

**Hilo, Hawai`i
Tuesday, November 18, 2008**

The regular meeting of the Merit Appeals Board, County of Hawai`i, was held in the conference room of the Department of Human Resources, 101 Pauahi Street, Suite 2, Hilo, Hawai`i, on Tuesday, November 18, 2008.

Present:

**Mr. G. Rick Robinson, Chair
Ms. JoAnne Balberde- Kamalii, Vice Chair
Mr. Joel Cohen, Member
Mr. Henry "Hank" Silva, Member
Mr. Gary Yoshiyama, Member
Mr. Michael R. Ben, Director of Personnel
Ms. Diane A. Noda, Deputy Corporation Counsel
Ms. Velma Y. Menezes, Secretary- Reporter**

Chair Robinson called the meeting to order at 9:35 a.m.

MINUTES OF OCTOBER 28, 2008

Mr. Silva noted an error on page 5 where the word "inviting" should be changed to "invited."

MOTION: Mr. Cohen moved that the minutes of October 28, 2008 be approved as corrected. The motion was seconded by Mr. Silva and unanimously carried.

UNFINISHED BUSINESS

**Annual Evaluation for Director of Human Resources for Period
July 1, 2007 to June 30, 2008**

Chair Robinson noted that he had asked Ms. Menezes at the last meeting to email the previous evaluation documents and comments to Board members. Rather than call the department heads, the Board had decided to discuss Mr. Ben's evaluation on a pass/fail basis at its next meeting.

Chair Robinson stated that Mr. Ben has accomplished the goals of the Department of Human Resources from the last evaluation period.

Mr. Silva commented that after reviewing the documents, he believes the Board can collaboratively make a very easy decision.

Chair Robinson stated that from his perspective he feels that Mr. Ben has fulfilled the obligations of his department, and they haven't received any complaints from any department heads or anyone else regarding the services of the Human Resources department. The staff runs very efficiently, and Chair Robinson noted that Mr. Ben's staff, in working with the Police Department in filling all those positions, has been very helpful as well.

Mr. Ben credited Ms. Gabriella Cabanas for doing a great job.

Mr. Cohen concurred with Chair Robinson and added that any organization needs to continually improve and look to the future for changes and improvements. That process needs to continue, as that is what keeps a vital organization going. He's very impressed with the staff, the presentations to the Board, and the very professional environment. He walks in the office, and people actually look happy. He has seen some very good things happening, including the start of the supervisory/management training program; and he sees that people representing the County, such as Ms. Noda, doing a great job in a professional and straightforward manner. It's a great working environment here now, and that should be recognized.

Chair Robinson complimented Mr. Ben on the decrease in workers' comp claims and the huge savings.

Mr. Ben noted that the savings amounted to half- a- million dollars, and the number of cases has substantially dropped significantly. That credit goes to Ms. Charmaine Kamaka and her staff.

Chair Robinson noted that other accomplishments included filling the ADA position, and the Safety office has been also been doing well.

Mr. Silva offered his overall perspective as the “new guy on the block.” He had been with the County for a long time, since 1966 before retiring, and has worked for the federal and state governments as well. He listened to all the section heads giving their presentations. He comes here every month and observes what’s going on, and compliments Mr. Ben on his choice of staff. Mr. Ben runs a pretty good organization.

Mr. Ben stated that his basic philosophy is giving staff the power to do their work. His job is to facilitate- - how can he help them to do their work?

Vice Chair Balberde- Kamalii added that Mr. Ben is very astute in picking knowledgeable and passionate people to the positions that they’re in, and it’s evident that they know they have Mr. Ben’s trust and support, which was evident when they were giving their reports. They were owning it, and Vice Chair Balberde- Kamalii believes that’s a sign of a much respected leader and also a leader who shows respect. She doesn’t see Mr. Ben as the head of HR; she sees the department as a team, which she believes is the ultimate compliment.

MOTION: Mr. Silva moved to give Mr. Ben an evaluation of “meets expectations.” The motion was seconded by Vice Chair Balberde- Kamalii and unanimously carried.

Chair Robinson noted that he will work with Ms. Menezes on an evaluation letter for the file.

NEW BUSINESS

Communication No.08- 13, petition of appeal filed October 29, 2008 by Teri J. Botelho regarding her termination from Employment with the Office of the Prosecuting Attorney.

In scheduling the above appeal, Chair Robinson noted that Mr. James Sullivan's appeal hearing, which had been scheduled for 10:00 a.m. today, also has to be rescheduled, as his Union representative, Mr. Nosaka, is ill.

Mr. Cohen informed the Board that he will not be available for the December 16 meeting; however, he is open to a special meeting if that is acceptable to everyone.

Vice Chair Balberde- Kamalii stated that there is a possibility that she might have to go to court that day, therefore, may not be able to make the December 16 meeting either.

The Board considered a date of December 2 for Mr. Sullivan's appeal hearing. The Board recessed at 8:50 a.m. to have Ms. Menezes check with Mr. Nosaka. The meeting reconvened at 10:58 a.m.

As the date was all right for Mr. Nosaka, the Board scheduled Mr. Sullivan's appeal hearing for December 2, 2008 at 9:30 a.m. in the Aupuni Center Conference Room.

In scheduling Ms. Botelho's appeal hearing, Mr. Silva informed the Board that while he knows who Ms. Botelho is, as he worked with her at the Prosecutor's Office, his personal feeling is that he can be unbiased.

Ms. Noda stated that she will discuss it with the client department and will alert Mr. Silva and Deputy Attorney General White if there are any concerns.

Ms. Botelho's appeal hearing was scheduled for January 20, 2009, 10:00 a.m., in the conference room of the Department of Human Resources.

DIRECTOR'S REPORT

Mr. Ben reported that it has been uncharacteristically quiet, and he doesn't have anything to report. He did, however, have certificates of appreciation from Mayor Kim to present to Mr. Cohen and Ms. Balberde-Kamalii whose terms are ending.

Mr. Cohen stated that it has been an honor working with the people here. He has been a resident of this island for a little over seven years, and they are blessed to be living here, not just because it's a beautiful place, but the people who live here are different in that they do work together. An example is this Board, which has certainly worked well together and has been fair in its decisions. He has a lot of respect for the staff and people who work for this County.

NEXT MEETING DATE

The next meeting was scheduled for December 16, 2008 at 9:30 a.m. followed by Troy DeVera's appeal hearing at 10:00 a.m.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

Respectfully submitted,

Secretary, Merit Appeals Board

APPROVED:

**G. Rick Robinson
Chair**

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