

Hilo, Hawaii
Tuesday, October 18, 2005

**APPEAL HEARING-JAKE SAN –WHETHER OR NOT THERE
WERE VIOLATIONS OF ANY CIVIL SERVICE LAWS, RULES, OR
REGULATIONS IN THE HAWAII COUNTY POLICE
DEPARTMENT’S
DENIAL TO CONTINUE WITH FURTHER PROCEEDINGS IN THE
SCREENING PROCESS OF THE APPELLANT FOR THE POSITION
OF POLICE OFFICER I.**

Present:

**Ms. Jeanne E. Yagi, Chairperson
Mr. Joel Cohen, Member
Ms. Kaliko Chun, Member
Mr. Ryan Roylo, Deputy Attorney General
Ms. Suellen Tanoue, Clerk III
Ms. Velma Y. Menezes, Secretary-Reporter**

Others Present:

**Mr. Jake San, Appellant
Mr. Joseph Kamelamela, Deputy Corporation Counsel**

Chairperson Yagi called the hearing to order at 10:31 a.m.

The following exhibits were entered into the record:

**Employer’s Exhibit No. 1 - Appeal to the Merit Appeals
Board
Employer’s Exhibit No. 2 - Charge of Discrimination**

**Chairperson Yagi stated that the issue in this case was
identified as whether or not there were violations of any civil
service laws, rules, or regulations in the Hawaii County Police
Department’s denial to continue with further proceedings in the
screening process of the Appellant for the position of Police
Officer I.**

Chairperson Yagi asked the Appellant if he would like the hearing in a closed session or an open session. The Appellant requested a closed session; therefore, the Commission convened into a closed session.

(Minutes in closed confidential file.)

The Commission convened into an open session at this point.

Chairperson Yagi thanked everyone for their patience and stated that they reviewed the discussion on Mr. San's appeal.

MOTION: Ms. Chun moved that the appeal be dismissed based on the Appellant's complaint of discrimination and the Commission's lack of jurisdiction. The motion was seconded by Mr. Cohen.

Discussion:

Ms. Chun noted that Mr. San seemed quite clear that his complaint is based on discrimination. From the Commission's discussion with its attorney, they learned that discrimination is with the Hawaii Civil Rights Commission rather than Hawaii County Civil Service Commission. It is not within the Civil Service Commission's jurisdiction.

Mr. Cohen reiterated that the issue of discrimination is not within the Civil Service Commission's jurisdiction and is not something that the Commission can rule on.

Chairperson Yagi stated that the Merit Appeals Board rules on violations of civil service laws, and when discrimination is an issue, it needs to be taken up by the Hawaii Civil Rights Commission which has jurisdiction. That was the determination. When Mr. San filed with the Hawaii Civil Rights Commission, he noted that there was that specific cause for discrimination based on the arrest record.

The Commission voted on the motion. The motion was unanimously carried.

ADJOURNMENT

The hearing adjourned at 11:20 a. m.

Submitted by,

**Secretary, Civil Service
Commission**

Approved:

**Jeanne E. Yagi
Chairperson**

sst