

REGULAR SESSION

Merit Appeals Board  
Hilo Council Chambers  
Hawai'i County Building  
25 Aupuni Street, First Floor, Room 1401  
Hilo, Hawai'i  
September 26, 2025 (Friday)

**Call to Order (Item 1)**

The regular meeting of the Merit Appeals Board, County of Hawai'i, was called to order at 9:02 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, September 26, 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**

Mr. J Yoshimoto, Assistant Corporation Counsel, Office of the Corporation Counsel  
Ms. Sommer J. Tokihiro, Director, Human Resources Department  
Ms. Trisha C. Gibo, Deputy Attorney General, Department of the Attorney General (via Zoom)  
Ms. Sherilyn K. Tavares, Deputy Corporation Counsel, Office of the Corporation Counsel  
Mr. Justin C. Lee, Deputy Corporation Counsel, Office of the Corporation Counsel  
Mr. Ted H. S. Hong, Esquire, Attorney at Law  
Ms. Jo-Ann Tallett, Police Records Section Supervisor, Police Department  
Ms. Glynis Yamada, Secretary-Reporter, Human Resources Department

**Call to Order (Item 1)**

CHR. CABANAS: Good morning, everyone. It is September 26, 2025, the regular meeting of the Merit Appeals Board is called to order at 9:02 a.m. We have quorum today with all four Board members present.

I'm Gabriella Cabanas, Chair of the Merit Appeals Board. Along with me are my fellow Board members—to my immediate left, our Vice-Chair, Suzi Bond.

MS. BOND: Good morning.

CHR. CABANAS: And to my far left, Gilbert Aguinaldo.

MR. AGUINALDO: Good morning.

CHR. CABANAS: And to my far right, Mr. Niel Thomas.

MR. THOMAS: Good morning, everybody.

CHR. CABANAS: And to my immediate right, our Assistant Corporation Counsel, J Yoshimoto.

MR. YOSHIMOTO: Good morning.

CHR. CABANAS: Seated behind the Board members is Glynis Yamada, our Secretary-Reporter.

MS. YAMADA: Good morning.

CHR. CABANAS: Good morning, everyone. And in the gallery we have the following—Mr. Ted Hong, Attorney.

MR. HONG: Good morning.

CHR. CABANAS: And Attorneys from the Office of the Corporation Counsel—Sherilyn Tavares—

MS. TAVARES: Good morning.

CHR. CABANAS: —and Justin Lee.

MR. LEE: Good morning.

CHR. CABANAS: Our Director of Human Resources, Sommer Tokihiro—and we also have retiree from the Hawai‘i Police Department, Jo-Ann Tallett. Good morning to all of you.

First of all, I’d like to just—before we begin our formal part of the meeting—I’d like to—on behalf of our Board members, express our condolences to you, Sommer, on the passing of your dad. So, we have our—you have our sympathy in the passing of your dad. I know it’s very difficult to lose a dad.

### **Addendum to Agenda (Item 2)**

CHR. CABANAS: We do not have any addendum to the agenda.

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

CHR. CABANAS: Any “Statements from the Public?” No?

### **Approval of Minutes (Item 4)**

CHR. CABANAS: No approval of meeting minutes.

### **Director’s Report (Item 5)**

**MAB Monthly Divisional Activity Report: September 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: We are now on the “Director’s Report.” Sommer, do you—can you come up to the dais, please?

(At this time, Ms. Sommer J. Tokihiro, Director, Human Resources Department, came forward.)

CHR. CABANAS: And Board members, have you had the opportunity to review the Director’s report? Do you have any questions for the Director? Niel, you’re all good?

MR. THOMAS: Yes.

CHR. CABANAS: Okay. I just have a couple of questions. But before I do, Sommer, do you have anything else that you’d like to add or provide comments on?

MS. TOKIHIRO: I just want to share that we’re continuing to make progress with the testing for the HR module of the CoHnect software. So, testing began in September, and we tested 100% of all of the scenarios. We generated about 354 different scenarios, and we tested 100% of them and identified a significant number of defects—things that weren’t working in the system.

So, that was a little bit frustrating to find that many defects, but with that being said—with a go-live date in January—I'm really pleased that we're putting this much effort into finding those things now.

The Developer has been working on the defects for the last couple of weeks. We'll resume testing next week. We'll be retesting all of the scenarios we previously tested, to make sure the system is working. And then we can use this next period of testing to identify if there's going to need—to be any workflow changes while the Developer continues to work out some of the issues for go-live.

So, that's been a big focus of our efforts in HR. I, in partnership with a representative from our software Implementor CherryRoad, I'm leading the change management component of getting the information out to our departments and also to our employees about what this new software means for them because now, all of our employees will be entering their time electronically—which is a big change.

So, we had our first Readiness Coordinators meeting on September 18<sup>th</sup> and that includes people from the departments in HR roles and also payroll roles—to kind of begin disseminating the information about what's changing and what this looks like going forward. So, just wanting to get the word out and make sure that we're communicating with everybody, so people have an opportunity to ask questions and it's not taking anyone by surprise. So, this CoHnect project is taking a lot of time for us.

Also, we're working with departments—our ADA/EO Coordinator is working with IT and working with departments regarding the new Web Accessibility Guidelines that are going to go into effect April 2026. So, any content that the County has on the web needs to be fully accessible.

So, we've coordinated training with Pacific ADA Center and then we're working with IT to identify tools that our departments can use to assess their own websites and find where there may be issues that they need to address the accessibility—and, really, just wanting to be proactive and have everyone understand what those new requirements are so that they can begin posting information that's already compliant with the new Department of Justice rules.

So, that's a big project to get all of those things accessible, especially Countywide. Some departments use their own websites, a lot of departments are doing their own social media—IT has its own website. And so, it's making sure that everybody understands what those requirements are and putting together the resources to help our departments to be compliant.

So, that's what I would add in addition to the regular report. Yeah.

CHR. CABANAS: What kind of changes are there for the new web guidelines?

MS. TOKIHIRO: So, for the new web guidelines you need to have, like, all text for every picture, the contrast and color of how things are presented. It has to meet certain criteria. So, very detailed rules, just to ensure that the web content can be easily understood by anyone who has any type of disability. So, making sure that things are clear in description and even the contrast—that was really interesting to me, in like the contrast and the color—being mindful of that; certain fonts because certain screen readers cannot properly see certain fonts—so it's bringing all of that into compliance.

CHR. CABANAS: Okay, good. Thank you very much. So, the questions that I have are for the Labor Relations Division. I noticed the Manager is providing guidance—as she usually does—and then she's contemplating using a newsletter to provide more information and general guidance.

I raised the question before but I—we didn't get an answer. So, is it this division or another division—how do the departments know how to apply relatively equal? You were going to check.

MS. TOKIHIRO: So, that would be Recruitment—but then, also, Labor Relations.

CHR. CABANAS: Labor—so it's both.

MS. TOKIHIRO: It's both, yes.

CHR. CABANAS: So, do they provide that training to the departments because it's in the Collective Bargaining contract—

MS. TOKIHIRO: Right.

CHR. CABANAS: —for interview scoring, it's there—that concept is there. So, are they providing guidance to the departments?

