

Hilo, Hawaii
Tuesday, November 15, 2005

The regular meeting of the Civil Service Commission, County of Hawaii, was held in the conference room of the Department of Civil Service, 101 Pauahi Street, Suite 2, Hilo, Hawaii, on Tuesday, November 15, 2005.

Present:

Ms. Jeanne E. Yagi, Chairperson
Mr. Clifford Kaminaka, Vice Chair
Mr. Joel Cohen, Member
Mr. Michael R. Ben, Director of Personnel
Mr. Michael J. Udovic, Deputy Corporation Counsel
Ms. Velma Y. Menezes, Secretary-Reporter

Excused:

Ms. Kaliko Chun, Member

Chairperson Yagi called the meeting to order at 9:30 a.m.

MINUTES OF JULY 19, 2005, AUGUST 22, 2005, SEPTEMBER 12, 2005, AND OCTOBER 18, 2005

Chairperson Yagi noted that the minutes for August 22, September 12, and October 18, 2005 were not completed.

MOTION: Mr. Kaminaka moved that the minutes of July 19, 2005 be approved as circulated. The motion was seconded by Mr. Cohen and unanimously carried.

COMMUNICATIONS

Communication No. 05-14, dated October 18, 2005, from Patricia K. O'Toole and Diane A. Noda, Deputies Corporation Counsel, regarding Contested Case Hearings 101 Training Session for all Departments.

Mr. Udovic explained that the training is basically designed to assist people in the fact-finding process in conducting hearings.

MOTION: Mr. Cohen moved that Communication No. 05-14 be received and filed. The motion was seconded by Mr. Kaminaka and unanimously carried.

UNFINISHED BUSINESS

Follow-ups to annual performance evaluation of the Director of Personnel.

The item was deferred till after New Business of the agenda.

NEW BUSINESS

A) Communication No. 05-15, petition of appeal, received November 7, 2005, from Lorena D. Kauhi, HGEA, on behalf of Dennis P. Branco, appealing the non-referral and non-placement to a vacant Abstractor II position with the County of Hawaii, Department of Finance, Real Property Tax Division, via the County of Hawaii's Return to Work Priority Placement Program.

B) Communication No. 05-16, petition of appeal, received November 7, 2004, from Lorena D. Kauhi, HGEA, on behalf of Dennis P. Branco, appealing Mayor Harry Kim's return of Appellant's internal complaint, without action.

The Commission recessed at 9:37 a.m. to check on Ms. Chun's schedule and reconvened at 9:45 a.m.

Mr. Udovic stated that although the issues are separate, they are related and can be scheduled at the same time. He understands that grievances have also been filed, so he may file a motion to dismiss. The Commission scheduled the appeal hearing for December 13, 2005 at 10:30 a.m.

Director's Report

Mr. Ben reported the following:

1) Regarding this morning's article in the Tribune Herald about the lifeguard situation, it was inaccurately reported that the County hasn't recruited since April 2005. The recruitment is, in fact, on continuous recruitment; and Civil Service has been placing monthly recruitment announcements. Mr. Ben is preparing a response to the newspaper.

2) A settlement agreement was entered into with the EEOC after an employee was denied employment by the Police Department, and the EEOC, in its investigation of the employee's appeal, noticed that the County's application form contained a question claiming veterans disability. The EEOC took issue with that notwithstanding the fact that the federal government does the same thing. Civil Service was already revising the County's anti-harassment and discrimination policies, so to comply with the settlement agreement, the department just reset priorities to train supervisors and managers first before starting to train all the employees. The settlement agreement also included training for Mr. Ben's entire department, therefore, Ms. Spinola-Campbell is working on coordinating that.

3) The employee of the year awards program will be held this Friday at 10:00 in the Aupuni Center conference room. Aileen Shinjo was nominated from Civil Service.

ANNOUNCEMENTS

Chairperson Yagi announced that the Decision and Order in Peter Boucher's appeal has been signed and will be distributed. She also announced that Mr. Young has withdrawn his appeal, originally scheduled for 10:30 a.m. today. The withdrawal was received in writing from the attorney's office.

UNFINISHED BUSINESS

Follow-ups to annual performance evaluation of the Director of Personnel.

MOTION: Mr. Kaminaka moved that the Commission convene into an executive session. The motion was seconded by Mr. Cohen and unanimously carried.

The Commission convened into an executive session at 9:58 a.m. and requested that Mr. Ben remain. The Commission reconvened at 10:25 a.m.

Chairperson Yagi suggested that they use Mr. Cohen's draft as the core of the letter that she will draft and submit to Mr. Ben. Mr. Ben can then fashion his response. Chairperson Yagi will include a change in the supervisory management leadership training area that acknowledges the documents that Mr. Ben provided.

The Commission requested that Mr. Ben respond at its January meeting.

ADJOURNMENT

The meeting adjourned at 10:29 a.m.

Submitted by,

Secretary, Civil Service Commission

APPROVED:

Jeanne E. Yagi
Chairperson

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