

REGULAR SESSION

Merit Appeals Board  
Hilo Council Chambers  
Hawai'i County Building  
25 Aupuni Street, First Floor, Room 1401  
Hilo, Hawai'i  
July 18, 2025 (Friday)

**Call to Order (Item 1)**

The regular meeting of the Merit Appeals Board, County of Hawai'i, was called to order at 9:00 a.m., by Chair Gabriella M. Cabanas, at the Hilo Council Chambers, Hawai'i County Building, 25 Aupuni Street, First Floor, Room 1401, Hilo, Hawai'i, on Friday, July 18, 2025.

**Roll Call – Present**

Ms. Gabriella M. Cabanas, Chair  
Ms. Suzi Bond, Vice-Chair  
Mr. Gilbert J. Aguinaldo, Member  
Mr. Daniel “Niel” Thomas, Member

**Also Present**

Ms. Sommer J. Tokihiro, Director, Human Resources Department  
Ms. Keyra Wong, Deputy Corporation Counsel, Office of the Corporation Counsel  
Mr. James E. Halvorson, Deputy Attorney General, Department of the Attorney General  
(via Zoom)  
Ms. Trisha Gibo, Deputy Attorney General, Department of the Attorney General  
(via Zoom)  
Mr. Mark Disher, Deputy Corporation Counsel, Office of the Corporation Counsel  
Mr. Ted. H. S. Hong, Esquire, Attorney at Law  
Mr. Tony M. Enriquez, Appellant  
Mr. Steven Kalilikane, Jr., Appellant  
Ms. Jodi Sumera, Union Agent, Hawai'i Government Employee Association  
Ms. Glynis Yamada, Secretary-Reporter, Human Resources Department

**Call to Order (Item 1)**

CHR. CABANAS: Good morning, everyone. It is 9:00, the Merit Appeals Board regular meeting is called to order on this day, July 18<sup>th</sup>, 2025.

I'm Gabriella Cabanas, the Chair of the Merit Appeals Board. And we have quorum today with four Board members, including myself. To my immediate left is Ms. Suzi Bond.

MS. BOND: Good morning.

CHR. CABANAS: And to my far left is Mr. Gilbert Aguinaldo.

MR. AGUINALDO: Good morning.

CHR. CABANAS: To my far right is Mr. Daniel "Niel" Thomas.

MR. THOMAS: Good morning.

CHR. CABANAS: To my immediate right is our Deputy Corporation Counsel, Mrs. Keyra Wong.

MS. WONG: Good morning.

CHR. CABANAS: And seated in the back of the Board Members is our Secretary-Reporter, Ms. Glynis Yamada.

MS. YAMADA: Good morning.

CHR. CABANAS: Good morning, everyone. And in the gallery, we have Mr. Ted Hong, Esquire; we have Mr. Tony Enriquez, Appellant; we have Mr. Mark Disher, from the Office of the Corporation Counsel; Ms. Jodi Sumera, from HGEA; Mr. Steven Kalilikane, Jr., Appellant; and the Director of Human Resources, Sommer Tokihiro.

Also appearing from O'ahu via Zoom, I see—are you Trisha Gibo?

MS. GIBO: Yes, good morning. I believe James Halvorson is logging on as we speak.

CHR. CABANAS: Oh, okay, because I do see his name, but I don't see Jim. So, they are our attorneys when we have appeal hearings. When we have regular meetings, that portion of today, then the Board's attorney is Mrs. Wong. Oh, hi, Jim, good morning.

MR. HALVORSON: Good morning, Chair—sorry I'm late.

CHR. CABANAS: No problem. So, we have quorum today with four Board members.

**Addendum to Agenda (Item 2)**

CHR. CABANAS: There's no addendum to the agenda, from what I understand from our Secretary.

**Statements from the Public (Item 3)**

CHR. CABANAS: "Statements from the Public"—I understand, Mr. Hong, you have a statement to make?

(At this time, Mr. Ted H. S. Hong, Esquire, Attorney at Law, came forward.)

CHR. CABANAS: And this is regarding the annual performance evaluation of the Director of the Department of Human Resources, is that correct?

MR. HONG: That's correct.

CHR. CABANAS: You may proceed.

MR. HONG: Thank you. Good morning, Madam Chair, and members of the Merit Appeals Board. My name is Ted Hong, I'm speaking as a regular citizen today or for now.

In terms of Item number 7 on the Board's agenda, my concern as a member of the public is that the Director of the Department of Human Resources needs to be independent. Free from influence by the Mayor, the department heads, and even the unions—and I bring up two examples.

The Turner Lyndon case and the Jonah Kaye case. The Director used a (inaudible) interpretation of civil service rules and regulations to support department heads and the mayor. I would—I'm speaking this morning because when you get to Item number 7, my hope is that the Board ensures that whoever's director can actually say "no" to a mayor, can actually say "no" to a department or union and not enable poor, illegal choices that prejudice employees.

And the prejudice to the employees is when we moved for attorney's fees and costs used in the Turner Lyndon case and the Jonah Kaye case, you saw how much it costs for employees, out of their own pocket, to present their case before the Board. Shouldn't have to be that way. And even though that probably undercuts my business, they shouldn't have to do that, and they shouldn't have to suffer to make that out (inaudible), in terms of personal expenses.

And that's why I'm here to say, in terms of, whoever is the department director, make sure that they're—I hope the Board makes sure they're independent and can say "no" to the mayor. I've been in the room with Michael Ben—Mayor Yamashiro, when I was at Corporation Counsel—oh, he was very insistent. He was very independent. He told the mayor "no."

And after Mr. Ben left, I don't think it's a breach of attorney-client privilege, we were given the gas as the County attorneys to say, "Hey, is that right? Can we do it a different way?" But the department director has to be able to say and defend Human Resources and the human resources laws. Thank you.

CHR. CABANAS: Thank you, Mr. Hong.

On the agenda this morning is the 9:00 hearing and it's regarding Communication numbers 24-13—all the way up to 24-03.02—this may take a while. I want to ask our Board and the two parties concerned regarding the Item number 6—"Communications"—if you would be in agreement for us to take Communication number 25-05, which is an employment action taken—from the Appellant, who is here—Mr. Kalilikane, Jr.—if we could take that up now and then have the hearing because I don't think his will be too long and he'll be waiting quite a while if we do the hearing first. But I want to know if Mr. Hong and Mr. Disher, do you have any objections—

MR. DISHER: No (inaudible).

CHR. CABANAS: You're handling both. And so, is Mr. Hong, right?

MR. HONG: Not Mr. Kalilikane's—just Mr. Enriquez.

CHR. CABANAS: No—just Mr. Enriquez?

MR. HONG: Yeah, no objections.

CHR. CABANAS: You have no objections—okay. For the record, the attorneys have no objections. Board members, are you okay with us taking Communication number 25-05 first?

MR. THOMAS: Fine with me.

CHR. CABANAS: Other Board members?

MS. BOND: Fine by me.

MR. AGUINALDO: Agree.

CHR. CABANAS: Okay, they're all okay with it. So, may I have a motion by the Board.

MS. BOND: I move that we move Mr. Kalilikane's communication up ahead of the—

CHR. CABANAS: Hearing.

MS. BOND: —hearing.

CHR. CABANAS: Is there a second?

MR. AGUINALDO: I second.

CHR. CABANAS: Any discussion? If not, I'll start with a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

**Communication No. 25-05, Received On June 12, 2025, From Appellant, Appealing The Following Action By The Hawai'i County Office Of The Mayor: An Employment Action Taken Under Chapter 76, Hawai'i Revised Statutes (Board Action Required: Setting A Hearing Date And Deadlines For Submittal Of Documents)**

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CHR. CABANAS: So, Ms. Sumera and Mr. Kalilikane, Jr., you can come up—and Mr. Disher, could you come up to the dais up front and make sure your mics. are on.

(At this time, Mr. Steven Kalilikane, Jr., Appellant, and Ms. Jodi Sumera, HGEA Union agent and representative for the Appellant; and Mr. Mark Disher, Deputy Corporation Counsel, Office of the Corporation Counsel, came forward.)

CHR. CABANAS: Also, I noted that Mr. Kali—you may have a seat, Mr. Kalilikane and Ms. Sumera, Mr. Kalilikane requested a closed hearing. Do you still want a closed hearing? It's up to you.

MR. KALILIKANE: Yes.

CHR. CABANAS: Okay, 'cause if it is closed, then I'm going to ask all other individuals to wait outside of the Council Chambers while we take up your matter. Okay?

MR. KALILIKANE: Thank you.

CHR. CABANAS: So, Glynis will secure the Council Chambers

(At this time, the members sitting in the gallery exited the Council Chambers.)

CHR. CABANAS: So, Keyra can wait outside—yeah. But, normally, in an executive session Relley doesn't sit in—I have to let Glynis know.

MR. THOMAS: So, this is a new case. We have nothing on this before?

CHR. CABANAS: No. It's Communication—it's Number 6.

MS. BOND: (Inaudible.)

CHR. CABANAS: Yes.

MR. THOMAS: In the big folder?

MS. BOND: Yeah, in the big folder.

MR. THOMAS: Oh, Kalilikane—okay.

MS. GIBO: Chair, just to let you know, Mr. Halvorson was having some audio issues, so he's in the office with me. He's off camera, but he'll be able to hear everything that's going on.

CHR. CABANAS: Okay, very good. Thanks for the heads up.

SPEAKER: (Inaudible.)

CHR. CABANAS: Suzi did. Niel—

MR. THOMAS: Sorry, the question?

CHR. CABANAS: No, she wanted to know who made the motion and who seconded it.

MS. BOND: Oh, no, no—it was Gilbert that seconded it.

MR. THOMAS: Gilbert second it.

CHR. CABANAS: Oh, Gilbert. I'm sorry, Gilbert.

MR. THOMAS: Yeah. All I did was vote.

**RECESS: The meeting recessed at 9:10 a.m.**

**RECONVENE:** The meeting reconvened at 9:29 a.m. in open session.

**Communication No. 25-05, Received On June 12, 2025, From Appellant, Appealing The Following Action By The Hawai‘i County Office Of The Mayor: An Employment Action Taken Under Chapter 76, Hawai‘i Revised Statutes (Board Action Required: Setting A Hearing Date And Deadlines For Submittal Of Documents)**

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CHR. CABANAS: Okay, everyone, we’re back in open session—it’s 9:29 a.m. And as discussed in our closed session with Mr. Kalilikane and his Union Agent Ms. Jodi Sumera; and Mr. Mark Disher from the Office of the Corporation Counsel—the appeal for Ms. Steven Kalilikane, Jr., was dismissed.

So, let’s go back to our agenda. We are now going to proceed with the hearing for Mr. Tony Enriquez—Ms. Gibo and Mr. Halvorson, I’ve been asked to check with you if there should be a motion in an open session to dismiss Mr. Kalilikane’s appeal.

MR. HALVORSON: Not necessary.

SPEAKER: (Inaudible.)

CHR. CABANAS: Yes, and that’s what I did.

MR. DISHER: I think the difference if it goes executive session, you would have to do something outside of executive session.

CHR. CABANAS: But it was a closed session.

MR. DISHER: But it’s closed—

CHR. CABANAS: Yeah.

MR. DISHER: —there’s still a record of this case. It’s not like it’s just for the privacy of the individual.

CHR. CABANAS: So—

MR. DISHER: That’s why I think that’s why it’s not a problem that there was a vote done during closed session.

CHR. CABANAS: I mean—can you speak a little louder?

MR. DISHER: I don’t think there’s a problem when there’s a vote during closed session as that’s part of that—

CHR. CABANAS: Right.

MR. DISHER: —case—the petition. Whereas, if you're doing something in executive session, that is outside of what would be known to the public. So—

CHR. CABANAS: Then you would need a motion.

MR. DISHER: I would say so. Yeah.

CHR. CABANAS: But not if it's a closed session?

MR. DISHER: Right. Because it's—you're still—there still would be, like, a record—say, there's a secondary appeal from MAB to Circuit Court—there's still a record of those proceedings that would be provided and available. So.

CHR. CABANAS: Oh, okay. Thank you. Thank you, all.

**9:00 A.M. HEARING: COMMUNICATION NOS. 24-13 And 25-03 (And Related Communications). Note: The Hearing Concerns The Preliminary Issue Or Any Other Preliminary Issue Of Whether The Board Has Jurisdiction To Hear The Appeal, Under Section 76-14, Hawai'i Revised Statutes. If It Is Determined That The Board Has Jurisdiction, An Additional Hearing Will Be Scheduled Concerning The Merits Of The Appeal.**

**Communication No. 24-13, Received On July 25, 2024, From Appellant, Appealing The Following Action By The County Of Hawai'i's Office Of The Mayor: An Employment Action Taken Under Chapter 76, Hawai'i Revised Statutes; *And*  
Communication No. 24-13.01, Received On August 29, 2024, From Appellant, Transmitting Documents Entitled "Representation And Correspondence." The Appellant Requests The Following: 1) The Hearing Be Delayed Until The Appellant Can Obtain Proper Legal Counsel; And 2) Merit Appeals Board Chair, Gabriella Cabanas, Be Recused From Making Any Decisions Involving Appellants Appeal; *And*  
Communication No. 24-13.02, Received On August 29, 2024, From Mark D. Disher, Deputy Corporation Counsel, On Behalf Of Appellee, Regarding Appellee's Position Statement; Exhibits "A" – "H"; *And*  
Communication No. 25-03, Received On March 4, 2025, From Ted H. S. Hong, Esquire, Re Notice Of Appearance Of Counsel For Appellant; *And*  
Communication No. 25-03.01, Received On June 12, 2025, From Ted H. S. Hong, Esquire, On Behalf Of Appellant, Regarding Appellant's Statement On The Merit Appeals Board's Jurisdiction; *And*  
Communication No. 25-03.02, Received On June 27, 2025, From Mark D. Disher, Deputy Corporation Counsel, On Behalf Of Appellee, Regarding Appellees' Response To Appellant's Statement On The Merit Appeals Board's Jurisdiction; Exhibits "I" – "L".  
**(Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4,****

**92-5(a)(2) And 92-5(a)(4), For The Purpose Of Evaluating An Officer Or Employee Of The County Of Hawai'i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board's Attorney On Questions And Issues Pertaining To The Board's Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Of The Members Present Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting**

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CHR. CABANAS: Okay. So, we are now on the hearing regarding Communication number 24-13 and 25-03 and related communications. The hearing for Mr. Tony Enriquez concerns the preliminary issue or any other preliminary issue of whether the Board has jurisdiction to hear the appeal under Section 76-14 of the Hawai'i Revised Statutes. If it is determined that the Board has jurisdiction, an additional hearing will be scheduled concerning the merits of the appeal.

Okay. For the record, we have Communication number 24-13, Communication number 24-13.01, Communication number 24-13.02, Communication number 25-03, Communication number 25-03.01, Communication number 25-03.02, listed on the agenda.

Do I have a motion to accept and file these communications?

MS. BOND: So moved.

MR. AGUINALDO: Second.

CHR. CABANAS: Thank you. Any discussion? If not, I'll start a rollcall vote with Ms. Bond to accept and file.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUILANDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

MR. THOMAS: May I ask, does the record reflect that the Appellant elected to have this in an open session?

CHR. CABANAS: I believe he has elected to have it in a closed session.

MR. THOMAS: Oh, okay.

CHR. CABANAS: Do you still want it in a closed session, Mr. Hong and Mr. Enriquez?

(At this time, Mr. Ted H. S. Hong, Esquire, Counsel for the Appellant, and Mr. Tony M. Enriquez, Appellant; and Mr. Mark Disher, Deputy Corporation Counsel, Office of the Corporation Counsel, came forward.)

MR. HONG: Good morning, Madam Chair—

CHR. CABANAS: Good morning.

MR. HONG: — and members of the Board. In speaking to my client during the recess, we'll waive the closed hearing and request that this be an open hearing.

CHR. CABANAS: Okay. So, for the record, Mr. Hong has indicated that his Appel—that his client, Mr. Tony Enriquez, has chosen an open hearing.