MS. TOKIHIRO: Yes.

CHR. CABANAS: Okay. And how do they do that?

MS. TOKIHIRO: So, through—usually, it's going to be departments that are inquiring with us, when they don't know how to apply it. So, there isn't specific training to relatively equal.

CHR. CABANAS: Oh, there isn't.

MS. TOKIHIRO: No.

CHR. CABANAS: Not even as part of the interview training?

MS. TOKIHIRO: Because the interview training is focused on members of the panel as opposed to who would be making that ultimate determination—

CHR. CABANAS: Right.

MS. TOKIHIRO: —which would be the department head.

CHR. CABANAS: Okay.

MS. TOKIHIRO: So, the interview training is really focused on appropriate questions to be asking—things of that nature. It doesn't get into that detail as far as the scoring. So, that would be—that training and knowledge of relatively equal is something that we would be discussing with the HR staff.

CHR. CABANAS: Okay. Because you do have a lot of new HR staff.

MS. TOKIHIRO: Correct. Yes, we do.

CHR. CABANAS: So, when someone is hired, is that covered?

MS. TOKIHIRO: So, that's part of the—we do training at Classification and Pay, Recruitment and Examination, Labor Relations—so that would be part of the Recruitment and Examination.

CHR. CABANAS: Okay. Okay, thank you very much. And the other thing I wanted to ask—it goes back to Recruitment. So, at the end of August the department had 52 continuous recruitments. And in November of last year, you reported that the division was going to pursue this Hiring Campaign. What became of it? And a Task Force with some of the departments? And I don't see it in the monthly reports. So, has that been shelved?

MS. TOKIHIRO: So, the Task Force was actually the Mayor's Task Force.

CHR. CABANAS: Okay.

MS. TOKIHIRO: And it initially started out with a larger group of people and then has now been, kind of, scaled down to me meeting regularly with the Mayor and the Managing Director to discuss recruitment issues.

CHR. CABANAS: Okay. So, what about the Hiring Campaign?

MS. TOKIHIRO: We're always in a Hiring Campaign, but as opposed to—I mean, you were talking about the radio ads.

CHR. CABANAS: Yeah, the radio advertisements—you folks have money in the Advertising Account, but has that been shelved or—'cause it's almost a year.

MS. TOKIHIRO: Yeah. No, it's not shelved. Again, the Mayor's Office didn't want to pursue the radio advertising, but we're always looking at different ways to advertise our positions.

CHR. CABANAS: Why was that? Why did they not want you folks to go through the radio when you have money in the budget?

MS. TOKIHIRO: I believe it was because he wanted to see some of the changes that we were trying to make to the application itself, before pursuing the radio ads.

CHR. CABANAS: Okay, but it's almost a year—and you have 52 continuous recruitments.

MS. TOKIHIRO: Right, correct.

CHR. CABANAS: So, that is a big concern.

MS. TOKIHIRO: Yeah. And it's—but it's not that the recruitment efforts have stopped. We've done other things, like posting the banners that we ordered with the QR code—

CHR. CABANAS: Right.

MS. TOKIHIRO: —on our County parks. We've ordered more banners, we've—people don't really read the newspaper anymore, so we're not doing the radio adver—I mean, we're not doing the newspaper advertisements. But—

CHR. CABANAS: Well, you are doing newspaper advertisements, 'cause you do have the Sunday ads.

MS. TOKIHIRO: Right—

CHR. CABANAS: When they open.

MS. TOKIHIRO: Right. Correct.

CHR. CABANAS: Yeah.

MS. TOKIHIRO: Yeah.

CHR. CABANAS: But when you talk about a Hiring Campaign, it's more than newspaper, it's more than social media—it's taking it out there because actually your applicant pool is global. As long as the individuals have authorization to work in the United States—they could be in Europe or Hong Kong for that matter—and they could be applying for some of your more difficult to fill recruitments.

So, that's why I'm surprised that when you talked about a "Hiring Campaign" that—and with NeoGov having an online system—that it would have been taken further and actually, it's within

the realm of your responsibility. It doesn't need the mayor's approval, you can go with it as far as you want to recruit for Water Treatment Plant Operators or Civil Engineers that are so difficult to recruit for.

MS. TOKIHIRO: And so, for those positions we recruit in professional journals—so including wastewater, solid waste, and engineering professional journals and things of that nature. We did a trial of both Zip Recruiter to see—to take it to that worldwide audience to see what kind of response we got from that. And we've been looking at a couple of different companies to expand those efforts as well—looking at Indeed—different ways to get our advertisements out in that way.

So, those things have all happened. We—it's not that we're not making those efforts.

CHR. CABANAS: Mm-hmm. I mean—

MS. BOND: But on—at—excuse me.

CHR. CABANAS: Go ahead, Suzi.

MS. BOND: But on the local level, there's the—every evening, at some point on the local stations, I see ads for Maui's recruitment, I see ads for Kaua'i, I see ads for O'ahu—but I never see one for the Big Island.

CHR. CABANAS: Mm-hmm.

MS. TOKIHIRO: Yeah, and I—Michelle was reaching out to KITV because we were talking about even that highlighting the jobs that come on in the morning news, right. And so, she had reached out to them to get the information. So, I'll follow-up with her on that.

MS. BOND: These are paid ads?

MS. TOKIHIRO: Correct. They are and they're quite expensive—but we have a budget. And so, I want to be making those efforts, but I believe advertising or highlighting one job on the morning news—I believe it was about \$500.00, but they do post it on their website as well.

So, I think that there's good opportunities there and good value.

CHR. CABANAS: Because we have done, when I was there—we had—I'll give you the name—it was Bruce Nakamura at KGMB. We ran certain banner-type of recruitments, especially for police. Now, each island is recruiting for police officer recruits but we—as Suzi said, we haven't seen anything for our island—and we shouldn't be quiet about it. We should be more proactive about it—that's what concerns me. That's why I keep on bringing it up because when you mentioned a Hiring Campaign, I was feeling very good about it. But it's like it's fizzled, and it doesn't take one year to get a campaign going.

I've done it myself, so I know. You can't tell me it's going to take one-year. It doesn't take six months. And the department should be the one who's initiating it. It's within your purview to get it done and fill the vacancies for the various departments.

When you're not visible out there in the community, it's like—people will pay attention to the Maui advertisements. They'll pay attention to the Kaua'i advertisements. Any opportunity, as Mr. Aguinaldo mentioned prior to our meeting, when you have the Manoa volleyball team coming down to Hilo to play—that's a good opportunity to get some free advertisements going with the very small interview—whether it's from the mayor or whoever is involved. So, that's coming down in October—October 4<sup>th</sup>, yeah—so that's, like, next week already. Yeah.

So, that's what I'm saying, look for those opportunities that might be non-costly and try to move it forward. I know the budget is for advertisements—it's not that big—but there are ways to get something out there, even if it's for a short period of time.

Anyway, that was my point. And if you could bring some sort of closure in the report about that campaign, whether it's going forward or not—then bring it to closure in the report. If it's still open, then what's happening? By just saying, "Looking into it. Looking into it"—how often are you "Looking into it?"

We kind of, want the action already out there. Actions speaks, to me, volumes. Yeah.

