrusted to his care. Appellant failed to appear for his scheduled hearing and a default order was issued for his failure to appear.

dismissal *withdrawn*  
Kansas State University  
Senior Administrative Assistant. Appellant knowingly released confidential information from official records. Appellant withdrew her request for hearing.

dismissal *dismissed*  
University of Kansas Medical Center  
Media Production Technician. Appellant was dismissed as the result of receiving two unsatisfactory performance reviews. Appellant failed to appear for his scheduled hearing and a default order was issued for his failure to appear.

dismissal *affirmed*  
Department of Health & Environment  
Environmental Technician III. Appellant received two unsatisfactory performance evaluations within 180 days. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.

3-day suspension *affirmed*  
Hutchinson Correctional Facility  
Correctional Industries Manager. Appellant brought a cell phone into the facility in violation of agency policy. The agency's policy assesses a 3-day suspension for the first violation of the policy. The agency submitted a motion for summary judgment. The appellant did not respond. Summary judgment was granted and the decision of the appointing authority was affirmed.

dismissal *dismissed*  
Juvenile Justice Authority  
Juvenile Corrections Officer I. Appellant was dismissed for unwarranted and excessive use of force against a youth under his care and supervision and for failure to truthfully and accurately report the incident. The parties reached a settlement and the appeal was dismissed.

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

dismissal, Rainbow Mental Health Facility, filed May 4, 2009  
dismissal, Department of Transportation, filed May 5, 2009  
dismissal, Kansas State University, filed May 7, 2009  
reprimand/whistleblower, Ft. Hays State University, filed May 12, 2009  
dismissal, Department of Revenue, filed May 14, 2009  
5-day suspension, Juvenile Justice Authority, filed May 20, 2009  
5-day suspension, Hutchinson Correctional Facility, filed May 27, 2009  
dismissal, Juvenile Justice Authority, filed May 29, 2009  
dismissal, Department of Corrections, filed June 8, 2009  
dismissal, Department of Social and Rehabilitation Services, filed June 19, 2009  
suspension, Parsons State Hospital & Training Center, filed July 10, 2009

C. Cases Still To Be Heard:

dismissal, Social and Rehabilitation Services, set October 19, 2009  
resignation, Department of Revenue, status conference set September 17, 2009  
demotion, Social and Rehabilitation Services, status conference set August 4, 2009  
dismissal, Rainbow Mental Health Facility, set July 22, 2009  
dismissal, Department of Transportation, set July 23, 2009

reprimand/whistleblower, Ft. Hays State University, set July 21, 2009  
dismissal, Department of Revenue, set August 20, 2009  
5-day suspension, Juvenile Justice Authority, set August 18, 2009  
5-day suspension, Hutchinson Correctional Facility, set August 4, 2009  
dismissal, Kansas Department of Corrections, set August 5, 2009  
dismissal, Department of Social and Rehabilitation Services, set September 10, 2009  
suspension, Parsons State Hospital & Training Center, set August 18, 2009

D. Statistics for Completed Cases:

Dismissals: 6  
Demotions: 0  
Suspensions: 3  
Other: 0

Affirmed: 2  
Reversed: 0  
Modified: 0  
Dismissed: 3  
Withdrawn: 4

Department of Corrections: 2  
Juvenile Justice Authority: 2  
Social and Rehabilitation Services: 1  
University of Kansas Medical Center: 1  
Department of Aging: 1  
Kansas State University: 1  
Department of Health & Environment: 1