So, at this point, I'd like to again, formally introduce the Board members and our Legal Counsel for the hearing. So, I'm Gabriella M. Cabanas, Chair; to my immediate left is Suzi Bond, Vice-Chair; to my far left, is Mr. Gilbert Aguinaldo; to my far right is Mr. Niel Thomas; and our attorneys for the appeal hearing are appearing via Zoom from O'ahu, and they are Ms. Trisha Gibo and Mr. James Halvorson. Also, representing the County in this matter is Mr. Mark Disher—we have Mr. Ted Hong present—Appellant Mr. Tony Enriquez. And Sommer Tokihiro seated in the back, because it is an open hearing, and our Deputy Corporation Counsel Ms. Keyra Wong seated in the back; and we have our Secretary-Reporter, Ms. Glynis Yamada.

This hearing is on the appeal filed by Mr. Tony M. Enriquez. The issue in this case has been identified as, did the Employer, the Office of the Mayor of the County of Hawai'i, violate any statutes, regulations, rules, or personnel policies regarding the following action: Employment action taken under Chapter 76, HRS. If the answer to the above is "yes" then what remedy can be awarded by the Merit Appeals Board.

This hearing concerns the preliminary issue of whether the Board has jurisdiction to hear this appeal. If it is determined that the Board has jurisdiction to hear the appeal, a hearing date, time, location, and deadlines for submissions of documents will be scheduled concerning the merits of this appeal.

The Board will now hear oral arguments on this motion. Mr. Hong, you may go first.

MR. HONG: Thank you. Madam Chair and members of the Board, good morning, again. My name is Ted Hong on behalf of Mr. Enriquez, the Appellant.

Seventy six-14 basically says that—actually, explicitly says that the Board must interpret its jurisdiction liberally. What that means in this particular case is you have to go beyond the

superficial. The superficial is, I read a headline or the subject matter on his appeal and I'm going to say, "No, it's age and disability and, therefore, it's not within the jurisdiction of the Merit Appeals Board."

But his appeal is lengthy. He drafted it himself and if the Board goes beyond the superficial and, actually, reads through it—what he's challenging is the unfair treatment with respect to the firearms requirement, which—for which the County terminated him.

So, we should be allowed to present to the Board why we feel that in the recruitment process, that the County failed to train him—give him the proper time that they said they were going to give him in terms of recruitment.

And so, the manipulation of the recruitment process is well within the scope of the Board, and we should—or the Board, under 76-14, should err on the side of caution and allow our client—well, my client, to present testimony and evidence regarding that.

And in the event that the complaint or the original appeal is a bit wordy, we should be allowed to amend it and narrow it down, if the Board is—gives us permission to do that—that way we can focus in on what these particular issues are.

But it would be a mistake to require an individual who's not a trained lawyer, who does not have experience in the area of human resources or the human resource rules and regulations—to require him or her to have some kind of elevated knowledge with respect to how to draft an appeal.

So, I ask the Board to go beyond the superficial. It is a lengthy, original appeal but, as we pointed out in our memo, he's clearly saying that he wasn't given sufficient time to complete that firearms requirement, and that's where he was—that's the reason why he was terminated and that's the reason why we need to present that before the Board. Because in the Civil Rights Commission circumstances, what the County is going to argue is that they hadn't had a legitimate reason for terminating my client's employment because he didn't meet the firearms requirement—the firearms qualification requirement.

So, what's going to happen is—he's locked out of appealing here, in terms of how they did it, or failed to meet their commitment with respect to training. And then, the County gets to reap the benefits of that saying, "And, oh, by the way, what we did in terms of his decision-making, wasn't based on disability, it wasn't based on age, it was actually based on his failure to complete or fulfill the firearms qualification"—so they get the benefit of talking out of both sides of the mouth in this case.

We should be allowed to appeal what he feels was their failure to allow him to complete the firearms requirement and that's what this appeal is about. We ask the Board to find that there is jurisdiction under 76-14. Thank you.

CHR. CABANAS: Thank you, Mr. Hong. Mr. Disher.

MR. DISHER: Basically, this is a bait and switch—this is an appeal of a decision from Step 1—

MR. HALVORSON: Mr. Disher, hold on a second. I—at this point, I have to ask Mr. Hong a question.

CHR. CABANAS: Go ahead, Mr. Halvorson.

MR. HALVORSON: In the last hearing—yeah, in the last hearing, Mr. Hong, I thought I heard you say that you had or that your client had filed with the—either HCRC or EEOC and he had a right to sue letter. Was I wrong?

MR. HONG: No, you're correct. He filed a claim, and I think that the—he's still within the 180 days in terms of filing a lawsuit.

MR. HALVORSON: And the reason I'm asking that question is, obviously, that has some bearing on jurisdiction—but, in the right to sue letter say that the—or was it HCRC or EEOC?

MR. HONG: It was both, but it was the Civil Rights Commission that—

MR. HALVORSON: Okay.

MR. HONG: —sent him this—that had the duty to investigate or did the investigation.

MR. HALVORSON: Okay. So, did HCRC dismiss his case on the basis they did not have jurisdiction or did they dismiss the case because it didn't meet their standards?

MR. HONG: I don't recall—it was just their basic, generic dismissal. I put very little stock in what they say in their basic boiler-plate letter—other than the fact that the time starts running to file the lawsuit.

But did they say specifically “jurisdiction”—I don't recall. I think it was your basic, standard—you didn't meet the McDonnell Douglas require—they didn't even say McDonnell Douglas—that's just my interpretation.

MR. DISHER: If I may—

MR. HALVORSON: Okay, and then that is—

MR. DISHER: —(inaudible) attaches Exhibit L of the County's response.

MR. HALVORSON: And if you don't recall, I think that's fair—but I just wanted to clarify that.

The next part of my question is when was the—when did the timing start running for the right to sue?

MR. HONG: It started—the letter’s dated May 12<sup>th</sup>, 2025.

MR. HALVORSON: Okay, so—

CHR. CABANAS: (Inaudible) check for a moment, Mr. Halvorson and Mr. Hong, and Mr. Disher, Exhibit L—the letter from the Hawai’i Civil Rights Commission—first sentence says, “The investigator assigned to handle the discrimination complaint, which you filed with the Hawai’i Civil Rights Commission (HCRC), has recommended that the case be closed on the basis of no cause.”

MR. HALVORSON: Okay, thank you. And the reason I asked about what the date was of the letter is—you were indicating you’re still within the 180 days. However, that—if for some reason this Board has to deal with a contested jurisdiction issue, we may have to refer it to the Hawai’i Labor Relations Board, under statute, for determination and that could affect your timeline.

MR. DISHER: That’s correct. I actually mentioned it also in the response that, if this Board basically can’t decide that there’s no jurisdiction, that it would have to go to the Labor Relations Board.

MR. HALVORSON: Okay. That’s all—I just wanted to clarify that, Mr. Hong. I’m sorry to interrupt you, Mr. Disher, go ahead.

MR. HONG: If I may address that. I would disagree, respectfully, with Mr. Halvorson, since I think this is probably his last meeting of a storied career with the Attorney General’s Office, but I disagree because that, actually, goes along the lines of the Turner Lyndon case, where that issue of jurisdiction came up, they said it was a collective bargaining issue, and then we had to go before the Labor Board, which pretty quickly—from my experience—said that it’s not a question of jurisdiction for the Labor Board that it actually rest with the Merit Appeals Board.

I think the Merit Appeals Board is—has the authority—statutory, sorry—to make that decision. It doesn’t have to go anywhere else. I mean, I don’t know that, if the County—if the Board says that you have jurisdiction, the issue would be raised on appeal with the Third Circuit—not necessarily the Labor Board.

CHR. CABANAS: Mr. Disher.

MR. DISHER: I will quote HRS 76-14 (c)(2) as well as MAB Rule 104-3(b), which directs the MAB—quote, “shall not proceed on an appeal”—and “if there is any controversy regarding its authority to hear the appeal until the controversy is resolved by the Hawai’i Labor Relations Board.” That’s pretty clear.

MR. HONG: As a mis-interpretation of the statute because what does the Labor Board have jurisdiction over? Interpretation of Chapter 89 in the collective bargaining agreements, which this case has nothing to do with.

So, if they want us to waste more time and more money—I get it. I get it. But that’s not a hoop that we need to jump through, and we shouldn’t have to jump through.

MR. DISHER: The words “any controversy” seem to be clear.

MR. HONG: And he’s not reading to you from Chapter 89, which says what the limitations are of the Hawai’i Labor Relations Board.

CHR. CABANAS: Any other comments?

MR. DISHER: May I continue with my statement?

CHR. CABANAS: Yes, you may. Go ahead, Mr. Disher.

MR. DISHER: As I was saying, there’s basically a bait and switch because this appeal is not on whether or not a qualification was done correctly, and that is the one and only reason why he did not pass probation.

His complaint at Step 1 was, “I was discriminated against for age and disability—based on age and disability.” And so, Mr. Waltjen, Prosecuting Attorney, made a decision regarding the discrimination complaint. He did not make a finding, one way or the other, regarding the qualification of the firearm qualification.

Again, when it went to the Mayor’s Office, Managing Director Sako, again—the complaint at Step 2 was on age and disability discrimination. And she made her decision on age and disability discrimination finding that there was none. She did not, again, one way or the other, make a determination whether or not the qualification was done proper.

So, that is what is being appealed to the MAB. It was—if they’re saying now it’s just the qualification, that was not decided at Step 1 and Step 2. So, that means they are now precluded from that issue. They didn’t raise it when they should have at Step 1.

Now, also, he goes on that he’s not a trained lawyer. You don’t have to be a lawyer to appear before the MAB. You don’t have to be a lawyer to advocate for someone before the MAB. And as Mr. Hong well knows, it’s like it’s—he also has to pay for his attorney. It’s not a right to attorney attaches to MAB proceedings.

So, that’s—and as a litigant, even if you’re pro se in the court, you would be expected to follow the rules just as an attorney would.

Now, he was—also argued was, “Oh, well, we can’t argue discrimination in, if any later lawsuit, we can’t”—they’ll say, “Hey, the qualification was good and that’s the reason.” Well, it wasn’t the only reason. There was many other reasons and he admitted to several of them, too.

Also, that there’s the argument of pretext that is still afforded to him to say, “This was pretextual”—and then that—there’s case law regarding pretextual discrimination as well. So, that, if anything, would be part of his argument of why there’s discrimination and that appears to be the reason, from Step 1, Step 2, and here. Mr. Enriquez keeps saying, “This is an example of how I’ve been discriminated against”—not that it was not done properly—“but that’s the sole reason that I’m not here today.” It was one of several examples given and not just—it wasn’t the only one. If it was the only one, that might be an issue, but there was several others including losing his badge, misplacing his handcuffs. Frankly, I’m afraid he would have lost his gun, too.

So, that’s all I have to say.

CHR. CABANAS: Thank you, Mr. Disher.

MR. HONG: If I may briefly respond. This is not a bait and switch. This is actually another example of the County doing a sloppy job. And the reason why I say that is because the written attachment that you have to his appeal is the same one that was given to Mr. Waltjen. It was the same one that was given to Ms. Sako—and they, basically, paid lip service to it. They didn’t read it. It is lengthy, single-spaced, and it took me—even took me a while to get through it.

So, but that’s the job. I mean, Mr. Waltjen and Ms. Sako are very busy people but, obviously, they read the headline, they got the response from the department, they said “No”—they paid lip service to this. And, unfortunately, based on the substance of what he’s saying that was submitted, the Board actually has—the Board has to weave through what he’s saying as a layman, to determine if the Board has jurisdiction.

And we contend that he has put in his complaint a lot of other stuff, but when you look at it and the excerpts that we highlighted in our memorandum, he does raise the issue of the firearms qualification for which he was terminated.

Does he raise other issues? Sure. But there’s nothing that says that in terms of presenting an appeal to the Board that you can include other things. And because he’s not a lawyer, he doesn’t know what the limits of jurisdiction are or what the Board can consider and what it can’t consider was relevant/not relevant. A lot of people err on the side of caution as laypeople and they write a lot of things.

So, again, the law says under 76-14 that you have to look at jurisdiction liberally and what that means, I think for you is, unfortunately, you have to be the sifter—and, kind of, sift through it and does—in terms of what he said, raise any issues that the Board has jurisdiction over. We contend it does.

CHR. CABANAS: Thank you, Mr. Hong. Mr. Disher, anything else?

MR. DISHER: Nothing further. I submit on my submissions—yeah.

CHR. CABANAS: Okay. Thank you. Okay.

MR. THOMAS: May I ask if we have heard all of the arguments that are pertinent to this jurisdictional question?

CHR. CABANAS: I've asked both Mr. Hong and Mr. Disher and they don't have anything else to provide, unless—

MR. THOMAS: Okay. Because now what I've seen is that there's the theory of this case that because he's a probationary employee, that's favorable to our jurisdiction and I haven't heard anybody speak to that, yet.

MR. DISHER: Under the section that he chose to pursue, that was the other argument in the original statement for jurisdiction regarding that he is not defined as a civil service employee yet because he did not pass probation. Yes, that is still also an argument.

MR. THOMAS: So, is there an intent to speak to that at this point?

MR. DISHER: I addressed it in my initial jurisdiction statement, and I stand by that. So, it is before you, if we can discuss it more. Mr. Hong can also address it as well.

MR. THOMAS: I would like you, Mr. Hong, to speak to that if there's something to say here.

MR. HONG: So, as a probationary employee, that process is still part of the recruitment process according to the way that the department currently interprets its Rules. And so, when an employee doesn't meet that—the requirements of probation, their alterna—they have the alternative—they have the only—actually, their only alternative is to appeal with the Merit Appeals Board.

And the process of recruitment is within the Board's jurisdiction, as we pointed out in 76-14(a)(1)—recruitment and examination.

So, because he was still on probation, he does not qualify to—for representation by the respective collective bargaining representative, which would be, I guess, the HGEA in this case. He doesn't qualify for that, so he's on his own. And if he's going to raise an issue with respect to recruitment and examination, which we are raising that issue—then he's, certainly, entitled to pursue the appeal through the Merit Appeals Board.

MR. DISHER: And, again, my position is from the start, this was not a question of recruitment and examination—and he always was pursuing this as a discrimination complaint—that's probably why he chose the employment action taken under Chapter 76, HRS option and not the recruitment and examination option, which was the first one available to him.

MR. THOMAS: I guess I didn't hear or see in these pleadings or whatever you might call them, the question of whether this is a recruitment and examination issue. I have to say, I don't quite understand that actually. It's like if you're—it's not a case if—of it's fatal if you're in this early stage and you can't go farther, if that's what happened.

MR. DISHER: He still has recourse. As the Hawai'i Civil Rights Commission did indicate that he does have a right to pursue this in a lawsuit, if he so chooses. And he can raise those issues there, too, as well as his complaints for discrimination which has been the core and center of his complaint from the beginning.

Now, if anything, I'll also point out the—I know, Chair, you mentioned the first line of that letter—but couple lines later it does say, "This does not necessarily mean that the problems you alleged did not occur, but that the investigation could not confirm those allegations to the standard of proof level required by the statute of the Commission to further pursue the case." So, basically, they just didn't have enough before them.

It's not that they didn't say it didn't happen or not, but maybe something to be discovered in the discovery process—in a lawsuit or to help support their case, if they didn't have a case.

MR. HONG: I point out in our memorandum—pages 8 and 9—we cite Rule 3-38 of the Rules of the Department of Human Resources regarding probationary employees and probationary appointment. And 3-38(b)(1) "...employee must meet the performance requirements of the position as measured by a formal performance appraisal..."

And, in this case, the formal performance appraisal was that he failed to meet the qualifications. He failed to meet the qualifications because they—Number 1, didn't allow him to train on the firearm, according to what they promised him in terms of the number of hours. That's what we're contending gives jurisdiction to this Board.

CHR. CABANAS: Are there questions for the attorneys? Ms. Bond, Mr. Aguinaldo?

MR. HALVORSON: No (inaudible).

MS. GIBO: No questions from us, Chair.

MR. AGUINALDO: I do have a question—

CHR. CABANAS: Okay, go ahead.

MR. AGUINALDO: —for both attorneys. As you indicated, Mr. Hong, was that a requirement for your client to have the qualification for training with firearms?

MR. HONG: Yes, he had a firearms training qualification. They promised him x-amount of hours in terms of practicing in order to meet the—to go—in preparation for the final test. They didn't meet that. They didn't—they, basically, broke their promise. That's why we're here.