MR. AGUINALDO: Sommer, I have one—there's—thank, Gabriella—there's, like, I always volunteer help, yearly—is at Pa'ani Ranch. So, it's a community event. They call it "Fall Fest"—and it's, like, during the day and at night. Like you said, it's cost-effective—maybe you guys don't have to tap into your budget. Maybe just show up, then you can reach the demographic of people. Sometimes they bring their kids to an event, like, "Oh, I never know had this opportunity"—so, what I'll do is, if that's within County standard that you guys can—I'll give you those dates. I'll make sure you guys get one spot, like, even one pop-up tent. I'll make sure you guys get one spot, then you guys can go from there.

MS. BOND: Yeah, the upcoming Ren Faire in Honokaa.

MR. AGUINALDO: Yeah.

MS. BOND: It's huge.

MR. AGUINALDO: Yeah.

MS. BOND: To be—we were actually were just talking about yesterday at the Disaster Preparedness—the thing there, too. So, maybe the County, altogether, should put together something where we all go and represent the County and the various different things—

MR. AGUINALDO: Yeah.

MS. BOND: —preparedness with Civil Defense, recruiting—all of that.

MR. AGUINALDO: All that little stuff—it's one start. And I think—I feel that it hasn't been done before, so, like, hearing Gabriella's just mentioned—yeah, we go try 'em.

MS. TOKIHIRO: Yeah, we—I appreciate definitely, the information. We're going to be participating in the County's Boo at the Zoo event. It's two-days where the kids come and trick-or-treat and do that. We were contacted by Councilmember Hustace's Office regarding a community fair that they're going to be doing in Waimea that we're happy to be a part of.

And so, really, it's finding those opportunities to get us out there more. The staff, today, is at the Engineering Career Fair on O'ahu and we've changed the requirements for the entry-level engineer positions so that students can apply.

So, in the past, you had to have a degree before you could apply for engineering positions, but we've changed that so that we can more fully market to students and have students apply. So, all different ways that we're out there.

So, we'll have Michelle document all the detail of what has happened over the last so many months because I think that there've been a lot of efforts—a lot of different ways that we'll capture for you, so that you can see what that has been and all of those different ways that we're getting out there in different communities.

CHR. CABANAS: I mean, don't get us wrong. I mean, this is all good—

MR. AGUINALDO: Yeah.

CHR. CABANAS: —going to the career fairs, going to UH-Manoa—that's all good. When they go there, it's not only to apply but they can encourage internships with the students, so if they're coming back for the summer or a break, they can do an internship with Water Supply, Public Works, Environmental Management, et cetera.

So, those are all good but what we're talking about is looking for cost-effective ways to market what recruitments you have open and pursue those. And if, we, as Board members have information that we want to share, we should send it to Glynis—so, Glynis can relay it to the director—'cause we shouldn't be sending it to the director per se ourselves. Yeah. That's a matter of protocol. Yeah—that goes through the secretary.

MR. AGUINALDO: I'll let Glynis know, too, because at the Civic it hasn't ever been done. It was only for UH-Hilo basketball. This time around, it's going to be UH Vulcans volleyball where my daughter plays for. They're going to have a sanctioned—it's part of their season tournament against Chaminade. So, that's two Hilo coaches (inaudible) from both different sides—that's why it's going to be at the Civic. But shortly after that game is going to be UH Rainbows—the men's volleyball. So that will be another big turnout. And I know in the front there's concession—but there's room in the front. I think I should talk to Glynis after, if our

Mayor's Office, they collaborate with UH—the Admin.—Athletic Department. And I can, like, seriously, maybe today or have my daughter call me and she can work with them and to collaborate—take the opportunity because it's free.

And then, also, for the Pa'ani Ranch Fall Fest—last year we did it. We did day and night. So per day, I think we did it, like two weekends—Saturday/Sunday. Each turnout is roughly about 1,000 people go. And little stuff you guys can do—I don't know—whatever you guys have or open ticket, like Fire, Police—even that maybe I can just inform them—maybe one police car or one fire truck or one ambulance for the time being. At least it's another venue that attract them—and besides that, you guys have other opportunities. But, yeah, I'll let Glynis know to work with you.

MS. TOKIHIRO: Okay.

MR. AGUINALDO: Yeah, that would be good.

MS. TOKIHIRO: Yeah, and we enjoy partnering with the Police Department when we attend these community—

MR. AGUINALDO: Yeah.

MS. TOKIHIRO: —events to promote because we—

MR. AGUINALDO: Right.

MS. TOKIHIRO: —people are very interested in keiki ID—

MR. AGUINALDO: Yeah. Yes.

MS. TOKIHIRO: —so we're always trying to ask the Police Department if we can team up with them when they do keiki ID and get a lot more foot traffic near our particular booth, so—

MR. AGUINALDO: I don't know if they do them anymore—keiki ID.

MS. TOKIHIRO: They do.

MR. AGUINALDO: They do?

MS. TOKIHIRO: Yeah.

MR. AGUINALDO: Oh, Sommer, I think you going have to take this one because this one here, I tried last year and I think was just short notice, but if they can—ho, my goodness, yeah, there's a lot of—and we have another event. I think that Ren Faire or something—yeah, they did one and—

MS. BOND: The thing that concerns me about those is, some of those—like, the Ren Faire they just did last weekend was—they charged \$20.00 for people to get in—and the vendors had to pay \$150.00 for the booths. There was nothing to do there that was free—everything cost something.

So, it—you got to watch going into the—where private sector, like, thing. It's better to stay out in the public sector than—'cause it looks like you're promoting these guys versus the—so that's something—something to think about.

CHR. CABANAS: Mm-hmm. There's a balancing (inaudible).

MS. BOND: Whereas, like, the Ren Faire in Honokaa is open public event on public properties—and so, they have all the ballparks and stuff there.

MS. TOKIHIRO: Yeah, we appreciate all the information, we'll evaluate that.

CHR. CABANAS: Mm-hmm. Thank you, Sommer. On a good note, I just want to compliment the Recruitment Division because the Clerk III social media ad was really nice.

MS. TOKIHIRO: Okay, good. I'll let them know.

CHR. CABANAS: The artwork, it was catchy—and I think Michelle ran it several times. I saw it, I even shared it on my Facebook to family and friends, but—encouraging them to apply. But, yeah, that was really creative and it's things like that are really nice.

MS. TOKIHIRO: Good. Thank you. I'll provide that feedback to them.

CHR. CABANAS: So, that's all I have.

MS. TOKIHIRO: Okay.

CHR. CABANAS: So, do I have a motion to accept and file the Director's Report for the month of September 2025?

SPEAKER: (Inaudible.)

CHR. CABANAS: No, it's for September 2025.

MS. BOND: So moved.

CHR. CABANAS: Second?

MR. THOMAS: 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 to accept and file the “Director’s Report” for September 2025. Thank you Sommer, have a good weekend.

