

Hilo, Hawaii
Tuesday, August 21, 2007

The regular meeting of the Merit Appeals Board, County of Hawai`i, was held in the conference room of the Department of Liquor Control, 101 Aupuni Street, Suite 230, Hilo, Hawai`i, on Tuesday, August 21, 2007.

Present:

Mr. Clifford Kaminaka, Vice Chair
Ms. Kaliko Chun, Member
Mr. Joel Cohen, Member
Ms. JoAnne Balberde-Kamalii, Member
Mr. Michael R. Ben, Director of Personnel
Ms. Diane Noda, Deputy Corporation Counsel
Ms. Velma Y. Menezes, Secretary-Reporter

Excused:

Mr. G. Rick Robinson, Chair

Vice Chair Kaminaka called the meeting to order at 10:05 a.m.

MINUTES OF JULY 17, 2007

MOTION: Ms. Chun moved that the minutes of July 17, 2007 be approved as circulated. The motion was seconded by Mr. Cohen and unanimously carried.

COMMUNICATIONS

Communication No. 07-10, County of Hawai`i's Motion to Dismiss for Lack of Jurisdiction; Memorandum in Support of Motion; Exhibit "1"; Certificate of Service, filed by Diane A. Noda, Deputy Corporation Counsel, in the matter of the appeal of William Shapiro.

MOTION: Ms. Chun moved that Communication No. 07-10 be received and filed. The motion was seconded by Mr. Cohen and unanimously carried.

The communication will be placed in the appeal file for appropriate action at the hearing on September 18, 2007.

UNFINISHED BUSINESS

Evaluation of Director of Human Resources for Period July 2006 to June 2007

The Board reviewed copies of the evaluation memorandum prepared by Chair Robinson that had been distributed at the meeting. The original memorandum was given to Mr. Ben.

Ms. Chun stated that the memorandum does reflect the Board's concerns but thought that the closing needed an explanation noting the concerns in each section. The suggestions that were made should also be mentioned.

Ms. Balberde-Kamalii noted that the memorandum reflects the data that was collected in the feedback, compiled into one. She believed that the memorandum was fine as is, because it does state throughout the memo what the concerns are and what is hoped to be achieved.

Mr. Cohen stated that he doesn't have any problems with the text. He would like to see some additional things in there and have further discussion. As far as the process, he noted that the memorandum is based on the results of the questionnaire, which he believes is only one tool of communication. There are also other specific issues that need to be discussed and addressed with Mr. Ben, as head of the department.

MOTION: Mr. Cohen moved to approve the evaluation memorandum with additional discussion at the next meeting regarding matters relating to the

Department of Human Resources. The motion was seconded by Ms. Chun and unanimously carried.

Mr. Ben stated that he would not be reading the evaluation memorandum right now.

Vice Chair Kaminaka stated that they will schedule a discussion on it for the next meeting.

DIRECTOR'S REPORT

Mr. Ben reported the following:

1) They have been working on their recruitment incentive, trying to determine a fair and equitable way of providing recruitment incentives for hard-to-fill positions or shortage category positions. With cultural issues to consider, it's been a very difficult task that they're still continuing to work on.

2) Three employees of the department, Nick Hermes, Labor Relations; Teri Spinola-Campbell, Equal Opportunity Officer; and Lea Kaneta-Ogata, Classification & Pay, recently completed an investigation into a near-drowning incident at the Kona pool involving allegations about incompetence of employees. The investigative report was submitted to the Mayor, who asked for more follow-up.

3) Mr. Ben has been involved in mediation sessions with the Corporation Counsel over the suit that UPW filed, which goes way back to 1997 concerning the Konno decision and everything that transpired after that, including how the County continues to contract out janitorial and grounds maintenance services. They are getting close to settling it. Basically, the court has acknowledged that the contracts for janitorial and grounds maintenance are customarily and historically performed by civil servants, although not necessarily in our jurisdiction. Hawai'i County has never contracted out for these services and does not have civil service employees to do those services. They're looking at preserving their contracts with ARC of Hilo, ARC of Kona, and

Brantley Center, and UPW has partly recognized that it might be a possibility. However, they are looking at doing away with what they would consider the “for profit” agencies, such as CW Maintenance, Five Star Maintenance, or even the mom and pop businesses, and creating more civil service positions.

4) Civil Defense currently has two vacancies and one person retiring at the end of the month, leaving only the administrator. The department had given Civil Defense the certified list in April, but they hadn’t done anything about filling their vacancies since receiving the list and are now in dire straits. As a result, the Mayor asked Mr. Ben to work with Civil Defense; however, now the Mayor and the Managing Director are personally handling the filling and recruiting for the positions, so Mr. Ben is unsure of the extent of his role in this matter.

NEXT MEETING DATE

The next meeting is scheduled for September 18, 2007 at 9:30 a.m., followed by William Shapiro’s appeal hearing at 10:00 a.m., as well as deliberations on Mr. Paiva’s appeal. The Board noted it is still waiting for the memorandum on the jurisdictional issue to be filed by Ms. Degele-Mathews in the Paiva appeal.

The Board noted that Mr. Kai, whose appeal hearing was scheduled for 10:00 a.m. today, had called on August 16 requesting a continuance because of a family emergency. There were no objections from Corporation Counsel, and the Chair granted the continuance.

The Board rescheduled Mr. Kai’s appeal hearing to October 16, 2007, at 10:00 a.m.

Ms. Noda reported that Ms. Degele-Mathews submitted her resignation yesterday, and Ms. Noda will likely be assigned to the Board again.

ADJOURNMENT

**MOTION: Mr. Cohen moved that the meeting be adjourned.
The motion was seconded by Ms. Chun and
unanimously carried.**

The hearing adjourned at 10:18 a.m.

Respectfully submitted,

Secretary, Civil Service Commission

APPROVED:

**G. Rick Robinson
Chair**

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