MR. AGUINALDO: When you say “promise” was that on black and white paper, like, how you apply for an application? The reason why I say that is handling with firearms, I, myself, go through the process. You have to take a course and you—in order to carry long gun, short gun, and register—you have to have your card here in the State of Hawai'i.

So, my question is even engaging in any position you want to apply—if that was a requirement from the start, is it the County's jurisdiction or is that the applicant applying for that position to have those qualification prior to engaging in a position? Is that one of those requirements?

MR. HONG: It's actually a County requirement. They had—they control the whole aspect with respect to the firearms training and the testing. So, it's not a matter of, if I wanted to get a pistol or something else—that I would go through the state's training and all that kind of stuff, and then I'd get my card—terms of certification—they actually supervise, direct, tell him when to show up at the range, and all that kind of stuff—monitor him at the range. It's all controlled by the County.

MR. DISHER: Yes. The firearm qualification is required for the investigator position. Actually, if anything, one of the reasons that his probation was extended from the six-months to one-year was after—and he also was a former police officer—so, he has background experience. The only concern with providing training earlier in his probation was he needed, basically, a clearance letter from a mental health professional. I don't want to get into too much details—

MR. AGUINALDO: Yeah.

MR. DISHER: —since we're in open.

MR. AGUINALDO: Yeah.

CHR. CABANAS: Yeah.

MR. AGUINALDO: Yeah, understood.

MR. DISHER: But that—otherwise, it would have been a violation of law for him to even possess.

MR. AGUINALDO: Right.

MR. DISHER: So that needed to happen and that was one of the reasons—not the only reason—but one of the reasons his probation was extended to afford him that time.

MR. AGUINALDO: And I do agree with the mental evaluation. Every year you have to register your firearms—that's one of the requirements of Hawai'i Police Department.

But the confusing aspect is, Mr. Hong, your client—is he coming in because he was coming in for appeal for his termination of—(inaudible) of his one-year probation or are the argument here, is his disability discrimination, age discrimination—so, which is it?

MR. HONG: So, what we're alleging—and, again, it's a very lengthy statement—

MR. AGUINALDO: Mm-hmm.

MR. HONG: And I think it's easy to get sidetracked by the superficial. But if you dig deep, what we're saying is his termination was because he didn't meet the firearms qualification.

MR. AGUINALDO: Okay.

MR. HONG: And the evidence that we're going to be prepared to show is that in terms of the firearms qualification, they said, 'Okay, we're going to provide you with this type of training'—

MR. AGUINALDO: Mm-hmm.

MR. HONG: —and they didn't provide it.

MR. AGUINALDO: Okay.

MR. HONG: So, if you don't provide the right training, how is it you expect the employee—you get a prospective probationary employee to meet those requirements? And that's what—that's what we're here for.

CHR. CABANAS: Okay. So let me interject because the hearing, if we have a hearing, it's—do we, as the Merit Appeals Board have jurisdiction to hear this appeal? That's the focus, this morning.

We're not going to go into the merits of the case because that's not appropriate. So, we've allowed questions to be asked of the attorneys but it's only really to focus on whether we have the jurisdiction or not.

His appeal does say it's based on age and discrimi—age and disability discrimination. That's the appeal.

Mr. Hong is explaining that there were other factors and focusing in on him not—Mr. Enriquez not getting enough of the required firearm training, but there were also other factors written up in the—that Mr. Enriquez shared as it's in his explanation for this situation to have been arrived at. There are other factors as well.

So, again, do we have the jurisdiction to hear this appeal? I think we've, kind of, heard both sides—their arguments. And I think it's time for the Board to go into executive session and we can ask questions of our attorneys—Mr. Halvorson and Ms. Gibo, in an executive session.

So, at this point, can I—so I need to—before I ask for the motion I'm going to read this verbiage. You can stay, Mr. Enriquez and Mr. Hong.

MR. THOMAS: I have one more question, too.

CHR. CABANAS: You have a question?

MR. THOMAS: Go ahead.

CHR. CABANAS: Okay. The Merit Appeals Board anticipates convening one or more executive meetings regarding the above matter pursuant to HRS, Sections 92-4, 92-5(a)(2), and 92-5(a)(4), for the purpose of evaluating an officer or employee of the County of Hawai'i where the consideration of matters affecting privacy will be involved and consulting with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. A two-thirds vote of the members present pursuant to HRS, Section 92-4, is necessary to hold an executive meeting.

You have a question, Mr. Thomas?

MR. THOMAS: Like the rest of you, I got involved in the weeds in this case and I don't intend to do that now because I'm still trying to get off of Floor 1 of this jurisdictional question.

The appeal form has a box that you check that says that an employment is taken under 76 by someone who must be a civil service employee. Can somebody speak to the question of who is a civil service employee—can you be classified as a civil service employee if you're in a probationary status?

CHR. CABANAS: No.

MR. DISHER: Yeah, I discussed it, actually in the first—

MR. THOMAS: I read that.

MR. DISHER: And—no, you don't meet the definition of a civil service employee until you pass probation.

CHR. CABANAS: Mm-hmm. That's when you obtain civil service status.

MR. THOMAS: So, to me, that's the First Floor of this case or am I missing something here?

MR. DISHER: That's also why it's my first argument.

MR. THOMAS: Okay.

CHR. CABANAS: So, let's go into executive session and hold your questions, and we can ask that of our attorneys from the AG's Office.

MR. THOMAS: Good.

CHR. CABANAS: Okay. So, thank you, Mr. Enriquez, Mr. Hong, Mr. Disher. If everyone else can sit outside while we are in executive session.

So, may I have a motion?

MS. BOND: I move that we enter into executive session.

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion?

MR. AGUINALDO: No.

CHR. CABANAS: If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

We are now in executive session at 10:05 a.m.

**RECESS: The Chair called for a recess at 10:05 a.m.**

**RECONVENE:** The meeting reconvened at 10:26 a.m. in open session.

**9:00 A.M. HEARING: COMMUNICATION NOS. 24-13 And 25-03 (And Related Communications).** Note: The Hearing Concerns The Preliminary Issue Or Any Other Preliminary Issue Of Whether The Board Has Jurisdiction To Hear The Appeal, Under Section 76-14, Hawai‘i Revised Statutes. If It Is Determined That The Board Has Jurisdiction, An Additional Hearing Will Be Scheduled Concerning The Merits Of The Appeal.

**Communication No. 24-13,** Received On July 25, 2024, From Appellant, Appealing The Following Action By The County Of Hawai‘i’s Office Of The Mayor: An Employment Action Taken Under Chapter 76, Hawai‘i Revised Statutes; *And*  
**Communication No. 24-13.01,** Received On August 29, 2024, From Appellant, Transmitting Documents Entitled “Representation And Correspondence.” The Appellant Requests The Following: 1) The Hearing Be Delayed Until The Appellant Can Obtain Proper Legal Counsel; And 2) Merit Appeals Board Chair, Gabriella Cabanas, Be Recused From Making Any Decisions Involving Appellants Appeal; *And*  
**Communication No. 24-13.02,** Received On August 29, 2024, From Mark D. Disher, Deputy Corporation Counsel, On Behalf Of Appellee, Regarding Appellee’s Position Statement; Exhibits “A” – “H”; *And*  
**Communication No. 25-03,** Received On March 4, 2025, From Ted H. S. Hong, Esquire, Re Notice Of Appearance Of Counsel For Appellant; *And*  
**Communication No. 25-03.01,** Received On June 12, 2025, From Ted H. S. Hong, Esquire, On Behalf Of Appellant, Regarding Appellant’s Statement On The Merit Appeals Board’s Jurisdiction; *And*  
**Communication No. 25-03.02,** Received On June 27, 2025, From Mark D. Disher, Deputy Corporation Counsel, On Behalf Of Appellee, Regarding Appellees’ Response To Appellant’s Statement On The Merit Appeals Board’s Jurisdiction; Exhibits “I” – “L”.  
**(Executive Session:** The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4, 92-5(a)(2) And 92-5(a)(4), For The Purpose Of Evaluating An Officer Or Employee Of The County Of Hawai‘i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board’s Attorney On Questions And Issues Pertaining To The Board’s Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Of The Members Present Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting

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**CHR. CABANAS:** Okay, thank you all for waiting. We are now in open session at 10:26 a.m.

So, we had a lengthy discussion in executive session. And so, may I have a motion in accordance with what we discussed in executive session.

**MS. BOND:** I move that the discussion was that we—the matter be turned over to the Hawai‘i Labor Relations Board for jurisdictional determination.

CHR. CABANAS: Is there a second?

MR. AGUINALDO: I second.

CHR. CABANAS: Any discussion? If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Thank you, Mr. Hong and Mr. Enriquez, and Mr. Disher for your presence this morning. And it's going to take a while because we have other cases pending with Hawai'i Labor Relations Board, Mr. Enriquez, and it's been like almost a year we've been waiting. So, I just hope that it gets determined quicker than later for your case.

And if they determine we have jurisdiction, then we will schedule the appeal hearing and move it forward.

MR. HONG: I would just want to thank, Madam Chair, and members of the Board, for their time (inaudible).

CHR. CABANAS: I know—Jim is there somewhere.

MR. HALVORSON: Yeah, I'm here.

MR. HONG: (Inaudible.)

CHR. CABANAS: Okay. So, Jim, if we can see you on the screen.

MR. HALVORSON: Okay.

CHR. CABANAS: So, will you be writing the Decision and Order—oh, all we can see is your sleeve.

MR. HALVORSON: Okay, how's that?

CHR. CABANAS: Good. So, will you or Trisha be doing any Decision and Order?

MR. HALVORSON: Yes.

CHR. CABANAS: Okay, very good. And on behalf of the County of Hawai'i, the Merit Appeals Board, the attorneys here—we wish you a very happy and healthy retirement. And thank you for all the years of service in the State of Hawai'i.

MR. HALVORSON: Well, you're welcome. It's been a pleasure.

MS. BOND: *Mahalo*.

CHR. CABANAS: We're going to miss you, Jim. Take care.

MR. HALVORSON: All right. Thank you.

CHR. CABANAS: Thank you, all.

Okay, back—

MS. TOKIHIRO: Glynis went to the office—

CHR. CABANAS: Yes. Yeah, she told me. And then she's going to watch the office while they're here.

MS. TOKIHIRO: Yeah. And then, they'll—then after they present, then they'll go back.

CHR. CABANAS: Yeah, sure. So, we'll do one division at a time?

MS. TOKIHIRO: Yeah.

CHR. CABANAS: Okay, so—

MS. BOND: Oh, that's what this was for.

CHR. CABANAS: So, I asked Glynis to provide the Board with the Org. Chart, so they can look—and if they want to take notes or whatever (SEE ATT. A).

MS. TOKIHIRO: Yeah, and I'll ask them to come up in that order. I just have a couple of divisions that aren't available—

CHR. CABANAS: That's okay.

MS. TOKIHIRO: —(inaudible) at the August meeting.

CHR. CABANAS: That's fine.

MS. TOKIHIRO: But we'll present them in the order that they're on the org. chart.

CHR. CABANAS: Okay. Thank you, Sommer.

MS. TOKIHIRO: So, she's going to get them, and we should be able to continue in a few minutes.

CHR. CABANAS: Okay, thank you. Hi, Trisha?

MS. GIBO: Hi.

CHR. CABANAS: Thank you so much for helping the Merit Appeals Board. Will you be our assigned attorney from now on?

MS. GIBO: I will be and (inaudible), because I'm not sure (inaudible) from the Big Island, so (inaudible). I'm from the other side, I grew up in Kona, so my parents are from Hāmākua, but I grew up in Kona.

CHR. CABANAS: Oh, nice.

MS. GIBO: I know that you said that your folks' next meeting is (inaudible)—I need to be (inaudible) as soon as I come on. I'll see (inaudible) at the next meeting's on the 26<sup>th</sup>?

CHR. CABANAS: Right.

MS. GIBO: I have (inaudible) scheduled for that day, which I've been trying to (inaudible) maybe pushed a little later that morning—

CHR. CABANAS: Okay.

MS. GIBO: But in the event that I cannot, we'll try and see if someone else can cover it, but I just wanted to let you folks know.

CHR. CABANAS: Okay. Thanks for the heads up.

MS. GIBO: Thank you.

CHR. CABANAS: And then, does Glynis have your email?

MS. GIBO: She does. She's been including me on this last round, so I'll make sure to follow-up with her by email, to let her know the same thing.

CHR. CABANAS: Okay. And then, Diane was Jim's, I guess, assistant?

MS. GIBO: Right.

CHR. CABANAS: Will she still be your assistant?

MS. GIBO: No. So, I have a different assistant. I'll forward that information to Glynis as well, so she has it.

CHR. CABANAS: Okay, great. Thanks so much.

MS. GIBO: All right. Thank you all. Bye.

**RECESS: At 10:32 a.m. the Chair called for a recess.**

**RECONVENE: The meeting reconvened at 10:37 a.m. in open session.**

### **Meet and Greet Department Of Human Resources Employees**

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CHR. CABANAS: Good morning, Sommer and Staff, of the Department of Human Resources. We have four Board members present. We have one vacancy on the Board, which we're waiting for the Administration to nominate to the County Council for confirmation.

But I'm Gabriella Cabanas, I'm the Chair of the Merit Appeals Board, and I worked for the department for many years. I'm retired almost seven years and trying to give back to the County for a wonderful career that I had.

Seated to my immediate left is Ms. Suzi Bond, you can say a little bit about yourself, Suzi.

MS. BOND: I have never worked for the County of Hawai'i as an employee, but I have worked with the Hawai'i County Civil Defense since 2008 with recovery and preparedness, and I also run a non-profit theatre company just for fun. I'm currently retired.

CHR. CABANAS: And then, next we have Mr. Gilbert Aguinaldo—and this is actually Gilbert's first meeting today and that's why we thought—because we have new members, it's a good time for the Board to meet with all of you and then you can see who we are as well. So, Gilbert.

MR. AGUINALDO: *Aloha*, my name Gilbert Aguinaldo. I'm a resident here in Hawai'i. I was a former Windward Planning Commissioner for our County of Hawai'i for about four—a little over four years, under two Mayors—Mayor Kim and Mayor Roth. And, yeah, it's good to be back serving again here for our County of Hawai'i. Thank you.

CHR. CABANAS: Thank you, Gilbert. And to my far right is Mr. Daniel—we call him "Niel" Thomas.

MR. THOMAS: Nice to have you all here and appreciate you taking time out of the day. Like Brother Gilbert here, I was an appointee of the Kim Administration in the Board of Appeals and was there serving out somebody's term. And ever since then, waiting for this opportunity to come up—and I'm looking forward to seeing you all of you here.

My ancient history dating more than 10 years ago when I moved here—in Alaska, I had served two terms in the Hammond Administration in Alaska, running the State Human Rights Commission—so that was my personnel experience and a lot of that was public employee types of issues and complaints that we had.

CHR. CABANAS: Thank you, Niel. And to my immediate right is our attorney from the Office of the Corporation Counsel, Ms. Keyra Wong. So, she is our attorney for our regular meetings. When we have appeal hearings then our attorneys are from the Attorney General's Office on O'ahu, and they appear via Zoom. They used to come prior to COVID in-person, and the staff could meet the attorneys then, but since COVID they just appear via Zoom. And then, they provide the Board with legal counsel when we have the appeal hearing.

So, anyway, so that's us. So, okay, Sommer, I'll turn it over to you.

MS. TOKIHIRO: Okay. So, we're going to start this morning with our Labor Relations Division.

(At this time, Ms. Lee Botelho, Human Resources Manager II, and Ms. Karla Stevens, Human Resources Specialist I, with the Labor Relations Division, Department of Human Resources, came forward.)

MS. BOTELHO: So, do I press the green?

CHR. CABANAS: It's on already, although hers is not. Just press the "right" button. Yeah, there you go—and then, just speak into the mic. Yeah.

MS. BOTELHO: Okay. Good morning.

CHR. CABANAS: Good morning.

MS. BOTELHO: I'm Lee Botelho, I'm the Human Resources Manager for the Labor Relations Division. I've been with the County—well, with the Department of Human Resources—this round, for approximately 12 years—that was a trick question for me, 'cause I don't pay attention to the dates. I do have 35 years with the County coming up in August. And we are a division of two—with myself and Karla Stevens. You can introduce yourself.

MS. STEVENS: Hi, I'm Karla Stevens, I've been working with the Department of Human Resources for about three years now. I would say maybe about two years in the HR Labor Relations section.