**Communications (Item 6)**

**Communication No. 25-07, From Salary Commission Chair Steven Pavao, Dated September 4, 2025, Regarding An Inquiry To The Appointing Authorities Concerning Proposed Salary Adjustments For Fiscal Year 2025-2026. Requests The Merit Appeals Board’s Participation In Answering Questions Listed In Their Memorandum Concerning The Department Of Human Resources**

---

CHR. CABANAS: Okay, we are now on “Communications” on the agenda. The first one is Communication number 25-07. So that is attached for your reference. And I believe the Salary Commission met on the 24th—two days ago, but they were aware that we were meeting today. So, we have not discussed this formally and we need to respond to the Salary Commission in writing.

MR. THOMAS: Did one of our people attend that meeting on Tuesday?

CHR. CABANAS: I did not attend. Although we—as the Chair, I could have, but I did not because I didn’t have really, anything to report, and they were aware that we weren’t meeting until today. So—

MR. THOMAS: And then, if I might also ask—there’s a new document in our package today.

CHR. CABANAS: Yes, there is. And that—

MR. THOMAS: What's the importance of that?

CHR. CABANAS: I requested that of Glynis because this has come up before when the Salary Commission was discussing proposed salary increases for the department heads. And back in 2023, Acting Director of Human Resources Danny B. Patel, responded for the Merit Appeals Board, and he answered all of the questions that they asked.

At this point, I think I need to enter this, right, as a communication? The Salary Commission's inquiry to the appointing authorities concerning proposed salary adjustments for Fiscal Year 2023 to 2024—add it to the "Communications"—I don't have a number.

SPEAKER: (Inaudible.)

CHR. CABANAS: Yeah, but she's not here. So, anyway, I asked her to get a copy for us because we didn't have it listed on the agenda. So, I'll wait for her return so we can get a number.

But I need a motion to accept this as a communication.

MR. THOMAS: So, are we talking about this 2023?

CHR. CABANAS: Yes.

MR. THOMAS: Which we need to assign a number to, like this?

CHR. CABANAS: Yes, we do.

MR. THOMAS: So, subject to assigning a number to it—I move to add that as to the document file—or whatever you call it.

CHR. CABANAS: Actually, in 2023, it was numbered 23-06.01—back in 2023.

MR. THOMAS: Okay.

CHR. CABANAS: So, is there a second?

MR. THOMAS: Oh, there it is. Okay.

MS. BOND: I'll second.

CHR. CABANAS: Any discussion? If not, I'll entertain a vote on this—adding it to our agenda today. So, I'll start 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.

So, here is a very detailed explanation that Mr. Patel described. And I feel that we can use this, in part, but update it. So, Glynis, we added this communication back from 2023 to our agenda, but I need another number.

MS. YAMADA: I can put the number later.

CHR. CABANAS: Later—it's okay?

MS. YAMADA: Yeah.

CHR. CABANAS: Okay.

MS. YAMADA: I'll put it later.

CHR. CABANAS: Okay, Glynis will put the number later.

MS. BOND: So, my question is, are—we need to get this done today?

CHR. CABANAS: Not today, but we need to—yes?

MS. YAMADA: (Inaudible.)

CHR. CABANAS: Oh, Okay. Do you want to state it on the—for the record?

MS. YAMADA: I'm the Secretary for the Salary Commission as well. Their next meeting will be held on Monday, November 17. So, at that time, whatever correspondence you guys come up with, it'll be placed on that agenda, at that time.

CHR. CABANAS: Okay. So, what I am proposing to my fellow Board members is that we review this—there are certain parts that I think have not changed, but there are parts that need to be updated. And if it's okay with the Board, maybe we can do—have a motion to have the—to request of the Director to update it for us, especially, like Number 2, “How many employees does the department have?” And overtime requirements—Number 6; the budget—Number 4; and Number 5—the challenges.

I'd like to see the challenges be more specific for the department because what Danny did was he just picked up language from the responsibilities of the division. And, to me, that does not give the Salary Commission a better picture of the challenges facing the department. Is budget a challenge? Overtime a challenge? The recruiting, a challenge? Definitely, yes. Be more specific so that they can appreciate what your department, Sommer, is going through.

MS. BOND: I would also put in there the whole thing about the updating and changing over the system, 'cause that's been a giant—

CHR. CABANAS: Yes.

MS. BOND: —(inaudible) you've had to deal with and that's a heavy lift.

CHR. CABANAS: Yes. Absolutely. 'Cause anytime you have a new system—I know myself, I've gone through it—it's never perfect. They sell you on it that it sounds really ideal, but when you start testing it, you find out all these bugs or defects. And then, the vendor has to make it how you want it to be, so it will be a smooth transition. And so—yeah, it's never perfect. And to spell out—like out of 354 scenarios you tested, what percentage—was it 50% with defects? So that they see it and they can appreciate what you folks are going through, and that's the purpose of this.

If you give them a very general summary of what you're going through, they're not going to get it. And it's not going to be helpful for your department. So, just give it to them—I don't mean to say it—“give it”—but you know what I mean. Share it, specifically, so that they will value, “Oh, wow, they're really going through some hard times over there”—and can appreciate what you folks are going through. Yeah.

MS. TOKIHIRO: So, just to clarify your request—we'll put together—we'll address what we believe the challenges are for the department and we will submit that to the Board. And then, the Board is going to do a response letter?

CHR. CABANAS: Yeah.

MS. TOKIHIRO: Okay. So would you, actually, like us to draft a letter on your behalf or just the challenges that we're facing?

CHR. CABANAS: No, you can draft it. In fact, if you want to follow this format—

MS. TOKIHIRO: Okay.

CHR. CABANAS: —that Danny did—answer Number 1, Number 2—some things might be the same because you’re following the verbiage from the statute. But it’s the challenges and, of course, updating the number of employees you employ, what your budget encompasses, et cetera—the challenges, be more specific—and just follow this whole format.

Because what we need to do is, we need to provide a recommendation on the salary adjustment. So, in 2023, the Board voted a minimum of a 20% raise for the HR Director. So, we need to come up with something, Board members, next time when we meet—

MS. TOKIHIRO: So, would you like to—

CHR. CABANAS: —next month.

MS. TOKIHIRO: Would you like to have a draft of the letter for review at the next meeting or you’re comfortable with us submitting to the Salary Commission and providing you a copy at the next meeting?

CHR. CABANAS: Oh, no, send it to the Board first—so, a draft.

MS. TOKIHIRO: Okay.

CHR. CABANAS: Because we may—we have to put in our recommendation on the salary adjustment—

MS. TOKIHIRO: Okay.

CHR. CABANAS: —so that should come from the Board.

MS. TOKIHIRO: So, we’ll submit it to the Board for the next meeting?

CHR. CABANAS: Yes.

MS. TOKIHIRO: Okay.

CHR. CABANAS: If you can submit it to our Secretary—

SPEAKER: (Inaudible.)

CHR. CABANAS: October 30th—okay. Yeah—and then he also included the org. charts, so if you updated it in any way, then the new org. chart for the department—and then, we’ll take it from there.

MS. TOKIHIRO: Okay, will do.

CHR. CABANAS: We appreciate your help.

MS. TOKIHIRO: Yes, I will work to convey the challenges of being the Central Human Resource Agency for the County—all 2,900 employees.

CHR. CABANAS: Yeah. I mean, I just—just explain it. Whatever it is, so that we see it as well. We can appreciate it. And the Salary Commission will see it—and, I believe, it becomes a public document, right? Yes, it becomes a public document.

