

Hilo, Hawaii
Tuesday, November 19, 2002

The regular meeting of the Civil Service Commission, County of Hawaii, was held in the conference room of the Department of Civil Service, 101 Aupuni Street, Suite 133, Hilo, Hawaii, on Tuesday, November 19, 2002.

Present:

Mr. G. Rick Robinson, Chair
Mr. Bill Thibadeau, Vice Chair
Mr. Clarence Souza, Member
Ms. Jeanne Yagi, Member
Mr. Dudley Akama, Deputy Corporation Counsel
Mr. Michael R. Ben, Director of Personnel
Ms. Noel Ah Choy, Clerk II
Ms. Velma Y. Menezes, Secretary-Reporter

Chair Robinson called the meeting to order at 9:40 a.m.

MINUTES OF OCTOBER 15, 2002

MOTION: Mr. Souza moved that the minutes of October 15, 2002 be approved as circulated. The motion was seconded by Mr. Thibadeau and unanimously carried.

COMMUNICATIONS

A) **Communication No. 02-20**, copy of a memorandum to Deanna Sako, Controller, from Michael R. Ben, Director of Personnel, regarding the current status of prior year management letter on the risk management process.

Communication No. 02-20 was received and filed.

B) Communication No. 02-21, from Dudley G. Akama, Deputy Corporation Counsel, regarding the continuance of Wade P. Amador's October 15, 2002 appeal hearing.

Communication No. 02-21 was received and filed.

DIRECTOR'S REPORT

Mr. Ben reported the following:

1) The Department of Civil Service will be moving to its new office on Thursday, December 5, and will be operating there on Friday, December 6. Mr. Ben requested the Mayor's permission to close the office on Thursday, although staff will service the public if there are any walk-ins.

2) The Maui Personnel Director, Ray Kokubun, and Cynthia Bond, the Deputy Personnel Director of the City and County of Honolulu, are retiring at the end of the year.

3) Mr. Ben hasn't heard of any replacements for Chair Robinson and Mr. Thibadeau yet.

4) Fire arbitration is scheduled for the third week in December. Unit 12, SHOPO, is still continuing to negotiate on cost items. All the other units are on hold. There is a mandatory January 31 impasse deadline.

5) At the Employee of the Year awards, Ms. Jane Larkin was named Manager of the Year, Martha Rodillas was Employee of the Year, and James Sanborn was the Supervisor of the Year. Mr. Ben prepared congratulatory letters from the Commission.

6) Mr. Ben reminded the Commission that the next meeting will be in the new building.

In response to Chair Robinson's inquiry on workers' comp claims, Mr. Ben reported that they have not received any complaints lately on bill payments.

Mr. Ben will be going before the County Council regarding the hiring of private counsel to target the 288 cases that are over three years old. Mr. Ben wants to settle or close those cases. In order to do that, they need someone specifically for that purpose with actual work experience involving a variety of workers' comp cases.

NEXT MEETING DATE

The Commission scheduled its next meeting for December 17, 2002 at 9:30 a.m.

The Commission recessed at 10:18 a.m.

Tuesday, November 19, 2002
Hilo, Hawaii

HEARING - WADE P. AMADOR – WHETHER OR NOT THERE WERE VIOLATIONS OF ANY CIVIL SERVICE LAWS, RULES, OR REGULATIONS IN THE NONSELECTION OF APPELLANT TO A POSITION WITH THE DEPARTMENT OF PUBLIC WORKS.

Present:

**Mr. G. Rick Robinson, Chair
Mr. Bill Thibadeau, Vice Chair
Mr. Clarence Souza, Member
Ms. Jeanne Yagi, Member
Ms. Sarah Hirakami, Deputy Attorney General
Ms. Velma Y. Menezes, Secretary-Reporter
Ms. Noel Ah Choy, Clerk II**

Also Present:

**Mr. Dudley Akama, Deputy Corporation Counsel
Mr. Wade P. Amador, Appellant**

Chair Robinson convened the hearing at 10:30 a.m.

Mr. Amador asked how many of those present work for the County.

Mr. Akama responded that in addition to himself, Ms. Ah Choy and Ms. Menezes are County employees.

Chair Robinson explained that the Civil Service Commission is appointed by the Mayor to sit and hear the appeals. They sit in a nonpaid position and volunteer their time to do this.

Mr. Amador noted that the Commission is appointed by the Mayor, and the Mayor works for the County. Mr. Amador stated

that he didn't think he would be treated fairly, so he filed a complaint with the Civil Rights Commission.

Chair Robinson and Mr. Souza assured Mr. Amador that he would have a fair hearing. Chair Robinson explained the hearing process to Mr. Amador, and because Mr. Amador was reluctant to proceed with the hearing, Chair Robinson noted the three options available to Mr. Amador at this point: 1) continue with the hearing today; 2) withdraw his appeal; 3) request a continuance to allow him time to get more information or seek some kind of representation for the hearing, as Mr. Amador had informed the Commission of the difficulty in finding legal counsel.

Mr. Amador stated that he would like to look into why the County cannot pay for legal counsel for him.

Ms. Hirakami explained that according to the statute, Corporation Counsel represents the appointing authority, and the Attorney General's office represents the Commission. Statute doesn't provide for representation for the Appellant. It's up to the employee to get his/her own representation.

Mr. Amador asked whether he could request a continuance until the Civil Rights Commission finishes their investigation.

Mr. Akama informed everyone that the County's answer on the Civil Rights Commission case is due on Friday. Although the Civil Rights Commission is supposed to make a decision within 180 days, Mr. Akama has knowledge of appeals pending as long as a year or two years. Mr. Akama objected to a continuance stating that Mr. Amador has had an adequate opportunity to look for an attorney. Mr. Akama also has witnesses waiting who were called for today's hearing.

Mr. Akama further explained the Civil Rights process to the Commission and Mr. Amador, and concluded that there won't be a final disposition on that case for quite some time.

Chair Robinson noted that the decision of this Commission, if they proceed with Mr. Amador's appeal today, shouldn't have any impact on the decision by the Civil Rights Commission.

Mr. Amador stated that it might be better for him to find counsel. Mr. Amador asked about issuing subpoenas. Chair Robinson stated that Mr. Amador can give the names of his witnesses to Ms. Menezes, and she will prepare the subpoenas for him.

The Commission recessed at 10:57 a.m. to allow Mr. Akama time to check with his witnesses on their availability on December 10. The hearing reconvened at 10:59 a.m.

Mr. Akama reiterated his objection to the continuance, but stated that if the Commission is inclined to grant the continuance, he and his witnesses will be available on December 10.

Mr. Akama asked whether Mr. Amador still felt the issue of his not being paid overtime was valid, because the County is saying that the matter was taken care of. If Mr. Amador is not satisfied with it, then Mr. Akama will bring in the witness.

Chair Robinson stated that Mr. Akama should bring in the witness.

The appeal hearing was continued to December 10, 2002 at 10:00 a.m.

ADJOURNMENT

The meeting adjourned at 11:03 a.m.

Submitted by,

Secretary, Civil Service Commission

APPROVED:

**G. Rick Robinson
Chair**

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