MS. BOTELHO: So, the function of our Labor Relations Division—the primary function is regarding or administration of the collective bargaining agreements. So, we do have eight different bargaining units within the County and our role here is to provide guidance to departments and departmental HR staff on the administration and application of the union contracts to make sure that everybody's on the same page following contracts.

And, in addition, we also—I am designated, by the Director, to hear employer-level grievances. So, we're involved in the grievance process. We also—sorry, drawing a blank, 'cause I don't want to use my notes. So, grievances—oh, sorry—every two or four years depending on how long a contract—an employment contract is for, we participate in the negotiation process.

So, we, at Labor, are responsible for costing out the different contracts so that the costs that are awarded by arbitration decision or negotiated are able to get—go to Council for approval of the funding.

The other primary function that we oversee is the drug testing program for County employees for all bargaining units except for Bargaining Unit 12, which is Police—Police handles their own drug testing. Karla is responsible for the day-to-day operations of the drug testing program—scheduling, maintaining the records, making—communicating with departments on when drug tests are scheduled for. And then I have—as the designated employer representative, I have oversight of the program itself, to make sure we're in compliance with federal regulations—and then, of course, with the collective bargaining agreements. And that's about it.

CHR. CABANAS: Any questions for Lee or Karla?

MR. THOMAS: We do get occasional complaints where there's a jurisdictional question and the jurisdictional question centers on whether they're covered by employee union. Does that come to your attention when someone shows up and you have to make a decision and recommend to them, somehow, where they're supposed to be?

MS. BOTELHO: We do not make a recommendation, but the grievance process and the internal complaint process are two separate tracks. And so, for the internal complaint process, Human Resources is not involved in that procedure. So, no, we do not make a—our department does not make a recommendation.

MR. THOMAS: Who does, then? A separate department?

MS. BOTELHO: I guess would be the attorneys—the Corp. Counsel attorneys making the recommendation, looking at the merits of the case, determining if it falls within the jurisdiction of the Merit Appeals Board. And then, making the recommendation to you folks.

It's my understanding—I have never gone through the entire process but, lately there have been employees who file complaints both tracks—grievance and internal complaint procedures. I know for the grievance process, we would be arbitrator who would decide whether or not the

case is grievable—and, if it's not, then the internal complaint procedures would apply. But employees cannot get two bites of the apple and try and win in two different appeal venues.

MR. THOMAS: So, I think we always—we tend to have a concern here that those cases where there's disagreement as to whether we have jurisdiction, end up with the Labor Relations Board, which sits there and chews on it for a year or more. That's probably outside of your turf but it's a concern here.

CHR. CABANAS: Yeah, we've been having quite a bit. In fact, we, just this morning, had one where our decision was for the persons' appeal to be reviewed by the Hawai'i Labor Relations Board. But we've had more—we've had, like, about eight from Police that's been pending for one year from—we call it "HLRB"—but, yeah, and it doesn't make us feel good because the employees are waiting and once we receive word from them, in writing, that if we have jurisdiction, we will schedule the appeal as soon as possible. But those poor employees are waiting one year, and it doesn't make us feel good because we don't want to keep employees waiting like that. So—and they're getting frustrated as well, so that's like how it is these days. But—

MS. BOTELHO: If we review a grievance and determine it's not a grievable matter, we won't put that in our Step 2 decision that, "it's not a grievable matter"—and they do have the right to appeal it to arbitration, and then the arbitrator would decide if it is appealable or not.

CHR. CABANAS: And then, just for those that are new—'cause I know there're some new employees in the department but whatever the Merit Appeals Board decides, if the appellant does not agree with our decision and order—which is written up by the Attorney General's Office—and once it comes down, they can file a case to the Third Circuit Court. So, we have one matter right now, pending with the Third Circuit Court—and I think it's going to be heard sometime in October. Gilbert and Niel weren't involved in that case but Suzi and J and I, were the Board at that time. So, we have to see what happens with that.

But, yeah, so we kind of have to be careful in what we do, what we decide, and listen to the advice of our Attorney General because it can go to the Third Circuit Court. And when it goes to the Third Circuit Court, in this one instance that we have there now, the judge asked for everything—open minutes, executive session meeting minutes—even to read our discussion in an executive session. And they asked for audio tapes—they asked for the whole works so the judge will review that.

So, we really—we're volunteers but we still have a lot of responsibility, and we want to be fair to both sides, the County and to the appellant, and we want to do the right thing. So, this is why it's important for the Merit Appeals Board members to understand what you folks do. Why you do it? How you do it? When you do it? So that we are knowledgeable about the County and the functions of the various departments, so we can be more well-versed in our questions—not only of the attorneys but of the appellant also. So, sometimes it gets, kind of, tricky.

So, that's why it's important that we all know what you folks do and you might think, "Oh, why they're asking for all of that"—but that's why, so that we have a good understanding of what the staff does in HR and what the other departments do.

So, we really appreciate all your time put in the reports, and it matters to us. It helps us a lot.

So, thank you, Lee. Thank you, Karla—nice meeting you, Karla.

MS. STEVENS: You, too.

CHR. CABANAS: Of course, Lee, I know.

MS. BOTELHO: Thank you.

CHR. CABANAS: Yeah, keep up the good work.

MS. TOKIHIRO: Okay. So, our Personnel and Organizational Development Division, they'll be joining us for the August meeting. So, next, according to the Org. Chart is going to be Alika, our Equal Opportunity/ADA Coordinator.

(At this time, Ms. Alika Kost, Equal Opportunity Officer/ADA Coordinator, with the Equal Opportunity/ADA Division, Human Resources Department, came forward.)

MS. KOST: Good morning.

CHR. CABANAS: Good morning, Alika.

MS. KOST: My name is Alika Kost, I'm the Equal Opportunity Officer and the ADA Coordinator for the County of Hawai'i. I've been with the department—next month will be one-year.

CHR. CABANAS: Can you speak a little closer to the mic.?

MS. KOST: Sure.

CHR. CABANAS: Thank you.

MS. KOST: So, next month will be one-year, I'll be with the department. I was previously with the department for a year or two as a trainer, and before that I've worked in multiple departments. So, I've been with the County for about 13 years.

My role as the Equal Opportunity Officer and ADA Coordinator, basically, is ensuring that employees and citizens' rights—civil rights, are enforced and protected. Usually, within the employment contacts—context—when it comes to equal opportunity and then also under the ADA, because we are a Title II entity, which is a local government. We have to ensure that our

programs, services, and activities are accessible to the public and with people with disabilities. So, I also help with that.

And so, I serve—generally as advisory to the department. But I do—it is required that I go out there and measure stuff and do stuff, too, so it's nice, 'cause I don't only stay in the office, I also go out to do site visits. And I train our employees on anti-discrimination and harassment—both employees and supervisors—and then also provide training for reasonable accommodation. And then, if a department has a specific topic, then we'll work on that as well.

CHR. CABANAS: Thank you, Alika. Any questions—Niel, you have a question?

MR. THOMAS: Of the protected classes that you represent and/or coach or administer—how does it break out between race, sex—

MS. KOST: So, there's over 20—I don't have them memorized. I'm sorry.

MR. THOMAS: Which are the big ones?

MS. KOST: Well, the ones that started it all, right, in Title VII of the Civil Rights Act is national origin, race, color, religion, and sex. So, those are pretty much the ones that started it all. Then you have the Age Discrimination Act of 1967, which then protected employee—people aged 40 and older, but the State has laws that protect those of all ages—so 0 to 39 are also covered, right.

And we also have, of course, the ADA and the Rehab. Act of 1973, which covers the people with disabilities. And then, the GINA Act, which is the Genetic Information Nondiscrimination Act of 2008—and that covers discrimination or being mistreated based on genetic information.

That's as far as the EO ones—those are—

MR. THOMAS: And that's the newest one, the gender protection.

MS. KOST: Well, I don't know if it's one of the newer ones, 'cause the State has added—so, what happens is the Feds., basically, gives the minimum, right, so they tell you, “Okay, these are the minimum requirements. Just the bare—this is what you have to provide.” Then the State, generally, will take what the Feds. do and they'll expand it—like the age, right. So, Feds. did “40”—State said “0 to 39” so—and that happens in other instances, too, because the State added—I want to say, on the more recent side, is the domestic—the Victim of Domestic Violence—and then children who have been—parents of children who have been sexually violated and stuff. So, that might be one of the newer ones.

Gender expressions, sexual orientation, and gender identity are on the list. What I've been—I just had a class earlier this week—and what I tell employees are, right now, because there're—a lot of people are asking—'cause there's a lot of conversation about it in—on the federal level. And they're saying, “Oh, you know, there's all these executive orders and they're changing diversity, equity, and inclusion”—and so, what I tell people is, “Well, the laws haven't

changed”—the laws are still written, it still covers gender identity, gender expression, and sexual orientation. And, even, again, if the Feds. removed it, it’s actually written into state law as well.

And so, even if they changed it, it’s still in our law—so we would still enforce it. And then, of course, like our policy itself, is even more protective to our employees, than the—than both the federal and state laws. So, we can keep it in our policy, and we would still be able to offer protection of discrimination and harassment for those issues.

MR. THOMAS: So, what I think I’m hearing is that there may be head winds from the Feds. but that our people are protected at a level—at a state level.

MS. KOST: They are. It’s written into the state law.

MR. THOMAS: Okay.

MS. KOST: Yeah.

CHR. CABANAS: Thank you, Niel. Suzi, any questions? Gilbert? No? Okay. Thank you, Alika—

MS. KOST: Thank you.

CHR. CABANAS: —keep up the good work.

MS. TOKIHIRO: Okay. Next is Classification and Pay.

(At this time, Ms. Jamielyn Martines, Human Resources Manager II; Ms. Michele Lamkin, Human Resources Program Manager; and Ms. Kim Kailipaka, Human Resources Technician I, with the Classification and Pay Division, Department of Human Resources, came forward.)

MS. MARTINES: Hi, I’m Jamielyn Martines, I am the HR Manager for the Classification and Pay Division, and I have been with the Department of Human Resources for 11 or 12 years.

CHR. CABANAS: Hi, Jamie, nice to see you.

MS. MARTINES: Nice to see you.

MS. LAMKIN: Hi, I’m Michele Lamkin, I am the HR Program Specialist for the Classification and Pay Division. And I have been in the Department of Human Resources and, in my position since October 2017—so it’s going on eight years soon.

MS. KAILIPAKA: Hi, good morning, I’m Kim Kailipaka. I am the HR Tech. with Classification and Pay. I have been with the Department of Human Resources for 11 years this month.

CHR. CABANAS: Nice to see you, Kim and Michele.

MS. LAMKIN: Nice to see you, too.

MS. MARTINES: So, a brief overview of Classification and Pay is we are tasked with maintaining the County's Compensation Plan. We are also the point of contact for other jurisdictions and their compensation plan. We assist the departments with position control, so we help them with re-orgs., we help them with position classification—so, reallocation, helping them classify new positions that are approved. We also maintain the Salary Ordinance for the County, which is a pay plan outside of our positions that are covered by the collective bargaining agreement.

We in—I'm going to go back to the Comp. Plan. Part of the Comp. Plan is creating different classes of work for the County. So, we help create, like—I think, recently, we created the Pool Lifeguard Training Classes. So, we basically go in and we help departments assess needs that they may have, operationally, and we have the ability to create new classes to help address those needs.

So, recently, we had a gap with Pool Lifeguards. So, we created a Pool Lifeguard Trainee Class that would help certify lifeguards in-house. So, we have that flexibility and that's how we support our departments—is to go in, if they have an operational need that isn't covered by a class of work in the County—we can help them create those classes of work.

We also help amend classes of work. So, MQ's that are outdated, duties that are outdated—we help go in and try and get the language up-to-date so that they can properly recruit for positions that they actu—that are actually reflective of what they need.

Other than that, it's—that pretty much sums it up. So, everything position-related is how we assist the departments.

MS. LAMKIN: And if you're wondering what "MQ's" mean, 'cause we (inaudible) acronyms—

MS. MARTINES: "Minimum Qualifications."

MS. LAMKIN: It means "Minimum Qualifications"—so the minimum qualification required for an applicant to be able to perform the work.

MS. MARTINES: So, Michele, as the Program Specialist, she's the go-to for, basically, all of our surveys. She helps me create the new classes of work, assist with the re-orgs.—so when we go in and a department wants to transfer positions, create new positions—we'll go in, help them, listen to what their needs are, and help them, kind of, get the picture to be what they actually need.

‘Cause things develop over time and some of our systems are a little outdated, right, so we try to listen to what they need—and so, Michele helps me with that. We also respond to position surveys—Michele does all of that. Part of our process in creating these new classes, we also have to review—in compliance with equal pay law—new classes that City and County, County of Kaua‘i, County of Maui, the Department of Education, the Judiciary, State DHRD—when they create new classes in their jurisdiction—for us to be in compliance with equal pay law, we review their classes. So, Michele helps me with that.

Kim helps with the processing—so when departments create new positions, she helps with the processing. And, recently, we have her doing amendments—so, when departments come in and they say, “The language on our class for Fire Equipment Operator is outdated, we would like to make these changes”—Kim does all of that for us. So, she works with the department to get the language straightened out. She does a report for that.

So, it’s really a group effort for us to go in, look at what the department’s needs are, and help them to get the picture of what they need to actually work for what their operations are.

CHR. CABANAS: Thank you. Any questions—

MR. AGUINALDO: I have a question.

MS. MARTINES: Yeah?

MR. AGUINALDO: This goes for when you guys say “classifications.” So, within the departments, give you guys a broad, this been—so if it’s okay, Gabriel, my background have been a licensed professional—and when I say, “licensed professional” I mean, “licensed in the State of Hawai‘i.” I carry multiple classifications of licenses that I can do out in the field.

And I, kind of, shared with Sommer a little bit—I think there’s a lot of stuff sometimes year-after-year, administration—for years—it just sits in one book, right. So, if get one question is asked, “Ho, we got to go back and look” like one dictionary.

I think the track we’re having right now with our new Administration, we all should look good. We all have a role in our due diligence, our duties—wake up in the morning, we have kids, we have family, we have spouses—whatever it is. We’re here to serve.

And a lot of things come about and I going share this—it’s within the Building Department. There’s something to look at—classifications when you guys say—plumbing, electrical—in order to be a plumbing or electrical inspector—there’s, like you said, minimum classifications. You need to be a licensed in the State of Hawai‘i with a Supervisor’s License. Now, is there any regulatory section in hiring any inspector that you are able to be a licensed form of contractor—when I say “contractor” is people that is a licensed building contractor, farming contractor, or electrical contractor—is there anything in our by-laws that allows you to be a licensed contractor? When I say that, we got to be cautious and careful, HR, because if I say Gabriella is

a farming contractor but she's also your County of Hawai'i Plumbing Inspector—don't you see a conflict of interest in that merit?

I've—was told, “Oh, shouldn't it benefit the County of Hawai'i?” “No”—“why?” You don't know what goes out outside behind closed doors or out in the field. I see myself in different departments, not even in their jurisdiction—going to that jurisdiction and inspecting their own jobs. And when I say, “I do”—I do. And I think that something to really look at because as things occurs when we have our application, there's minimum requirements.

You're only legal and bound to be a licensed supervisor—you got to have a Supervisor's License in order to be inspector—that's the two different departments—Building—there's no classification of a license in the State of Hawai'i—to my knowledge. Reason why I say that, Ladies—Ladies and Gentlemen—if there's gentlemen here—I am a licensed general contractor here in the State of Hawai'i that carries multiple specialty license. I am a licensed electrical contractor that carries multiple specialty license. That is years of hard work that I've done. I came before—who was that—Warren Lee, back in day—okay, back in the day.

I speak from my heart. I backed down from my position because there was things that I read the language, right—I saw it was a great opportunity—maybe I can serve my County. A lot of my fellow friends, they age of retirement—they say, “Gil, you should take the position”—I says, “Okay, I going try”—so I read the application.