MS. TOKIHIRO: Okay, will do.

CHR. CABANAS: People will see it. So, if they are opposing salary adjustments, they’ll see it—what does the Department of Human Resources have to go through in order to be a viable and proactive Central Human Resources Department for everybody. Yeah. Okay.

MS. TOKIHIRO: Okay, will do.

CHR. CABANAS: Thank you so much, Sommer.

MS. TOKIHIRO: Thank you.

CHR. CABANAS: Yeah.

Okay. We do not have any “New Business.” Yes?

SPEAKER: (Inaudible.)

CHR. CABANAS: Oh, okay. Yes, we will continue our discussion on Communication number 25-07 to our next meeting, which is October 30<sup>th</sup>, here, in Hilo, at the Hawai‘i County Building—

SPEAKER: (Inaudible.)

CHR. CABANAS: Right. So, I need a motion for the continuance of this communication to our October 30<sup>th</sup>, 2025, meeting.

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: And we will—I want to add to that motion—and that we will receive the Director’s responses to the Salary Commission’s questions and then, as a Board, we will finalize it at the October 30<sup>th</sup> meeting.

MS. BOND: We need to have that, so that it’s ready for us to read the week before.

CHR. CABANAS: Yes.

MS. BOND: (Inaudible.)

CHR. CABANAS: Yes, so—yeah. Sommer’s on it. She’ll get it.

MS. BOND: (Inaudible) just putting it on the record.

CHR. CABANAS: Yes. Okay, so any discussion? We have a motion, right?

MS. BOND: Yeah.

CHR. CABANAS: And a second?

MS. BOND: Yeah.

CHR. CABANAS: Okay. Any discussion—more on it? No? If not, 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. Okie-dokie.

**New Business (Item 7)**

CHR. CABANAS: We are now on new—no “New Business.”

**Unfinished Business (Item 8)**

**Communication No. 25-01.05, Received September 12, 2025, From Deputy Attorney General Trisha Gibo, Transmitting The “Order Denying Appellant’s Motion For Award Of Attorney’s Fees And Costs” In The Matter Of The Appeal Of Lyndon P. K. Turner (Board Action Required: Approval Of The Order)**

---

CHR. CABANAS: And we are now on “Unfinished Business.” And our Deputy Attorney General is waiting.

(Ms. Trisha C. Gibo, Deputy Attorney General, Office of the Attorney General, was present, and participating via Zoom.)

CHR. CABANAS: Hi—good morning, Trisha.

MS. GIBO: Good morning, Chair. Good morning, Board members.

CHR. CABANAS: So, here we have Trisha Gibo, our Deputy Attorney General, from the Attorney General’s Office on O’ahu, appearing via Zoom.

We have Communication number 25-01.05. Coming up to the dais are attorneys, Mr. Ted Hong, and Mr. Justin Lee.

(At this time, Mr. Ted H. S. Hong, Esquire, Attorney at Law, Legal Counsel on behalf of Appellant Mr. Lyndon P. K. Turner; and Mr. Justin C. Lee, Deputy Corporation Counsel, Office of the Corporation Counsel, came forward.)

CHR. CABANAS: Trisha, any comments to this communication?

MS. GIBO: No comments, Chair—just as drafted and presented.

CHR. CABANAS: Okay, thanks. Mr. Hong, any comments?

MR. HONG: No. Thank you.

CHR. CABANAS: Okay. Mr. Lee?

MR. LEE: No, thank you.

CHR. CABANAS: Okay. So there was a typo. on that Order, on the last page. It should be—where it says, “Civil Service Commission”—that should be corrected because by law we are no longer the Civil Service Commission—that was changed back with Civil Service Reform in the early 2000’s. So, we are now the “Merit Appeals Board.” So, that will be changed.

So, may I have a motion—Board members, do you have any questions first? Okay. So, may I have a motion to approve the Order denying Appellant’s motion for award of attorney’s fees and costs?

MS. BOND: So moved.

CHR. CABANAS: Second?

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, 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. 25-02.09, Received September 12, 2025, From Deputy Attorney General Trisha Gibo, Transmitting The “Order Denying Appellant’s Motion For Award Of Attorney’s Fees And Costs” In The Matter Of The Appeal Of Jonah N. Kaye (Board Action Required: Approval Of The Order)**

---

CHR. CABANAS: Moving along, to the next Communication number 25-02.09.

MS. GIBO: Chair, I believe there’s the same typo. on that last page stating “Civil Service Commission”—which should be changed to “Merit Appeals Board”—but other than that no other changes.

CHR. CABANAS: Yes, correct. So noted.

(At this time, Mr. Ted H. S. Hong, Esquire, Attorney at Law, Legal Counsel on behalf of Appellant Mr. Jonah N. Kaye (already seated at the dais); and Ms. Sherilyn K. Tavares, Deputy Corporation Counsel, Office of the Corporation Counsel, came forward.)

MR. THOMAS: (Inaudible.)

CHR. CABANAS: Okay, so look at the orange tab—25-02.09, Board members. Okay, so that will be changed, “Civil Service Commission” will be changed to “Merit Appeals Board.”

May I have a motion to approve this Order?

MS. BOND: Can I ask a question first?

CHR. CABANAS: Sure.

MS. BOND: On the bottom, where the stamp is—it says, “Merit Board of Appeals.”

CHR. CABANAS: Yes.

MS. BOND: And then, but you’re saying we’re changing it to “Merit Appeals Board” on the—instead of “Civil Service”—

CHR. CABANAS: Last page—yes.

MS. BOND: It’s not the same—

CHR. CABANAS: Because we have to sign it. We have to sign this last page.

MS. BOND: No, I know—but what I’m saying is it’s not consistent if it’s “Merit Board of Appeals” or “Merit Appeals Board”—sorry, consistency.

CHR. CABANAS: Glynis—your stamp. Your stamp says, “Merit Board of Appeals” and Suzi is questioning—she says it’s an old stamp.

MS. BOND: Okay.

CHR. CABANAS: She didn’t update it.

MS. BOND: Okay. Okay, just checking. I didn’t want us to get in trouble.

CHR. CABANAS: Do you think we should have it updated? Okay, Glynis will get a new rubber stamp, but I think it means the same thing. So—

MS. BOND: Well, I know it does, but you know—

CHR. CABANAS: Yes, I know, we're being technical.

MS. BOND: Yeah.

CHR. CABANAS: We need to be correct—consistent—

MS. BOND: You lawyer guys do that all the time.

CHR. CABANAS: Okay, very good—you're picking up on it, Suzi, good job. Okay.

MS. BOND: Learned something in a year-and-a-half.

CHR. CABANAS: There you go. Okay. So, all humor aside. Any problems with that "Merit Board of Appeals?" Okay. So, go ahead.

MS. BOND: So, I move that we accept Communication—whichever—

CHR. CABANAS: No, approve—

MS. BOND: —approve Communication, whichever one—the 25-2—.09—that one?

CHR. CABANAS: Yes, for the appeal of Jonah N. Kaye—a second?

