

**Merit Appeals Board
County of Hawai'i**

Agenda

Tuesday, June 16, 2009

9:30 a.m.

Conference Room

Department of Human Resources

101 Pauahi Street, Suite 2

Hilo, HI 96720

- 1) Call to Order**
- 2) Addendum to Agenda**
- 3) Statements from the Public**
- 4) Approval of Minutes of March 17, 2009**
- 5) Communications**

For information:

(See Board's secretary to review documents in entirety or to request a copy.)

- A) Notice of Appeal to Circuit Court, Civil No. 09- 1- 0145, County of Hawai'i, Office of Prosecuting Attorney, and Jay T. Kimura, Office of the Prosecuting Attorney, County of Hawai'i, Appellants/Appellees, vs. Merit Appeals Board, G. Rick Robinson, in his capacity as Chairperson of the Merit Appeals Board, County of Hawai'i and Teri J. Botelho, Appellees/Appellants.**
- B) Motion to Stay Enforcement of the Merit Appeals Order Dated April 3, 2009, Civil No. 09- 1- 0145, County of**

Hawai'i, Office of the Prosecuting Attorney and Jay T. Kimura, Prosecuting Attorney, Office of the Prosecuting Attorney, County of Hawai'i, Appellants/Appellees, vs. Merit Appeals Board, G. Rick Robinson, in his capacity as Chairperson of the Merit Appeals Board, County of Hawai'i, and Teri J. Botelho, Appellees/Appellant.

- C) Declaration of Dean N. Sumida in Support of Appellants/Appellees County of Hawai'i, Office of the Prosecuting Attorney and Jay T. Kimura, Prosecuting Attorney, Office of the Prosecuting Attorney, County of Hawai'i's Motion to Stay Enforcement of the Merit Appeals Order Dated April 3, 2009, Filed on May 11, 2009.**
- D) Appellee Merit Appeals Board, G. Rick Robinson, in His Capacity as Chairperson of the Merit Appeals Board, County of Hawai'i's Memorandum in Opposition to Appellants/Appellees County of Hawai'i, Office of the Prosecuting Attorney, and Jay T. Kimura, Prosecuting Attorney, County of Hawai'i's Motion to Stay Enforcement of the Merit Appeals Order Dated April 3, 2009.**
- E) Appellants/Appellees County of Hawai'i, Office of the Prosecuting Attorney and Jay T. Kimura, Prosecuting Attorney, Office of the Prosecuting Attorney, County of Hawai'i's Reply to Appellee Merit Appeals Board, G. Rick Robinson, in his capacity as Chairperson of the Merit Appeals Board, County of Hawai'i's Memorandum in Opposition to Appellants/Appellees County of Hawai'i, Office of the Prosecuting Attorney, and Jay T. Kimura, Prosecuting Attorney, Office of the Prosecuting Attorney, County of Hawai'i's Motion to Stay Enforcement of the Merit Appeals Order Dated April 3, 2009.**

6) Unfinished Business

- **Elect Chair and Vice Chair for Calendar Year 2009**

7) New Business

Schedule appeal hearing:

- A) Communication No. 09- 01, petition of appeal, received April 17, 2009, from Lorena D. Kauhi, Union Agent, HGEA, on behalf of Leenelle Tomooka, appealing nonselection to a Contracts Clerk position with the Department of Water Supply.**

For discussion/appropriate action:

- B) Annual Evaluation of Director of Human Resources**

8) Director's Report

- **Items of current interest**

9) Schedule Next Meeting Date

10) Executive Session

- 11) Appeal hearing - 10:00 a.m. - Troy DeVera - Were any civil service laws, rules, or regulations violated in the Appellant's termination from employment with the Department of Public Works?**

12) Adjournment

The meeting place is accessible to persons with disabilities. If you require use of an auxiliary aid, language translation, or other access accommodation, please contact Ms. Velma Menezes at

961- 8361 as soon as possible or at least five days prior to the meeting date of June 16, 2009.

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist {Article 15, Section 2- 91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six- month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2- 91.3 (a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kilauea Avenue, 2nd Floor, Hilo, Hawai'i 96720.