Minimum classification was supervisory—that's, again, for plumbing and electrical—not building. “Okay, I make—I meet the requirement, maybe I should—maybe I should take ‘em.” I went all the way to closed doors being interviewed by all the department heads. Not one asked me, “Are you, Gilbert, a licensed contractor?”—which I was. Okay, which I was. I said, “I am”—no, they didn't ask me. Then that Administration they said, “Eh, Gilbert, when you can start work?” I said, “Can I really think about it?” And they said, “Okay, we give you some time.” So, I thought about it and I says—I forgot that person's name—I said, “I'm so sorry, but I going excuse myself from taking that position.” “Oh, why is that? You're hired.” I said, “There wasn't a question that was asked to me. I shouldn't ask the question that if I was a licensed contractor.” Because I said, “My fellow colleague inspectors, did their time, they followed the rules, they when hang up their license, and I going do the same. I cannot do that to my employees.” “(Inaudible), Gilbert, you should take the position.” I says, “No.”

Now, I've been hearing there are licensed contractors that are inspectors. So, to me, it's like—almost like the Honolulu conspiracy of Planning Department bribery and, kind of, gave me that mentality.

So, I don't know if things have changed but I heard there's—that commission—

CHR. CABANAS: Board of Appeals?

MR. AGUINALDO: Board of Appeals was something to—for employees.

CHR. CABANAS: Oh, Board of Ethics?

AGUINALDO: Board of Ethics. I don't know much about that department, but they overruled and says, "You can." But I—if I not mistaken, I think there were language in our HR by-laws about being licensed.

'Cause to me it's, kind of, *po-ho*—especially, that kind of department that going get someone that is a licensed contractor, been out in the field, and I don't speak much to out there. Things come back to me, and they tell me—like, a plumber, "Eh, Gilbert, this inspector when wire his house." I go, "What? What you mean, wire the house?" "*Brah*, they one licensed contractor." I go, "What?" It's not even their jurisdiction.

So, I don't know much about that, but I think in the hiring process is if they're not blue-collar workers like out in—down Railroad, that's a different story, that they're—they clock in and clock out, they do their work. But when you become a different tier of department, I think there should be more things to look at, so there's no, "I right/you're wrong"—and they going come before us.

So, I'm not sure if you guys did look into that.

MS. MARTINES: As far as Building Division—not specifically. When we do create minimum qualification requirements, we work with the departments—

MR. AGUINALDO: Mm-hmm.

MS. MARTINES: —our minimum qualification requirements are, as far as licensing—the emphasis is if it's required by law.

MR. AGUINALDO: Mm-hmm.

MS. MARTINES: So, we try not to create artificial barriers for (inaudible)—

MR. AGUINALDO: Mm-hmm.

MS. MARTINES: —because we outline the duties. If there's a certain requirement, like, for Wastewater Treatment Plant—there's a Department of Health certification that's required. So, that would be a minimum qualification.

MR. AGUINALDO: Yeah, like wastewater—say, there's a lot of electrical requirement on that. So, I think minimum requirement would be a journeyman's license pertaining to that because they do deal with a lot of motor controls—is things that I can relate with you.

MS. MARTINES: Yeah. So, we try not to—we try to just go by what the law states.

MR. AGUINALDO: Right.

MS. MARTINES: If there's—Department of Health says, "This is what's required"—then that would be a minimum qualification requirement. But, specifically, for Building Division, we haven't had any issues raised on our end about that.

But our evaluation process when we look at creating the class or even amending is to—because it is a minimum qualification requirement, we look at what is minim—needed at minimum—to be able to do the job. And if it's a license, our emphasis—or license or certification would always be if it's required by law, that's what we would base our requirement.

MR. AGUINALDO: Right.

MS. MARTINES: But that's through discussion with the department—and that's why I was talking about that collaborative effort—

MR. AGUINALDO: Right, right.

MS. MARTINES: —because they're the subject-matter experts, they're—as far as what's required on the field—

MR. AGUINALDO: Right.

MS. MARTINES: —as far work experience. So, it's discussions that we would have to make sure that whatever we're requiring is accurate and that will not also create barriers for employment.

MR. AGUINALDO: So, that would be with our Acting Director right now?

CHR. CABANAS: No, she's not acting—she is the director—

MR. AGUINALDO: No, for like the Building side of things?

CHR. CABANAS: Oh, with the Public Works?

MR. AGUINALDO: Yeah, Public Works.

CHR. CABANAS: That—I don't want to take too much time—

MR. AGUINALDO: Yeah.

CHR. CABANAS: —for the staff, but I think it might be something that maybe Sommer can check into—

MR. AGUINALDO: Yeah.

CHR. CABANAS: —the ruling with the Board of Ethics as to what they’re allowing, ‘cause then that would help the recruiting area and classification area. So maybe that’s—

MR. AGUINALDO: Yeah.

CHR. CABANAS: —something that Sommer can check with—

MR. AGUINALDO: Yeah.

CHR. CABANAS: —to later.

MR. AGUINALDO: Yeah.

CHR. CABANAS: Thank you, Jamie.

MR. AGUINALDO: Thank you.

CHR. CABANAS: And thank you, Kim and Michelle. Keep up the good work. And I must say, amending the Class Specs.—amending it where degrees—the bachelor degrees are more generic—I think, hopefully, will help the recruiting side, too.

MR. AGUINALDO: Yeah, the recruitment.

MS. MARTINES: Yeah, it was a really big project—

CHR. CABANAS: Yeah.

MS. MARTINES: —but, hopefully, it will help.

CHR. CABANAS: Thank you for doing that.

MS. MARTINES: Yeah.

CHR. CABANAS: Yeah.

MR. THOMAS: I wonder if there’s room for a quick question—

CHR. CABANAS: Quick question.

MR. THOMAS: —about consistency between the counties. What is it that you do that or is it important to you to be consistent with other counties in terms of the standards of classification and pay—and is that what Kim does? Is that what you do or all of you?

MS. MARTINES: All of us. Well, the creating the classes is between Michele and I. So, we price the classes, so the pay grade is with equal pay law, right, that we have equal pay among jurisdictions.

So, we aren't verbatim to the other jurisdictions. We have flexibility—so when we do create a class, we can kind of tailor the class towards our operations here. So, it's not like we verbatim and we're bound by it to where it really doesn't fit, but the overall general concept of the class and the work would be aligned.

MR. THOMAS: So, I guess, I'm hearing it's really not an issue, right?

MS. MARTINES: No—

MR. THOMAS: No—okay.

MS. MARTINES: It doesn't. And our process—we have direct contacts and counterparts, so we'll just pick up the phone and say, "Hey, our jurisdiction has a need for this. Do you guys have anything that does this type of work?" And they're, like, "Okay, we have this class that does Pool Trainee"—you come in with no certification, we'll train you in your six months, and by the time you pass probation, you have your certification, you can be the lifeguard.

So, we work together collaboratively, but it hasn't posed as a barrier or any problems during the process.

MR. THOMAS: Good. Thank you.

CHR. CABANAS: Okay, thank you.

MS. MARTINES: Thank you.

CHR. CABANAS: Keep up the good work.

MS. TOKIHIRO: Okay. Next is our Recruitment and Examination Division.

(At this time, Ms. Michelle Simmons, Human Resources Manager II; Ms. Stacie Iwasaki, Human Resources Program Specialist; and Ms. Kirsten Chong, Jennifer Kaaihue, and Megan Oshiro, Human Resources Specialist 1, with the Recruitment and Examination Division, Department of Human Resources, came forward.)

MR. THOMAS: My goodness, it must be a lot of recruitment going on.

MS. SIMMONS: Good morning, my name is Michelle Simmons, I'm the Recruitment Manager. I have been with the Department since November of 2022, so about two-and-a-half years, but I have been with the County for over 30 years. And this is my team here. So—

MS. IWASAKI: Hi, my name Stacie Iwasaki and I am the HR Program Specialist in Recruitment with Michelle. And I've been with the department for, like 12 or 13 years—total with the County, about 17.

MS. KAAIHUE: My name is Jennifer Kaaihue, I'm an HR Specialist. I've been with the County for almost 18 years—been with HR for about nine.

MS. OSHIRO: Hi, I'm Megan Oshiro, I'm also an HR Specialist with Recruitment. I've been with the department for about three-and-a-half years and with the County for the same amount of time.

MS. CHONG: I'm Kirsten Chong, I started at the department-level at HR in March 2022. And then I came to DHR in March of 2024—so about—almost about three-and-a-half years I've been working with HR.

MS. SIMMONS: All right. So, the Recruitment and Examination Division administers the recruitment and examination program in conformance with laws, rules, and regulations. We advise departments on recruitment option and procedures, examinations, and the merit system.

We try and market the County as a competitive employer in the job market. We develop and maintain partnerships with various community agencies and educational institutions to support these efforts. We oversee various programs, such as the Pre-Entry Medical Examination Program, the Cooperative Vocational and Education Program or CVE Program with the Hawai'i Community College, and Priority Job Placement for medically—employees that were deemed medically not to be able to perform their jobs anymore.

We also conduct training, as needed, to departments and employees, including Conducting an Effective Job Interview Training, which is mandatory for an employee to serve on the—an interview panel for the County. We do training on developing interview questions and assessment exercises. And then, my staff also trains the HR Representatives at the departments on NeoGov training—and NeoGov is our recruitment platform that we do recruiting on.

CHR. CABANAS: Okay. Nice to see you, Michelle, Stacie, Jennifer, and Megan and Kirsten—you are more on the newer side—nice to see all of you. You have a great team.

MS. SIMMONS: Yes.

CHR. CABANAS: And, Niel, you had a question for them?

MR. THOMAS: I seem to be never-ending about it but I'm curious as to what—

CHR. CABANAS: He's consistent.

MR. THOMAS: —you all do, so there's a reason for all this. What are the hardest positions to fill and how do go about finding those people?

MS. SIMMONS: Definitely, like our licensed positions, such as Civil Engineers and Architects—those are, definitely, hard. And then, our Wastewater, like, Treatment Plant Operators that require a special license—those are all really hard to fill.

We've been trying to advertise in some professional organizations specific to that discipline. We just recently did that within the last month or so. So, haven't quite filled some of the harder to fill positions but we keep trying.

MR. THOMAS: Are you finding any opportunities in displaced federal workers?

MS. SIMMONS: We haven't been, like, specifically, like—I don't know what the word is—targeting. We have been, like, to everybody—but we haven't been managing, like, them separate from anybody else, but we definitely support them applying.

MR. THOMAS: Is there room to find those people?

MS. SIMMONS: We're targeting—like, we did speak to some. We had a job fair event and there were a few of them that came by and inquired about our job opportunities. So, definitely, we spend extra time giving them opportunities—information about our jobs.

CHR. CABANAS: Thanks, Niel. Anyone else?

MS. SIMMONS: Sorry, I do have an HR Assistant as well—

CHR. CABANAS: Okay.

MS. SIMMONS: —that's part of our Recruitment and Examination—she is out on—she just recently had a baby, so she is not here—but her name is Kaila Kaaihue.

CHR. CABANAS: Okay. And any CVE?

MS. SIMMONS: Not currently at this time.

CHR. CABANAS: No. How is the CVE Program?

MS. SIMMONS: Unfortunately, we have more need than there are students.

CHR. CABANAS: Oh, same as before.

MS. SIMMONS: Yeah, yes.

CHR. CABANAS: Okay.

MR. THOMAS: I have to say, I'm really impressed with the amount of service that all of you department heads and assistants have. It's really incredible. I mean, these people have been here for a dozen years or more.

CHR. CABANAS: Oh, yeah.

MR. THOMAS: Yeah.

CHR. CABANAS: It's one thing—it's like the County has a lot of loyal employees. Some of them 30-something years, 35 years—some of you are new, but you'll get to there as time goes by.

The County is really a great place to work, no matter what people say. When you enjoy doing what you're doing, it doesn't make it, like, work. Of course, you have little trials and frustrations from time-to-time but, overall, it's like, if you enjoy doing what you're doing—the time goes by really quickly. Look, Lee is what 30-something—what, how many years.

MS. BOTELHO: (Inaudible.)

CHR. CABANAS: Thirty-five. Gosh, many blessings. Yeah, keep going. Yeah, keep going until you're ready, but if you're not ready don't retire—keep going.

MR. THOMAS: These people don't look like they're old enough to be 35 years-old.

CHR. CABANAS: No, they look young. It's because they enjoy doing what they're doing. A lot of smiles on their faces and I hope you folks keep the comrade going in the department—and that's part of it, too, yeah.

MS. BOND: As someone who applied for over 47 jobs for this County and has never gotten any jobs with this County—and my son is at 22, at this point—and still has not gotten a job with the County. What does it take to break through and get a job with this County?

MS. SIMMONS: Really focusing on the minimum qualifications that's listed for the specific job that—

MS. BOND: And you score 95 and that thing—and still can't get a job? What's that about?

MS. SIMMONS: Once we screen and put you on our eligible list, then names would be referred to the departments as positions become available. So, I would just always recommend just keep trying.

MS. BOND: No, I've stopped. But my son is at 27 now.

MS. SIMMONS: Please have him call me and we can—I can talk story with him.

MS. BOND: ‘Cause it’s really, kind of, amazing—and he scored 95 three times in different positions and still didn’t get the job.

MS. SIMMONS: Yeah, have him reach out to me, I’ll be happy to have a discussion.

MS. BOND: So, what does that mean?

CHR. CABANAS: Okay, so have Steven contact Michelle.

MS. SIMMONS: Yeah.

CHR. CABANAS: That’s the assignment and she can provide employment counseling for him and kind of guide him along, ‘cause that’s really part of it, too—it’s like sometimes—I’m not saying Steven is doing it—but we encourage people to apply and they apply and they apply. But it’s more than that. How are they completing the application? Do they meet the minimum qualifications to begin with? It has to—they have to have something to meet those requirements and sometimes they are very generic in their explanation. They don’t give all of their employment history.

So, it’s way more—I’m not saying he does that, but in general—that’s a general summary. So, they are there to—you folks meet with the applicants, right, if they call or come in? You folks (inaudible) to them?

MS. SIMMONS: I, definitely do.

CHR. CABANAS: Yeah.

MS. SIMMONS: Yes.

CHR. CABANAS: Yeah.

MS. SIMMONS: I’ll always make time to speak to any applicant.

CHR. CABANAS: Yeah. So, yeah. Note that that option is available. ‘Cause even I had someone tell me they don’t get letters. And I said, “What?” I said, “Are you checking your profile in the system?” They said, “Yeah, but they don’t a letter”—for, I think, it was Park Caretaker. I said, “Well, call or go in to see the Specialist and they will explain to you, but if you’re not going to do that, you’ll never know. So, you need to do that.” They have the responsibility—if they do, then you folks can help them, right? So.

MS. SIMMONS: Definitely.

CHR. CABANAS: But yeah—thank you.

MS. SIMMONS: Thank you.

CHR. CABANAS: Thank you all for doing what you're doing, encourage the applicants—and do they still call to give more info—

MS. SIMMONS: Yes.

CHR. CABANAS: —or email you folks. They do that—okay, that's good. Yeah. You folks have a hard job—learn about the different occupations. Whatever opportunities you folks have to go on-site to learn about jobs. 'Cause there's always something to learn about with new classes of work, especially, yeah.

MR. AGUINALDO: (Inaudible.)

CHR. CABANAS: Oh, put your mic. on. Yeah.

MR. AGUINALDO: Do you guys have, like, for some people if they come in and if they have questions or whatnot—do you guys have, like, a computer system or laptop that they can go on and apply?

MS. SIMMONS: We no longer have one at our DHR Office. We do send them to, like, Workforce Development—

MR. AGUINALDO: Oh.

MS. SIMMONS: —or the public library.

MR. AGUINALDO: Ah-huh.

MS. SIMMONS: We do help them find means to—

MR. AGUINALDO: Right.

MS. SIMMONS: —if they don't have a computer.

MR. AGUINALDO: Yeah. 'Cause I know I seen the list when I pick up my paper, like, there's a lot. I feel that there are great positions, like, for the length of time you guys worked—it's a great place to work.

MS. SIMMONS: Yes.

MR. AGUINALDO: And even for myself, I was reminded—I've been in business—I total 20 years, but I have—my employee never did stay home, just like you guys worked for 21 years, and I went through 2008 recession and the pandemic, and—like, the length of time—like, ho, yeah. And I think—I don't know—I just speak outside the—think outside of the box, if they did come in talk to someone, 'cause they might have questions how to apply—

MS. SIMMONS: Yes, we definitely help them.