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion? If not, 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. 25-05.02, Received September 12, 2025, From Deputy Attorney General Trisha Gibo, Transmitting The “Findings Of Fact, Conclusions Of Law And Order” Concerning The Appeal Hearing Held On July 18, 2025, Regarding 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: Approval Of The Order)**

---

CHR. CABANAS: Moving along to Communication number 25-05.02.

(At this time, Mr. Justin C. Lee, Deputy Corporation Counsel, Office of the Corporation Counsel, came forward on behalf of Mr. Mark Disher, Deputy Corporation Counsel.)

CHR. CABANAS: Okay, so this—wait now, this requires—the appeal of Mr. Kalilikane, right? Okay. So do I have a motion to approve this Communication 25-05.02—and it’s the dismissal for lack of jurisdiction for Mr. Kalilikane, Jr.

MR. LEE: My apologies, Chair, I’m standing in for Deputy Corporation Counsel Mark Disher on this.

CHR. CABANAS: Okay. Thank you, Mr. Lee.

SPEAKER: (Inaudible.)

CHR. CABANAS: Okay, the tab is the yellow tab, Number 25-05.02—remember that Mr. Kalilikane is going through the grievance procedure and arbitration, so this matter was dismissed for lack of MAB’s jurisdiction. Okay?

SPEAKER: (Inaudible.)

CHR. CABANAS: Right. Okay. So, may I have a motion to approve this communication?

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: Any discussion? If not, rollcall vote starting with Mr.—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.

**Informational Briefing/Update From Deputy Attorney General Trisha Gibo Concerning The Matters Listed Below (Items A And B). The Briefing/Update Is Limited To The Status Of The Appeals Only And Shall Not Include The Discussion, Details, Or Merits Of The Appeals:**

- A. Communication No. 25-03.03, Received On August 4, 2025, From Deputy Attorney General Trisha Gibo, Regarding HLRB-12, Petition For Declaratory Ruling; *And* Communication No. 25-03.04, Received On August 4, 2025, From Deputy Attorney General Trisha Gibo, Regarding HLRB-12, Petition For Declaratory Ruling, “Exhibit 1”; *And* Communication No. 25-03.05, Received On August 4, 2025, From Deputy Attorney General Trisha Gibo, Regarding Appellees’ Position Statement; Exhibits “A” – “H”; *And* Communication No. 25-03.06, Received On August 4, 2025, From Deputy Attorney General Trisha Gibo, Regarding Appellant’s Statement On The Merit Appeals Board’s Jurisdiction; *And* Communication No. 25-03.07, Received On August 6, 2025, From Deputy Attorney General Trisha Gibo Regarding Notice Of Filing Of Petition For Declaratory Ruling; Deadline For Filing Petitions For Intervention; Notice Of Board Hearing And Status Conference; *And*(*Note: Communication Nos. 25-03.08 And 25-03.09 Were Duplicates Of Communication Nos. 25-03.03 And 25-03.04 And, Therefore, Are Not Listed Here.*) Communication No. 25-03.10, Received On September 12, 2025, From Deputy Attorney General Trisha Gibo, Regarding Enriquez’s Petition For Intervention; *And* Communication No. 25-03.11, Received On September 12, 2025, From Deputy Attorney General Trisha Gibo, Regarding County’s Petition For Intervention; *And* Communication No. 25-03.12, Received On September 12, 2025, From Deputy Attorney General Trisha Gibo, Regarding Petitioner Merit Appeals Board, County Of Hawai’i’s Statement Of No Position; *And* Communication No. 25-03.13, Received On September 12, 2025, From Deputy Attorney General Trisha Gibo Regarding Intervenor County Of Hawai’i, Office Of The Prosecuting Attorney’s Statement Of No Position To Petitioner Tony M. Enriquez’s Petition For Intervention Filed On August 25, 2025; *And* Communication No. 25-03.14, Received On September 12, 2025, From Deputy Attorney General Trisha Gibo, Regarding Tony M. Enriquez’s Statement Of No Position To Petitioner County Of Hawai’i, Office Of The Prosecuting Attorney’s Petition For Intervention Filed On August 25, 2025 (**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)**

---

CHR. CABANAS: Okay, continuing on—informational briefing update. So let’s take “A” first—that’s a lot of communications. Any comments from our attorneys?

(At this time, Mr. Ted H. S. Hong, Esquire, Attorney at Law, Legal Counsel on behalf of Appellant Tony M. Enriquez; and Mr. Justin C. Lee, Deputy Corporation Counsel, Office of the Corporation Counsel (already seated at the dais), came forward.)

CHR. CABANAS: I’ll start with our Deputy Attorney General, Trisha. Do you have any comments?

MS. GIBO: Thank you for reading through all of that documentation. It’s a lot of paper. I can just give you folks a brief summary on, basically, where we’re at with all of these things currently and if you guys have specific questions about certain documents, I can answer those.

Ultimately, there was a status conference and hearing that was held earlier this week before the Hawai‘i Labor Relations Board. The petitions for intervention by both the County and Mr. Enriquez were granted, so they are now part of the proceeding that is before the Labor Relations Board. And they have decided to set an Evidentiary Hearing on our petition for declaratory ruling, which is to be set on Thursday, November 6<sup>th</sup> of this year, in Hilo. So, once I get more information about the specific, time, location—I will let the Board know. Mr. Hong attended as well as Mr. Disher from the Corporation Counsel’s Office.

CHR. CABANAS: Is that something that, as Board members, we can attend?

MS. GIBO: Yes, you can. And I believe Mr. Hong may be subpoenaing some of you as part of that process and I will give you, again, more update once I get more information.

CHR. CABANAS: Okay. Well, that’s wonderful—but you’re going to subpoena us? But, yes, as the Chair I would appreciate being there.

MS. GIBO: Yeah, so it’s relatively—the Order hasn’t been issued yet but that is the date that is currently set, Chair, so you can mark your calendars for that. It will be held in Hilo, so I will come over to you folks.

CHR. CABANAS: Okay, wonderful. Okay.

SPEAKER: (Inaudible.)

CHR. CABANAS: It's the HLRB meeting. Maybe they'll meet here in the Councilroom or State Building?

MS. GIBO: That I don't know, but they are—they, generally, secure their own location.

CHR. CABANAS: Okay.

MS. GIBO: And, likely, to be someplace, maybe, more neutral—but as you folks are open to offering the location, I'm sure I can relay that to the Board.

CHR. CABANAS: And if you need transportation, I'll be happy to pick you up.

MS. GIBO: Thank you, Chair.

MR. THOMAS: I have, sort of, a generic question. I'm not sure where it fits in but, perhaps, you can tell me. The news reports from earlier in the week, I think, said—reported out in Alaska—a Hawai'i Supreme Court decision that sounds a little like these cases—and I don't know because I didn't read or study or even find the case itself.

But it had to do with Labor Relations Board looking at cases from Boards of Appeal—in this case, I think it came from O'ahu—and what the standard is for the review of those cases. Does this sound familiar to the lawyers here or to anybody that's seen something about this case and is it pertinent to what we have in front of us? No?

MR. HONG: It's actually—Mr. Thomas, it's my case—that's the Ruth Forbe's case. It re-stated the law regarding agency appeals. What it basically said, and Ms. Gibo can correct me—that the—condensed down—it does apply to the Merit Appeals Board. That case involved the State Merit Appeals Board where the Merit Appeals Board made a decision, and the department appealed the decision. They felt that they needed to dance on Ruth Forbe's grave in terms of punishment.