MR. AGUINALDO: —yeah, so if they want to come in and they get questions, ‘cause I had a friend—and I told him, “Why you like go on your own and—why no go work for the County?” And so they said, “What?” I said, “Go work for the County, and if you want to go paint one house—you paint ‘em on the weekend or power wash or clean one house—work for the County. Get plenty positions.” “Oh, how I going do that?”

So, kind of, like, that’s their mentality.

MS. SIMMONS: Mm-hmm.

MR. AGUINALDO: It’s different after COVID. Everything is all online now. No more, like, you can speak through one glass or something then they can whip ‘em out and look and—who knows, maybe that’s another (inaudible) of hiring maybe quicker, if they meet the criteria, drug test, or whatever background because I’m assuming they’ll be on probation period, yet—

MS. SIMMONS: Yes.

MR. AGUINALDO: So, yeah, and if they cut it, they cut it—if they don’t, they don’t—they got to move on, but at least they get the hang and maybe it might fill in the position and it might get one winner on that. But—thank you.

MS. SIMMONS: Thank you.

CHR. CABANAS: Thank you very much.

MS. SIMMONS: Thank you.

CHR. CABANAS: Nice seeing all of you.

MS. TOKIHIRO: Okay. So, our Administrative—

CHR. CABANAS: Okay, next.

MS. TOKIHIRO: Yeah—our Administrative Services Division is not here today. They will be here in—at the August meeting. So, next is Health and Safety.

CHR. CABANAS: Okay.

(At this time, Mr. Ryan Chong, Human Resources Manager II, with the Health and Safety Division, Department of Human Resources, came forward.)

MR. CHONG: Good morning, Members of the MAB. Hi, Suzi, I haven’t seen you in a while.

MS. BOND: I know, it's been a while.

MR. CHONG: Yeah.

MS. BOND: Miss you in the old (inaudible).

MR. CHONG: My name is Ryan Chong, I'm the Division Head for the Health and Safety Division. I have two staff that, unfortunately, aren't here right now—they're out in the field in support of the County Vehicle Use Policy—out in Pu'uana'hulu right now, checking trucks and drivers and making sure that everybody's following the rules and the laws.

I have 17 years here at Health and Safety—I landed here in 2008 and I stayed in Health and Safety the whole time. One of my Safety Specialist II, Douglas McCormick, he is—he's got nine years with me—yeah, nine years with me—and I believe he's got about 11 years in the County. My second staff member, Safety Specialist I, Kamalu Kualii—he's got just over a year with us. Both of these gentlemen are CDL A truck drivers—that's their background. So, we still do a lot of DOT, Federal Highways Administrations, Federal Motor Carrier Safety Regulations—that type of thing.

But our main focus is employee safety. Employee safety is our main focus—along with that comes regulatory compliance. And so, we do regulation interpretation, guidance—we do training, we do industry standard—not everything has a regulation associated with it. So, we go by what is standard and regulation—sorry, standard and industry, and then best safety practices as well.

So, besides the occupational safety and health administration stuff of which Hawai'i has just one of 22 states that have a state plan—so we are governed by HIOSH—Hawai'i Occupational Safety and Health. We also do regulatory compliance and interpretation for Hawai'i DOT and then the FMCSR's.

CHR. CABANAS: Nice to see you, Ryan.

MR. CHONG: Nice to see you, Gabe.

CHR. CABANAS: I must tell you—those two binders of all the equipment—oh, man, that's awesome. That's awesome work.

MR. THOMAS: Was that his project?

CHR. CABANAS: Yes.

MR. THOMAS: It took two people to carry it in here.

MR. CHONG: As far as that goal, a couple of years ago—and I suppose it just took me that long—I noticed that there’s no continuity. So, when people move up through the ranks, they get to a certain level where they’re a supervisor or higher, and whatever they may have learned at the lower levels—kind of, falls out of their head.

And so, when you get a new guy at the top, he makes his own rules. And it was like, “Wait a minute, you can’t make your own rules because the regulations haven’t changed”—and so, that’s why that program came into effect, so that anybody taking over any seat—you grab the binder and you go, “Okay, all of my labor heavy guys, this is what they need. This is what they do. These are the trainings that they have to go through.”

And because we run a gamut all over the creation, we’re not subject-matter experts in everything, but my team—we’re just “can do” people. “What can we help with? What can we do to make it better”—and we’ll just point you in the right direction, if we can’t help you directly.

CHR. CABANAS: I like that work ethic.

MR. CHONG: It is, what it is, right? I mean, we’re all trying to make the place a better place for everybody. And, Suzi, you’ve seen us. I think you met, Doug, right? You know Doug.

MS. BOND: Yeah.

MR. CHONG: Yeah. Suzi’s seen us in action. Besides the employee health and safety stuff, we do have a small part at Civil Defense during emergencies, and we run the Call Center. We run a Call Center and we’re, basically, the gopher. If anybody needs anything at Civil Defense, then—and they look lost, “What do you need?”—and then we will facilitate that discussion.

CHR. CABANAS: Well, it was impressive with the information that you have and the breakdown of it. Because I complimented Sommer and I want to compliment you, because I thought it’s a good tool that even Classification can use, Workers’ Comp. can use—ADA can use. I mean, any one of you can use it in HR. The departments can use it with their JPR evaluations—whatever you folks call it now.

But it gives a lot of basic information that the others—it’s a tool—a good HR tool to use. And, wow, you had it all broken down and verified by so-and-so—it was like, Holy-Moly—

MR. CHONG: We try, and that’s going to be an ongoing project, right—

CHR. CABANAS: Right, that’s awesome.

MR. CHONG: —to put more people online—

CHR. CABANAS: Yeah.

MR. CHONG: —and constantly review, so that we're up-to-date because, again—like you said earlier—a lot of stuff gets put in a binder somewhere and then it never gets addressed again.

CHR. CABANAS: Yeah. It needs to be used—and even the position description that could be attached to the position description.

MR. CHONG: Initially, that was what the intent of the binder was, to have the position description in there or at least the Class Spec.—

CHR. CABANAS: Right.

MR. CHONG: —but then the binders became—

CHR. CABANAS: Too big, huh.

MR. CHONG: Yeah, way too big.

CHR. CABANAS: Yeah. But they could make a copy, attach it to the PD—when the PD comes in to—I don't know what the flow is now—but let's say it comes into C&P first—Classification and Pay; and then it goes, what, to Recruitment and Exam.—no, not to Recruitment and Exam.—

SPEAKER: (Inaudible.)

CHR. CABANAS: Oh, it goes to Sommer.

SPEAKER: (Inaudible.)

CHR. CABANAS: And then, it goes to them.

SPEAKER: (Inaudible.)

CHR. CABANAS: Oh, okay. Yeah, so it has a lot of helpful information that can be integrated, like, Classification and Pay, Recruitment and Exam.—so that's wonderful.

MR. CHONG: Thank you.

CHR. CABANAS: Keep up the great work!

MR. CHONG: Thank you.

CHR. CABANAS: Any questions for Ryan? No? Okay, Ryan.

MR. CHONG: Thank you.

CHR. CABANAS: Give our *aloha* to the other two guys—Doug and Kamalu. Okay, Sommer.

MS. TOKIHIRO: Okay—and our last Division is Workers’ Compensation.

(At this time, Ms. Corinne Sato, Workers’ Compensation Claims Specialist IV; Ms. Allyson Cortez, Workers’ Compensation Claims Specialist III; Ms. Sandra Aguiar, Human Resources Technician I; and Ms. Sydni Tremaine, Account Clerk, with the Workers’ Compensation Division, Department of Human Resources, came forward.)

MS. SATO: Hi, everyone, nice to meet you all. My name is Corinne Sato and I’m a Workers’ Compensation Claims Specialist, and I oversee the Work Comp. Department for the County. And I’m probably the—I just started—I’m probably the newest person—employee here. I started in May, but my background, I have about over 34 years in the work comp. division in the private sector. And this is actually my first government job, and I do want to say, I am enjoying my job—

CHR. CABANAS: Oh, that’s good to hear. Well, welcome, Corinne.

MS. SATO: Yeah, thank you.

CHR. CABANAS: Nice to meet you.

MS. SATO: Nice to meet you. And I have here my great team—you probably know Allyson Cortez—

CHR. CABANAS: Yes.

MS. SATO: And she can introduce herself.

MS. CORTEZ: Hi, my name is Allyson Cortez. I started out as a CVE Student Helper—what—29 years ago—started out at Safety, which took over by civil service review, Gabriella, and then turned into HR. So, I’ve never left since then, but I am the Work Comp. Claims Specialist III.

CHR. CABANAS: You’re a success story for CVE, Ally—

MS. CORTEZ: I never left.

CHR. CABANAS: —loyal to the team.

MS. CORTEZ: After you’re here that long, you don’t want to go anywhere.

CHR. CABANAS: That is so true.

MS. CORTEZ: Yeah.

CHR. CABANAS: It’s a wonderful department to work for.

MS. CORTEZ: Yeah.

CHR. CABANAS: I can say that for myself.

MS. CORTEZ: Yeah, yes.

CHR. CABANAS: And then, we have?

MS. SATO: Sandy Aguiar.

CHR. CABANAS: Hello, Sandy, nice to see you.

MS. AGUIAR: Hi. I'm a HR Tech. and I've been with the County for—this is going to be my 31—31<sup>st</sup> year.

MS. CORTEZ: Can I just say something really fast? Sandy was my supervisor when we started out as a CVE Student Helper.

CHR. CABANAS: Wow, the career progression.

MS. CORTEZ: Yeah.

MS. TREMAINE: I am Sydney Tremaine. I am still a bit new, I'll make one year in the County and department come September, and I am the Account Clerk.

CHR. CABANAS: Well, welcome, Sydney, nice to meet you.

MS. SATO: And we do have one person on vacation, her name is Ka'onohi Kahele and she is our HR Assistant.

CHR. CABANAS: Okay.

MS. SATO: She's been with the department for, probably, over five years, but with the County about 12 years or so.

CHR. CABANAS: Yeah, Ka'onohi, she used to be a CVE student as well. Yeah.

MS. SATO: Thank you.

CHR. CABANAS: Any questions for Corinne and her staff? Niel?

MR. THOMAS: Well, it's the last chance, right. I was on the—some years ago I was on the board of a community arts organization non-profit, and they ran afoul of the—of this division. And what we learned from that was that the states, apparently, have a lot more leeway in this

subject matter—workers' compensation—then the Feds. do. Has that been your experience, then, here, that you're reaching into things that the Feds. don't do?

MS. SATO: The Federal is, actually, a different animal that I'm not familiar with. So, sorry, I can't really answer it—your question.

MR. THOMAS: It doesn't bite.

MS. SATO: Yeah. It's a different—Federal (inaudible) that's all different than the State—state-run claims. So, sorry, I'm not able to—

MR. THOMAS: So, Workers' Comps. is, basically, a State activity?

MS. SATO: Yes. Correct.

MR. THOMAS: Okay.

MS. SATO: Run and governed by the State of Hawai'i—

MR. THOMAS: I get it. Thank you.

MS. SATO: —Department of Labor—you're welcome.

CHR. CABANAS: Okay, any other questions for them? Well, keep up the good work.

MS. SATO: Thank you very much.

CHR. CABANAS: Okay, take care, everyone. And last, but not least, we have the Deputy. Danny, you're sitting there very quiet.

(At this time, Mr. Danny B. Patel, Deputy Director, Department of Human Resources, came forward.)

MR. PATEL: Hi, good morning—Danny Patel, Deputy Director, Department of Department of Human Resources. I've been here with the department for a little over three-and-a-half years now. Started off in EO/ADA before assuming the Deputy position, which I've been in for about years now—total, roughly, seven-and-a-half years with the County. Yeah—happy to be a part of the department.

As far as what I do, I just help wherever I can—whatever Sommer tells me to do, whatever gets assigned.

CHR. CABANAS: Niel.

MR. THOMAS: What's the most challenging thing that she gives you?

MR. PATEL: The most challenging—

MR. THOMAS: You don't have to confess to that.

MR. PATEL: They're all equally challenging. No, but it's good because, as you can tell, everyone in the department has many, many years of experience. So, they're all really good at what they do and sometimes, maybe, there just needs to be a bit of mediation between divisions—and that's, kind of, where I help connect the dots, I think.

As far as Sommer and I, we—luckily, we agree on most things. We don't agree on everything, but I think we have a good working relationship.

CHR. CABANAS: And it's important—and you don't have to agree all the time. Even the staff, I mean, it's okay to express concerns, disagree respectfully, and get your point across because that creates the healthy work environment. And sometimes, like, if—when I was the Manager, I might not see it, but my staff would see it—and their perspective was of value to me, and I would appreciate their feedback.

So, I think it's all healthy that even if you disagree—it's okay. It's okay. You point out what concerns you have. Yeah. Any questions for Danny? Thank you, Danny, nice seeing you.

MR. PATEL: Yeah, nice seeing you, too.

CHR. CABANAS: You still look the same. The youthful appearance.

MR. PATEL: No, it's the gel in the hair—you can't see all the white.

CHR. CABANAS: It's working.

MR. PATEL: Thanks.

CHR. CABANAS: You're welcome. I just want to say bef—I'm sorry, it took so long but it was important for the Board. I just want to say thank you very much for all that you do in your daily work and how you help the employees as well as the applicants, members of the public—very important.

We appreciate your feedback with the employee surveys that we sent out for the evaluation of the Director. And the reason why we started the internal survey for the employees of the department was—I worked for the department for a very long time. They never asked us how we felt. They never asked us for our input and concerns—and lucky you have a great Director. But when you have a not-so-great Director, who do you go to? We didn't have anybody to go to.

And so, that's why the effort was made to lobby for the internal survey because it gives each employee in the department the opportunity to voice concerns. So, lucky, Sommer is a very

effective and efficient Director, but what if you didn't have one that wasn't so—then you would not have that tool to utilize.

And so, that's why we included and we want you to participate every year when the Board sends the survey out—it is anonymous. We don't know who's putting what down on the comments and the ratings. But we share that with the Director because it will help her improve her job performance, if there's any area that needs a little tweaking.

But—so we appreciate that and we encourage you folks to participate in this survey when we send it out. So, I want to really thank all of you because we had a great response this year. So, thank you so much.

And have a great weekend! It's Friday—sorry we kept you, kind of, long but I thought it was important that we get to meet my—while I know some of you, but they don't, see—and then you have new employees that I don't know either—and then, you get to meet us as well as individuals and members of the Board.

So, thank you very much, Sommer, for arranging it—and thank you, all of you, continue to do good work and we appreciate all of you. Thank you so much.

MR. THOMAS: Well said about the survey—and we noticed that responses were fewer than what we expected from this gang. And I hope it's not because it's not understood how confidential this is. We really did make a point of circulating it broadly, encouraging everybody to give us feedback.

CHR. CABANAS: Well, their response was great.

MS. BOND: Yeah, it was.

CHR. CABANAS: The numbers were great. It was the external survey—

MR. THOMAS: Oh, it's those people.

CHR. CABANAS: —that the responses were not as what we wanted it to be. Because, you see, that gives us feedback so we can have a good discussion. So—no, their responses were awesome.

MR. THOMAS: Okay. That's true, they did—

CHR. CABANAS: Yeah. It was the external survey. But we'll just continue to work at it. Yeah.

MR. THOMAS: Good.

CHR. CABANAS: Yeah. Thank you, again. Have a nice weekend—and a great lunch!

MR. THOMAS: I think I was one of the ones that asked for this meeting, and it really is terrific.

SPEAKER: (Inaudible.)

MR. THOMAS: Yeah.

**RECESS: The Chair called for a recess at 11:46 a.m.**

**RECONVENE: The meeting reconvened at 11:54 a.m. in open session.**

MS. YAMADA: So, I'm Glynis Yamada, I've been with the County for 34 years. I was 22 years at the Office of the County Clerk, and then the last 2013 till now—that's 12-13 years—with Human Resources. So, I'm the Secretary to our wonderful Director Sommer—and also Secretary to the Merit Appeals Board and the Salary Commission.

MS. TOKIHIRO: Glynis wears a number of hats, and we so appreciate her—and she wasn't here for all the presentations because she was back at the office making sure the phones got answered. So, we very much appreciate Glynis.

CHR. CABANAS: My mic.—sorry, thank you. Because we have Gilbert and Niel, could you just summarize about yourself—just a little bit—just a little because they're new. Yeah, okay.

MS. TOKIHIRO: Sure. So, I have been the Director of HR since being appointed in November of 2023. Prior to my role as Director of the department, I was the Division Head for the Workers' Compensation Division for about five years.

Prior to that I have actually worked in several different departments for the County. So I started my career with the County as an Account Clerk, in the Department of Environmental Management; and then, I went to the Building Division and I was a Permit Clerk for a couple of months; and then, I actually left the civil service and went to the Office of Housing for about a year as a Housing Specialist in the Section 8 area; and then came back to the civil service for the Manager position in the Work Comp. Division.

So, I've worked for the County, I believe, since 2017—so it's about eight years now. But prior to that I worked for a private employer for 22 years and that private employer provided vocational rehabilitation services to people injured in industrial injuries—so, workers' compensation claims.

So, I have a lot of experience on the other end of workers' compensation claims—not the adjusting aspect, which is what we do internally in the County. But it was more focused on return-to-work in a new position following some type of disability.

So, I have a master's degree in rehabilitation counseling. I moved to Hilo with my family when I was a junior in high school. And so, I'm actually a Hilo High grad. and then went to UH-Hilo,

got my master's degree through San Diego State. But I tell people I came to Hilo in 1992, kind of, kicking and screaming 'cause it was Spring Break of my junior year of high school. And so, I was just devastated that I was moving away from the home where I grew up and all of my friends and where it was an awesome experience on so many levels.

And I'm the only member of my family that now, 32 years later, is still here—never left Hilo—so, I mean, I've left for travelling and things like that, but my brother moved back to the mainland, my mom moved back to the mainland, my dad was living in Kona, and I'm the only one that stayed in Hilo—and I was the biggest resistor, initially. So, yeah.

So, I love this community and its—an honor and a privilege for me to be able to serve the County and be part of the HR Team. They really are amazing. So, great group of people.

**B. MAB Quarterly Reports: April – June 2025: Administrative Services Division, Classification & Pay Division, Equal Opportunity/ADA Division, Health & Safety Division, Personnel & Organizational Development Division, Recruitment & Examination Division, Workers' Compensation Division**

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CHR. CABANAS: Thank you, Sommer. So, shall we proceed with the “Director’s Report” since—I don’t want to keep Sommer too long. So, we’ll do the minutes later. Okay. I need a motion, right? I need a motion to take it out of order, right?

MS. WONG: Does your Rules require it?

CHR. CABANAS: Yes—no, oh, no objections. Okay. No objections? Okay. Okay, go ahead, Sommer, for the MAB Quarterly Reports through April—from April through June 2025.

MS. TOKIHIRO: Okay. So, you folks have all received the report. This is the last quarter of the fiscal year, so the County’s fiscal year ends on June 30.

So, during this period, our Admin. Services Division was busy processing our mass pay increases for the collective bargaining agreements that started July 1. So, Admin. Services was busy doing that.

Our Classification and Pay Division, we had sent a memo out letting departments know that we weren’t going to process their “Request to Fill” if they hadn’t updated the position description. We had a new form in 2016, so if the position description was not on a form that was “2016” or later, we were returning those position descriptions to departments for update.

And so, we’ve seen more and more departments updating their position descriptions, so during this quarterly period, Classification and Pay received 95 redescription reviews, which is great. It means that we’re actively looking at position descriptions and making sure that they’re accurate for what departments are hiring for.

We also had 83 reallocation requests for recruitment purposes during this period. And a reallocation request for recruitment purposes is a tool for departments to take their permanent position, reallocate it down for recruitment, so that—and they can recruit at multiple levels—so that we’re, hopefully, broadening the applicant pool—and if it’s reallocated down and we select someone at the lower level, then that person is provided training in the position. And then once they gain the necessary experience, they’re reallocated back up to the permanent class of work.

So, it’s a recruitment tool, a training tool, professional development tool—yeah, you had a question?

MS. BOND: In the redescription review actions, you said there’s 95 but when you add up the numbers it only comes out to 68.

MS. TOKIHIRO: Oh, we’re going to have to check the math on that, ‘cause I think it’s 95—

SPEAKER: (Inaudible.)

MS. TOKIHIRO: Yeah. They must have left something off, but thank you for noting it. I’ll check that math.

MS. BOND: Yeah, so, anyway. It was a little thing, but I—sitting there yesterday going, “Wait”—adding that up—

MS. TOKIHIRO: Thank you for your attention to detail.

MS. BOND: Actually, it proves that I read it.

MS. TOKIHIRO: Yeah.

CHR. CABANAS: (Inaudible), good job, Suzi.

MS. TOKIHIRO: I appreciate that. So, then, moving on to our EEO/ADA Division, we added monies into our budget for this current fiscal year to do a self-assessment of all of our County programs for accessibility. So, we’re in the process of writing the RFP for that because we’re going to contract with an agency to complete that survey, since there’s so many County programs to be reviewed. So, we’re working on writing that bid.

And another big area of focus for Alike is on the web accessibility rule that’s going to go into effect in April of 2026. We need to make sure that all online content is accessible. And so, that’s a big project. So, we’re going to have training in the next month, I believe, and then we’re working with IT and our departments to help educate them on what the requirements are—and it’s even things like social media, you need to make sure that pictures are captioned and things of that nature. So, that’s a big project for Alike and we definitely, want to be proactive in our approach. So, working on those changes for the implementation of that rule, effective April 24, 2026.

CHR. CABANAS: What sort of programs would that be covering? Can you just give me one or two examples?

MS. TOKIHIRO: It's, of course, I probably can't come up with an example, since you just asked me—and we let Alika leave.

CHR. CABANAS: Are they federally-funded programs or—

MS. TOKIHIRO: It's all County programs and services to make sure that they're accessible. So, it's evaluating the accessibility and it's different from facilities. It's different from accessibility—it's looking at all of our programs. But I will, definitely, come with examples in August—

CHR. CABANAS: Okay.

MS. TOKIHIRO: —because that RFP, we—she's in the process of doing final revisions so that Danny and I can review, but I think that that background will be helpful in understanding exactly what that is. So.

CHR. CABANAS: Yeah, okay. Thank you.

MS. TOKIHIRO: Mm-hmm. During the last quarter we had several registration recruitments open. So, registration recruitment is for classes of work that generally only require an eighth-grade education and a driver's license. So, these would be Park Caretaker, Laborer—so we're happy to see those positions open and we, actually, ended up getting—I believe, about 1,000 additional applications.

So, not all of those are related to the registration recruitment, but we do get a lot when we do registration recruitments, but we are seeing an increased number of applicants and we're seeing an increase in the number of qualified applicants that are being referred to departments for—on our list.

So, I think at one point the average was, like, oh, you might have four qualified applicants on the list—and now, we're up over—the average is up over six, which is positive. So, I'm hoping that with the recent update where we've removed those specific degree disciplines for the bachelor's degree, we'll continue to see those numbers increase, and so, our departments will have larger applicant pools from which to make selections.

We have made—our Finance Department, recently, was able to fill their Controller position—and I was really concerned that that was going to be a really difficult position to fill, but they selected an applicant, and he seems to be a great asset to the department so far.

And so, I'm hoping that we may be seeing a little bit of a shift because we are seeing more qualified people interested in coming to work for the County for some of those higher-level positions. So, great to see—and we'll be continuing to monitor that.

And then, I will note for Workers' Compensation the County was fortunate—knock on wood—for the fiscal year—for last fiscal year, there were only 102 reported injuries, which is historically low, so we're very happy about that.

And then, historically, lower number of open workers' compensation claims. So, as of—preparation for this report that was at 236. The Work Comp. Division is working really hard to be proactive in a way that they're handling claims and bring them to resolution, but we are very happy to see a decline in the number of injuries as well.

CHR. CABANAS: I'm glad you got to fill the Manager position.

MS. TOKIHIRO: Yes.

CHR. CABANAS: 'Cause that's, kind of, hard to find.

MS. TOKIHIRO: Yeah. And Corinne has really done a great job. I think it's great that she has such a background in adjusting because I think that that's the harder aspect to teach for someone coming into that role. So, the fact that she has so many years of experience in adjusting and then I just need to spend time helping her to understand County rules and procedures and the oversight—and then, our Return-to-Work Program and things like that.

So, it takes time but she's doing a great job. She shows great initiative, and she has good insights—and so, I think she's a definite asset to the team in that division and she's going to be able to even provide guidance on ways that we can improve our claims handling processes as well. So—I was thrilled that she was interested in joining our team.

Any questions on the quarterly report?

MR. AGUINALDO: Sommer, you know for your claims about 102 claims only—is based among how much employees the County have?

MS. TOKIHIRO: So, right now, I believe we're just under 2,900 employees.

MR. AGUINALDO: Oh, that's pretty good.

MS. TOKIHIRO: Yeah.

CHR. CABANAS: Mm-hmm, it is good.

MR. AGUINALDO: Yeah. No, as an employer you look at the numbers as how much employees and the claim—

MS. TOKIHIRO: Yeah.

MR. AGUINALDO: That's really good. And I think with Ryan's help with the safety program aspect, like, even for me a good one is every week you have to go through a particular, like, for different departments—what they do. Every week you have something like a safety thing that we do on a weekly basis. So, it's a—always a reminder.

MS. TOKIHIRO: Yeah.

CHR. CABANAS: A safety talk (inaudible).

MR. AGUINALDO: Yeah, like the safety talk, but I feel that, of course, having employees is like friends but the role of a superintendent just got to go by the rules and, like, “Eh, brah, if you no ‘mo your safety glasses one going be provided”—or whatever—

MS. TOKIHIRO: Yeah.

MR. AGUINALDO: —little things like that, and it keeps cost down.

MS. TOKIHIRO: Mm-hmm.

MR. AGUILNADO: And the preventive side—but it's pretty good for that amount of employees.

MS. TOKIHIRO: And it is important to regularly be providing those reminders about safety just to keep it, kind of, top of mind for everybody.

So, Doug and Kamalu, as Ryan mentioned, they're at Pu'uana'hulu today checking out drivers because this week is Motor Carrier Safety Week—

MR. AGUINALDO: Right.

MS. TOKIHIRO: —and so they're—we have inspection programs and audit programs for commercial vehicles.

MR. AGUINALDO: Mm-hmm.

MS. TOKIHIRO: But—and we have a policy about regular use of County vehicles—

MR. AGUINALDO: Mm-hmm.

MS. TOKIHIRO: —so even things not requiring a CDL license. But what they've been doing this week is taking the opportunity to go to the different base yards and look at regular County vehicles—

MR. AGUINALDO: Mm-hmm.

MS. TOKIHIRO: —make sure all the appropriate paperwork is in the vehicle, make sure the driver has their driver’s license, make sure the safety check has been done. And it was funny because on the very first morning when we launched this and said we’re going to be doing this this week—we found that the safety check on Ryan’s car had been expired for about two months. And I said, “Ryan, the safety guy cannot have an expired safety check”—but opportunities like that, we are out inspecting vehicles—but it’s a great opportunity for them to be out in the field, connecting with employees—and about a variety of safety-related things.

Because, inevitably, they’re out this week talking about vehicles, talking about driver’s license, looking at seatbelts—but then, when the employees, they’re able to engage with them, then they may have other questions or our safety staff will recognize, “Hey, wait, you actually should be wearing a vest if you’re out here doing this type of work”—or “Where is your whatever”—so, I like that the Safety Division is out there taking opportunities to regularly engage and remind people of those messages.

MR. AGUINALDO: Right. And I know there’s so many different vast departments within the County—just a thought, it’s like all different departments, like, say, groundskeepers—if they—throughout the island, if there’s a competition—meaning, like, “Ho, everybody going give the (inaudible)” of keeping their parks or whatever, neat, clean—I just feel that HR is a very crucial department. You have a wonderful staff is keeping the morale, right. If everybody’s happy, everything going be good.

MS. TOKIHIRO: Yeah.

MR. AGUINALDO: But, great job. Great job.

MS. TOKIHIRO: Thank you.

MS. BOND: Actually, I was behind a County vehicle that had a 2023 safety check—

CHR. CABANAS: Wow.

MS. BOND: —about three days ago.

MS. TOKIHIRO: Uh-oh, I’m hoping that Ryan and Doug have found that one.

CHR. CABANAS: Is that in Puna?

MS. BOND: Yeah.

CHR. CABANAS: Wow.

MS. TOKIHIRO: Wow. Yeah, see, we are all are responsible for making sure that things are up-to-date.

CHR. CABANAS: It's either Public Works or—who would be in Puna? Public Works or?

MS. BOND: Yeah, I was following two police officers—

CHR. CABANAS: Like a road crew.

MS. BOND: —with expired safeties—just recently.

MS. TOKIHIRO: Oh, my—yeah—

MS. BOND: The Police are some of the worst about their safety checks, so.

CHR. CABANAS: Wow, “23,” though, wow.

MS. BOND: Yeah.

CHR. CABANAS: Okay, moving long.

**C. MAB Monthly Divisional Activity Report: August 2025 (Administrative Services Division, Classification & Pay Division, Equal Opportunity/ADA Division, Health & Safety Division, Labor Relations Division, Personnel & Organizational Development Division, Recruitment & Examination Division, Workers' Compensation Division)**

CHR. CABANAS: So, are we on now, on the MAB Monthly Divisional Activity Report for July. You folks had the chance to read that one? Any questions for Sommer?

It's all—it looks very thorough. The only thing is, Alika mentioned in her report, I'm—not report, but she mentioned she's doing training and there was other things that she was doing—onsite visits, but she doesn't list it in her—you know, one sentence here.

MS. TOKIHIRO: Yeah. I can have her expand on that—

CHR. CABANAS: Okay.

MS. TOKIHIRO: —because she does it in the quarterly—

CHR. CABANAS: Yes, I noticed that.

MS. TOKIHIRO: Yeah, but if she could include the monthly—

CHR. CABANAS: Yeah, yeah.

MS. TOKIHIRO: —then, I guess, you’ll feel like you’re getting more than a sentence.

CHR. CABANAS: Yes. Because the others, they’re really—they’re putting more detail in it.

MS. BOND: Yeah.

MS. TOKIHIRO: Yeah, so based on the questions that you folks have and the feedback, I do go back to the divisions, and we talk about areas where they can provide some more information.

So, like in Classification and Pay, they’ve added information—

CHR. CABANAS: Mm-hmm.

MS. TOKIHIRO: —about the number of new classes of work—

CHR. CABANAS: Mm-hmm.

MS. TOKIHIRO: —but we’re adding—but then, also, the number of new classes of work that have been adopted by other jurisdictions that they’re reviewing.

CHR. CABANAS: Mm-hmm. Yeah, so that helps us. So, not to single that one division out, but—

MS. BOND: So, I have a question and this is, sort of, come up a few times in the last few months. There seems to be an ongoing issue with bullying, intimidation, and harassment by supervisors for its people—literally, every complaint we’ve gotten comments on the supervisor—some supervisor—somebody within the department that—harassment and intimidation thing.

I don’t know if there needs to be more training to the supervisors about what is acceptable behavior as far as—but, I mean, I don’t know what it is. But, if we’re consistent—I know the people that are coming to us are already upset, so I get that. But, I mean, every single one of them in some case, has said something about harassment and intimidation, discrimination—sort of, that was one in one of them.

But it—and all of them mention “supervisors”—so, I know that the employees themselves are getting training on stuff. I know, like, Civil Defense guys just went through another—how to be nice to people in the workplace thing.

So, I’m beginning to wonder if the supervisors don’t need to be a little more supervised? I mean—I don’t know.

CHR. CABANAS: Or how’s the training going? So—yeah, for the harassment and anti-discrimination—

MS. TOKIHIRO: So, we actually revised our anti-discrimination and harassment policy in January. And so, part of all the training that Alike is doing is we're re-training all employees and all supervisors.

CHR. CABANAS: Good.

MS. TOKIHIRO: And so, there is a class specific to supervisors and there's a class that is specific to employees because the issues are the same but a little different—

MS. BOND: Yeah.

MS. TOKIHIRO: And so, we're in the process of re-training all employees and all supervisors.

CHR. CABANAS: Oh, that's good.

MS. BOND: Okay. It's just something that I—as it hit twice here and then I know it's come up before.

MS. TOKIHIRO: Yeah.