So, the Circuit Court affirmed it. Well, actually, the Circuit Court reversed it—that was Judge Hiraoka. Then we went to the Intermediate Court of Appeals, and they affirmed Judge Hiraoka—and the Supreme Court, thankfully, reversed it.

And what the Supreme Court said (inaudible) basically of that case is that, certainly, in an evidentiary contested case hearing, the Merit Appeals Board or the departmental—the agency—has that discretion, the authority to rule on issues of fact. So, the Appellate—whether it's the Circuit Court level or higher—they don't really get to second guess the Findings of Fact with respect to an agencies or commission or board's decision. Does it apply or—does it apply in this case? Absolutely. It applies to all my existing appeals cases.

So, in addition to this one, ERS Board—every agency appeal—it reaffirms what the standard is.

MR. THOMAS: Okay. But no particular impact on the particular group of cases that we're dealing with right here?

MR. HONG: No, it just clarified the bar—the legal standard with respect to reviewing the—an administrative agencies contested case hearing decisions. What lens to put it in. The Supreme Court felt that the Circuit Court and the Intermediate Court, kind of, interposed or used their own judgement and over—decided to override the Merit Appeals Board's decision based on the facts and the Supreme Court was clear in saying, "Look, that you as—when you're doing a contested case hearing, you have that discretion to determine what the facts are and base their ruling—base your ruling on what the facts are now." Obviously, where you're making a Conclusion of Law—that's another story—that's up for appeal.

MR. THOMAS: So, it's a generic administrative agency Finding of Fact case—not necessarily the situation that has to do with Merit Appeals Board, specifically—for that it would be administrative agencies in general?

MR. HONG: Yes. That's my take on it. I mean, Ms. Gibo, Mr. Lee, Ms. Tavares can contribute—and if they see it differently, but that's what I think the case says.

MR. THOMAS: Thank you.

CHR. CABANAS: Anything else? Thank you for the update, Trisha. So, we have November 6<sup>th</sup> save the date.

SPEAKER: (Inaudible.)

CHR. CABANAS: Yes. Okay. So, do I have a motion to approve or—let's see now, what's the wording here—accept and file the communications that I just read—all of them.

MS. BOND: So moved.

CHR. CABANAS: And this is under "9A"—all the Communications listed under "9A." Okay, there's a motion on the floor. Is there a second?

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.

**B. Communication N. 25-06, Received On July 18, 2025, From Deputy Attorney General Trisha Gibo, Regarding Declaratory Ruling (Case Nos. 24-DR-00-124 Through 24-DR-00-131); *And* Communication No. 25-06.01, Received On July 18, 2025, From Deputy Attorney General Trisha Gibo, Regarding Petitioner-Appellant Merit Appeals Board, County Of Hawai'i's Notice Of Appeal; Statement Of The Case; Designation Of Record On Appeal; Order Of Certification And Transmittal Of Records; Exhibits A; *And* Communication No. 25-06.02, Received On July 24, 2025, From Deputy Attorney General Trisha Gibo, Regarding Petitioner-Appellant Merit Appeals Board, County Of Hawai'i's Opening Brief; Statement Of Related Cases; *And* Communication No. 25-06.03, Received On September 11, 2025, From Deputy Attorney General Trisha Gibo, Regarding Petitioner-Appellant Merit Appeals Board, County Of Hawai'i's Opening Brief; Statement Of Related Cases; *And* Communication No. 25-06.04, Received On September 11, 2025, From Deputy Attorney General Trisha Gibo, Regarding Agency-Appellees Hawai'i Labor Relations Board, Dwight Takamine, Stacy Moniz, And Clark Hirota's Answering Brief; *And* Communication No. 25-06.05, Received On September 11, 2025, From Deputy Attorney General Trisha Gibo, Regarding Petitioner-Appellants Merit Appeals Board, County Of Hawai'i's Reply Brief (Executive Session: The Merit Appeals Board Anticipates Convening One Or More Executive Meetings Regarding The Above Matters, 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)**

CHR. CABANAS: Okay, we are on "9B."

MR. HONG: Thank you. Have a good weekend.

CHR. CABANAS: You're welcome. Have a good weekend. Thank you, Mr. Hong.

We're on "9B"—so "9B" is still on Mr. Enriquez? Oh, it's the Police. Oh, Jo-Ann, do you want to come up front to the dais?

(At this time, Ms. Jo-Ann Tallett, Appellant (Police Records Section Supervisor, Police Department); and Ms. Sherilyn K. Tavares, Deputy Corporation Counsel, Office of the Corporation Counsel came forward.)

CHR. CABANAS: So, we have Jo-Ann Tallett here. Now, I'm looking at the different tabs—the 25-06—wait—25-06—

MS. GIBO: Chair, so this is the documentation that was submitted to the First Circuit Court on appeal related to the HPD case.

CHR. CABANAS: Okay.

MS. GIBO: I'm, kind of getting this one on the back end, 'cause I wasn't initially involved. But this is just all of the communications that's currently or most recently has been submitted to the First Circuit—so I'm just updating on the status of that case.

CHR. CABANAS: Okay. So, let me read all the communications listed, and then you can provide us with a summary.

(Note: At this time, Chair Cabanas proceeded to read Communication numbers 25-06 through 25-06.05, which are listed above.)

CHR. CABANAS: If we feel there's a need to go into executive session, then I will read the executive session verbiage—but, at this point, I think, we'll just entertain our Deputy Attorney General's summary regarding these communications that I have just read.

MS. GIBO: Thank you, Chair. So, as you folks probably know, there was a similar petition for declaratory reading that was submitted to the Hawai'i Labor Relations Board. The first communication in that packet is their ruling, essentially stating that you folks have the ability to make a determination on your own with respect to jurisdiction.

My predecessor, Mr. Halvorson, filed a Notice of Appeal on your folk's behalf appealing that decision. So, the subsequent documents are just the briefing that was submitted to the First Circuit Court on that appeal. As it stands now, oral argument is now set for January 27<sup>th</sup> of next year before Judge Tonaki. It will be held via Zoom so you folks can attend remotely if you wish to do so.

But other than that, we're just preparing for oral arguments—nothing else to submit at this time.

CHR. CABANAS: Okay. Will you need to meet with us prior to that?

MS. GIBO: I don't anticipate needing to but, of course, I'm always open to—if you have any questions or you need to have—like you said, executive session to have more thorough discussion, I am, of course, available for that.

CHR. CABANAS: Well, we do have one of the Appellant's here, Ms. Jo-Ann Tallett. She was a longtime employee of the Hawai'i Police Department and has since retired but she's still interested, of course, in her appeal.

So, Ms. Tallett, do you have any questions for us or for our attorney?

MS. TALLETT: No, just that the girls are short-handed today, so they couldn't even come in on the Zoom. So, I'm kind of representing them, along with myself.

CHR. CABANAS: It is a long haul for these employees. They've been waiting way over one year. And to note that the hearing is in January—that's even longer, but I guess it's because they are booked for lack of a better word—the courts are booked in Honolulu to hear this until January, I guess that's what it is, right?