MS. BOND: And it's that—it's the bullying and intimidation is the part that's—

CHR. CABANAS: Or ridiculing—

MS. BOND: Ridicule—yeah.

CHR. CABANAS: —employees. But—so, this is what training? The anti-harassment—

MS. TOKIHIRO: Anti-discrimination and harassment.

CHR. CABANAS: Okay.

MS. TOKIHIRO: That's a mandatory training.

MS. BOND: So, that was the one most guys were going to last week?

MS. TOKIHIRO: Yeah.

CHR. CABANAS: And this includes Police and Fire?

MS. TOKIHIRO: Yes.

MR. THOMAS: How long is this going to go on?

MS. TOKIHIRO: It's going to take several months. So, it initially started with Police and then she's working to train people from other departments, and then we have to do, kind of, a special setup for Fire because of the nature of their schedules and personnel. But she has classes scheduled for the next several months, so that we can get everybody—

CHR. CABANAS: And this is Alika—

MS. TOKIHIRO: Yeah.

CHR. CABANAS: —doing the training? Okay, great.

MR. THOMAS: What's the measurement? How do you measure the success of this?

MS. BOND: No complaints.

MR. THOMAS: I mean, people will be people, and they will be obnoxious.

MS. TOKIHIRO: Right. And so, the measure is ensuring that everybody attends, so it's mandatory for all employees and supervisors. I think it's difficult to measure—again, because people will be people—and people's acceptance of what they're being trained and told and instructed and how they conduct themselves—is, I think, separate and apart from the message that we're conveying.

But when we interact with departments about when things are brought to us—about whatever issues, we do make recommendations for training. If we're feeling like there's something that is missing, we have a supervisory training program and we've actually—so Jenny in our Personnel and Organizational Development Division, has a supervisory training, which has been great. We've gotten great feedback about that.

But I've asked her to break it down. It was, kind of, an extensive training that took several months and it was like multiple sessions, multiple hours per day kind of a thing. And so, I asked her to breakout what I'm calling the “soft skills”—so, it's three courses that are, basically, for new supervisors, 'cause we've had a lot of promotions from within the County. And so, it may be people that don't have a whole lot of supervisory experience that are now new supervisors.

And so, we've broken out some of those soft skills so that we can provide those communication tools and management tools to as many of our new supervisors as possible. So, we recognize and have the opportunity to work with departments to provide that guidance and recommend training where needed—we absolutely do so.

MR. THOMAS: So, who makes the determination that somebody has been out of line and, if so, what's the graduated process of dealing with it?

MS. TOKIHIRO: So, initially, it's at the department-level and it's at the discretion of the appointing authority. So, part of just cause and discipline—it's a progressive discipline process.

It starts with a verbal reprimand, written reprimand—may then progress to suspension—and, ultimately, based on the number of infractions or if the appointing authority feels that it's serious enough, could result in discharge.

MR. THOMAS: Is there some kind of tracking process that goes on globally as to how many of these kind of progressive discipline actions have been taken with how many people, over what period of time?

MS. TOKIHIRO: No, because we wouldn't know in HR unless it comes through the grievance process. So, it's really initially at the department level. So, we don't have a tracking system for all of the different infractions.

MR. THOMAS: Do you think there should be one? If it doesn't come to the attention of your department until it's out of control, is that a good idea? I mean, it reaches the grievance level that's got a history behind it now.

MS. TOKIHIRO: Yeah. And so, that's when we would address it, if it came to us at Step 2—and through that grievance process, I think from an operational perspective, it may be difficult to report all of those things.

MR. THOMAS: Through the grapevine—do you have any feel for problems within certain departments that don't seem to be existing elsewhere?

MS. TOKIHIRO: At times—I mean, yeah—there's—we do become aware of issues and then that's when we're specifically reaching out to the department.

MR. THOMAS: Okay.

CHR. CABANAS: Okay, any other questions for Sommer? Okay. May I have a motion to accept and file—

MS. BOND: So moved.

CHR. CABANAS: —the MAB Quarterly Reports for April through June 2025—and her MAB Monthly Divisional Activity Report for July 2025?

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: Any discussion? If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Yes.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Thank you, Sommer.

**FY 2025-2026 Annual Performance Evaluation of the Director of Human Resources (HR) Process: Presentation By The Director Of Human Resources, Sommer J. Tokihiro, Concerning The Department’s Goals And Objectives For FY 2025-2026; Proposed Timeline To Distribute Surveys And Deadline For Responses; SurveyMonkey Questions For FY 2025-2026 (Line Department Survey); SurveyMonkey Questions For FY 2025-2026 (Employee Survey); Merit Appeals Board’s Evaluation Tool For The Director Of HR For FY 2025-2026 Define Target Audience/Survey Participants (Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4, 92-5(a)(2) And 92-5(a)(4), For The Purpose Evaluating An Officer Or Employee Of The County Of Hawai’i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board’s Attorney On Questions And Issues Pertaining To The Board’s Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting**

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CHR. CABANAS: So, now, we are on “New Business”—and this covers the Fiscal Year 2025 through 2026, the Annual Performance Evaluation of the Director of Human Resources and the process. And Sommer is going to present her department goals and objectives for Fiscal Year 2025 to 2026.

And so, this is what we would be evaluating Sommer next year in June.

MS. BOND: Right.

CHR. CABANAS: So, she’s going to present her goals and objectives to us now.

MS. TOKIHIRO: Okay.

CHR. CABANAS: Do you want to do it in open or closed session?

MS. TOKIHIRO: If it’s normally in closed, I—closed.

CHR. CABANAS: You want to go closed?

MS. TOKIHIRO: Yeah.

CHR. CABANAS: Okay. So under “New Business” we’re going to discuss the following Fiscal Year 2025 to 2026 annual performance evaluation of the Director of Human Resources process.

Sommer has requested that we go into closed session for her presentation of the department goals and objectives for Fiscal Year 2025 to 2026. So, may I have a motion for us to go into closed session?

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, I’ll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

**RECESS**: The Chair called for a recess at 12:27 p.m.

**RECONVENE**: The meeting reconvened at 12:54 p.m. in open session.

**FY 2025-2026 Annual Performance Evaluation of the Director of Human Resources (HR) Process: Presentation By The Director Of Human Resources, Sommer J. Tokihiro, Concerning The Department’s Goals And Objectives For FY 2025-2026; Proposed Timeline To Distribute Surveys And Deadline For Responses; SurveyMonkey Questions For FY 2025-2026 (Line Department Survey); SurveyMonkey Questions For FY 2025-2026 (Employee Survey); Merit Appeals Board’s Evaluation Tool For The Director Of HR For FY 2025-2026 Define Target Audience/Survey Participants (Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4, 92-5(a)(2) And 92-5(a)(4), For The Purpose Evaluating An Officer Or Employee Of The County Of Hawai’i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board’s Attorney On Questions And Issues Pertaining To The Board’s Powers, Duties, Privileges,**

**Immunities, And Liabilities. A 2/3 Vote Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting**

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CHR. CABANAS: Okay, so we are now in open session at 12:54 p.m. this day, July 18<sup>th</sup>, 2025. And so, as discussed regarding the goals of the Director of Human Resources for the period July 1, 2025, to June 30<sup>th</sup>, 2026—

MS. BOND: I move we adopt the goals for the—what do you call it—Human Resources Director for the period July 1<sup>st</sup>, 2025, to June 30<sup>th</sup>, 2026.

CHR. CABANAS: Is there a second?

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Okay.

MS. BOND: I move that we go back into executive session, so that we can discuss the other parts of the evaluation.

MR. AGUINALDO: I second.

CHR. CABANAS: Okay. Any discussion? If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

**RECESS**: The Chair called for a recess at 12:55 p.m.

**RECONVENE**: The meeting reconvened at 1:24 p.m. in open session.

**FY 2025-2026 Annual Performance Evaluation of the Director of Human Resources (HR) Process: Presentation By The Director Of Human Resources, Sommer J. Tokihiro, Concerning The Department's Goals And Objectives For FY 2025-2026; Proposed Timeline To Distribute Surveys And Deadline For Responses; SurveyMonkey Questions For FY 2025-2026 (Line Department Survey); SurveyMonkey Questions For FY 2025-2026 (Employee Survey); Merit Appeals Board's Evaluation Tool For The Director Of HR For FY 2025-2026 Define Target Audience/Survey Participants (Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4, 92-5(a)(2) And 92-5(a)(4), For The Purpose Evaluating An Officer Or Employee Of The County Of Hawai'i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board's Attorney On Questions And Issues Pertaining To The Board's Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting**

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MS. BOND: So, I move that we accept the goals that were put out by Director Tokihiro for the upcoming fiscal year '25-'26 and our process.

MS. WONG: I think we already adopted her goals, yeah.

MS. BOND: We did? I thought you said we had to do it again once we got out of session?

MS. WONG: No, we came out. We adopted it (inaudible).

MS. BOND: Oh, that's right. Okay, then forget it, I didn't do that. I give up.

CHR. CABANAS: Okay, so start, again. So, we're following the agenda—

MS. BOND: I move that we accept the—approve the minutes—

CHR. CABANAS: No, no.

MS. BOND: No?

MS. WONG: If I can suggest a motion.

CHR. CABANAS: Okay, please.

MS. WONG: I would—is there a motion to adopt the process for the ‘25-‘26 annual performance evaluation of the Director of Human Resources, as discussed in executive session.

MS. BOND: So moved.

CHR. CABANAS: Is there a second?

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, I’ll start a rollcall vote Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Thank you very much.

**Approval of Minutes (Item 4)**

**May 23, 2025**

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CHR. CABANAS: There is no “Unfinished Business,” but we do need to go back to our—approve the meeting minutes of the regular meeting on May 23<sup>rd</sup>, 2025. Have you had the chance to review the meeting minutes, everyone?

MS. BOND: Mm-hmm.

MR. THOMAS: Yes.

CHR. CABANAS: Okay, great. Any amendments to it?

MS. BOND: I didn’t notice anything.

CHR. CABANAS: I think I noted a couple. So, on page 1—on page 2—page 2, I said “CHR. CABANAS: Good morning, everyone. It is 9 a.m. on Monday, May 23<sup>rd</sup>”—it should read “and the regular meeting of the Merit Appeals Board is called to order.”

MS. YAMADA: I’ll just add it in—but that’s what you had said, but if you want it added in, I can.

CHR. CABANAS: Oh, yeah, if you can. Okay, thank you. So, I don’t need a motion? No? And the other one was minor, too. There was one more, Glynis, but it’s minor. Hmm, I lined it out, where is it? Oh, page 5—but it’s minor—it’s the fourth paragraph from the bottom, and “we also in addition to creating”—it should be “new”—just take out the “s”—okay. So—

MS. BOND: I move we approve the minutes of the May 23<sup>rd</sup> meeting of the Merit Appeals Board with minor typo. corrections.

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, I’ll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Thank you.

### **Review of Executive Session Minutes**

**May 23, 2025 (Executive Session: The Merit Appeals Board anticipates convening one or more executive meetings regarding the above matters, Pursuant To HRS Sections 92-4 And 92-5(a)(4), For The Purpose Of Consulting With The Board’s Attorney On Questions And Issues Pertaining To The Board’s Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting)**

CHR. CABANAS: Now we have the executive session meeting minutes for May 23<sup>rd</sup>, 2025. Is there a motion to approve these minutes?

MS. BOND: I have one question before we do that.

CHR. CABANAS: Oh, yes.

MS. BOND: Did—

CHR. CABANAS: Does it pertain to this?

MS. BOND: Yes.

CHR. CABANAS: The executive session?

MS. BOND: Yeah.

CHR. CABANAS: Oh, okay.

MS. BOND: Did we ever do anything about the—did we ever get anything back from him about the fairness of paying for the attorneys? There's a thing in here that said that Jim would get back to us with this.

CHR. CABANAS: No.

MS. BOND: We didn't?

MS. YAMADA: (Inaudible.)

MS. BOND: Okay. So, can—is there any way to check up on that?

CHR. CABANAS: Well, Glynis is going to submit to the AG's Office a listing of pending matters for—it was supposed to be for Mr. Halvorson to—and his assistant—and so, in light of Mr. Halvorson's retirement, Glynis will still send it over and Trisha Gibo said she would email you, Glynis, with her assistant's email also. Okay.

MS. BOND: Okay. So that was just a question I had about this.

CHR. CABANAS: Okay. So, I need a motion.

MS. BOND: So, I move that we accept the minutes of the executive session from May 23<sup>rd</sup>, 2025.

CHR. CABANAS: Is there a second?

MR. AGUINALDO: I second on that.

CHR. CABANAS: Thank you. Any discussion. If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried.

We've covered just about everything on the agenda.

**Director's Report (Item 5)**

**A. Meet and Greet Department Of Human Resources Employees**

**B. MAB Quarterly Reports: April – June 2025: Administrative Services Division, Classification & Pay Division, Equal Opportunity/ADA Division, Health & Safety Division, Personnel & Organizational Development Division, Recruitment & Examination Division, Workers' Compensation Division**

**C. MAB Monthly Divisional Activity Report: August 2025 (Administrative Services Division, Classification & Pay Division, Equal Opportunity/ADA Division, Health & Safety Division, Labor Relations Division, Personnel & Organizational Development Division, Recruitment & Examination Division, Workers' Compensation Division)**

(Previously taken out of order.)

**Communications (Item 6)**

**Communication No. 25-05, Received On June 12, 2025, From Appellant, Appealing The Following Action By The Hawai'i County Office Of The Mayor: An Employment Action Taken Under Chapter 76, Hawai'i Revised Statutes (*Board Action Required: Setting A Hearing Date And Deadlines For Submittal Of Documents*)**

(Previously taken out of order.)

**New Business (Item 7)**

**FY 2025-2026 Annual Performance Evaluation of the Director of Human Resources (HR) Process: Presentation By The Director Of Human Resources, Sommer J. Tokihiro, Concerning The Department’s Goals And Objectives For FY 2025-2026; Proposed Timeline To Distribute Surveys And Deadline For Responses; SurveyMonkey Questions For FY 2025-2026 (Line Department Survey); SurveyMonkey Questions For FY 2025-2026 (Employee Survey); Merit Appeals Board’s Evaluation Tool For The Director Of HR For FY 2025-2026 Define Target Audience/Survey Participants (Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matter, Pursuant To HRS Sections 92-4, 92-5(a)(2) And 92-5(a)(4), For The Purpose Evaluating An Officer Or Employee Of The County Of Hawai’i, Where The Consideration Of Matters Affecting Privacy Will Be Involved And Consulting With The Board’s Attorney On Questions And Issues Pertaining To The Board’s Powers, Duties, Privileges, Immunities, And Liabilities. A 2/3 Vote Pursuant To HRS Section 92-4 Is Necessary To Hold An Executive Meeting**

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(Previously taken out of order.)

**Unfinished Business (Item 8)**

(Previously taken out of order.)

**Announcements (Item 9)**

CHR. CABANAS: Any “Announcements?” Okay, there’s no “Unfinished Business”—no “Announcements.”

**Schedule Next Meeting Date (Item 10)**

**The Merit Appeals Board Will Convene Its Next Meeting On Tuesday, August 26, 2025, At 9:00 A.M., At The Hilo Council Chambers, Hawai’i County Building, 25 Aupuni Street, First Floor, Room 1401, Hilo, HI 96720**

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CHR. CABANAS: The next meeting date—the Merit Appeals Board will convene its meeting on Tuesday, August 26, 2025, at 9 a.m., at the Hilo Council Chambers, of the County Building, at 25 Aupuni Street, First Floor, Room 1401, in Hilo, Hawai’i.

**Adjournment (Item 11)**

CHR. CABANAS: May I have a motion to adjourn today’s meeting?

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you.

MR. THOMAS: He still beat me.

CHR. CABANAS: Any discussion? If not, I'll start a rollcall vote with Ms. Bond.

MS. BOND: Aye.

CHR. CABANAS: Mr. Aguinaldo.

MR. AGUINALDO: Aye.

CHR. CABANAS: Mr. Thomas.

MR. THOMAS: Aye.

CHR. CABANAS: Ms. Cabanas—aye.

Four ayes. Motion carried. Today's meeting is adjourned at 1:30 p.m.

Respectfully submitted,

Glynis Yamada, Secretary-Reporter

APPROVED:

Gabriella M. Cabanas, Chair  
Merit Appeals Board