MS. GIBO: We leave it up to the Circuit Court to set their own calendar—

CHR. CABANAS: Right.

MS. GIBO: —so we have no control over that.

CHR. CABANAS: Right.

MS. GIBO: But, yes, that is the date that was given to us by Judge Tonaki.

CHR. CABANAS: Okay. So—you're confused, Ms. Bond?

MS. BOND: Yeah, as usual—I mean—

CHR. CABANAS: Okay, so how can we make it clearer?

MS. BOND: Okay, so what is happening now is you are appealing the thing that said that we could actually rule on this?

MS. GIBO: Right. So, initially, prior to me coming on, my understanding was that there was a petition submitted to the Labor Relations Board asking them to resolve the conflict of jurisdiction between the County and the individual parties.

Since then, the Labor Relations Board issued a ruling stating that you folks—that they—essentially, that they're not going to resolve it for you folks, and that you folks can resolve it yourself. So, that particular decision—the first in this packet—was appealed to the Circuit

Court. And so, the Briefing is essentially arguments to that affect—whether or not the decision made by the Labor Relations Board is accurate.

MS. BOND: So, whether or not this will end up back in our laps?

MS. GIBO: Correct.

MS. BOND: Okay. Then they have to wait now, again, till January?

CHR. CABANAS: Yeah.

MS. BOND: ‘Cause this was just coming on—I mean, beginning when I started a year-and-a-half ago.

CHR. CABANAS: Mm-hmm.

MS. BOND: This is a really, kind of, unfair to these people—one way or the other.

MS. TAVARES: I just want it to be noted it’s not the County that filed the appeal. Okay, I just—

MS. BOND: This time I’ll let you off the hook.

MS. TAVARES: Okay. I just want to make sure.

MS. BOND: Yeah—no—that’s—so who did file the appeals?

CHR. CABANAS: The Attorney General’s Office because—actually, when it comes to appeals, the Attorney General is our attorney—not the County because it would be a conflict if they represented the Board.

MS. BOND: Because they’re—yeah, right.

CHR. CABANAS: Because they’re part of that.

MS. BOND: Right.

CHR. CABANAS: So, she—Trisha is going to be our attorney.

MS. BOND: Right.

CHR. CABANAS: She is guiding us and they filed the appeal.

MS. BOND: And it’s taken HLRB all this time just to get to this point?

CHR. CABANAS: Yes.

MS. BOND: Okay. All right, now I'm not as confused. Thank you. Sorry.

CHR. CABANAS: Okay. So, thank you, Trisha. I know this is a lot on your plate, but you've done a really good job in putting all this together for us and very timely, very efficient. So, thank you very much.

And—what can I say, Jo-Ann, please relay to the employees that, as Ms. Gibo has indicated, that the Court—First Circuit Court on O'ahu—has picked this date, January 27<sup>th</sup>.

SPEAKER: (Inaudible.)

CHR. CABANAS: Yeah, January 27<sup>th</sup>, 2026—it's going to be via Zoom. So, I believe the Attorney General's Office will send you folks letters, again, informing you so you can be present wherever—how would they arrange Zoom capability on their end? They're the Appellants?

MS. GIBO: Right. So, my understanding is that the court should have notified you folks, but if they haven't, we're happy to provide you folks with that information.

CHR. CABANAS: Have they?

MS. TALLETT: Not yet.

CHR. CABANAS: Okay, Jo-Ann says, "Not yet."

MS. GIBO: Okay, that's unfortunate—'cause I think we were notified only earlier this month of that date. So, I'm happy to forward that information—I have all your folks' mailing addresses, and I can forward that information. You folks will—because it's by Zoom you folks can just attend either individually/collectively from wherever you folks are.

MS. TALLETT: That sounds good. I'll let them know.

CHR. CABANAS: Would you have Zoom—some Zoom capability somewhere?

MS. TALLETT: I have, but they're probably not going to have at work.

CHR. CABANAS: Oh.

MS. TALLETT: 'Cause that's something that they would have to take off of the floor and leave the office open.

CHR. CABANAS: Yeah. And we're talking about eight—I think it's eight (inaudible).

MS. TALLETT: No, they're right down—now they're down to five.

CHR. CABANAS: Oh. But in terms of the Appellants—wasn't it like seven—

MS. TALLETT: Yeah, there's seven or eight of us—seven I think.

CHR. CABANAS: Yeah, seven—yeah.

MS. TALLETT: Eight.

CHR. CABANAS: I think with you, eight.

MS. TALLETT: With me eight—yeah.

CHR. CABANAS: Yeah, with you, eight. So, yes, and it's unfortunate to have them wait so long—it's like, wow—but we're all doing our best as we can, at this point, to get it moving forward for you folks. So, Ms. Gibo will send a letter to all of you. Okay, thank you, Trisha.

Anything else?

MR. THOMAS: Can we get some indication after the court rules on this, which could be some number of months after the hearing—what our timeline will be, if we do end up with the case again?

CHR. CABANAS: Well, you need to ask Trisha. Can you respond to that?

MS. GIBO: I don't—it really just depends on what is ordered by the court. They would have the discretion to make any time limitations. I will note that I haven't necessarily seen that in the past, so it would be more just on your folks (inaudible) to help us—you want to move. If you want to get into more specifics, perhaps, it'd be better to have it in executive session.

CHR. CABANAS: Oh, okay. Is there a need for us to go into executive session? No? Are you happy with her response?

MR. THOMAS: Not at my request.

CHR. CABANAS: Okay. All right. So, I'll entertain a motion to approve all of the communications that I read for "9B"—

SPEAKER: (Inaudible.)

CHR. CABANAS: Oh, I'm sorry, accept and file under "9B."

MS. BOND: So moved.

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 to accept and file all of the communications that I read under “9B.” Okay. Thank you.

Thank you, Ms. Tallett, for coming today and for your continued patience and that of the other employees. And thank you, Ms. Gibo, for your great assistance with all of these documents, and to our Attorneys from the Office of the Corporation Counsel—Ms. Tavares and Mr. Lee—thank you very much.

### **Announcements (Item 10)**

CHR. CABANAS: Okay, moving along. Any “Announcements?”

### **Schedule Next Meeting Date (Item 11)**

**The Merit Appeals Board Will Convene Its Next Meeting On Thursday, October 30, 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**

---

CHR. CABANAS: Okay, so let's schedule our next meeting day. Glynis has polled all of us, so the next Merit Appeals Board meeting will convene on Thursday, October 30<sup>th</sup>, 2025, at 9 a.m., at the Hilo Council Chambers, of the Hawai‘i County Building, at 25 Aupuni Street, First Floor, Room 1401, in Hilo, Hawai‘i.

**Adjournment (Item 12)**

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

MS. BOND: So moved.

MR. AGUINALDO: I second.

CHR. CABANAS: Thank you. Any discussion?

MR. AGUINALDO: No.

CHR. CABANAS: If not, starting 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. Meeting is adjourned at 10:20 a.m. Thank you very much, everyone.

Respectfully submitted,

Glynis Yamada, Secretary-Reporter

APPROVED:

Gabriella M. Cabanas, Chair  
Merit Appeals Board