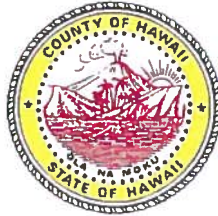


William P. Kenoi
Mayor

COUNTY CLERK
COUNTY OF HAWAII

2015 APR -9 PM 3: 35



June R. Rabago
Acting Chair

County of Hawai'i Merit Appeals Board

Aupuni Center • 101 Pauahi Street, Suite 2 • Hilo, Hawai'i 96720
(808) 961-8361 • Fax (808) 961-8617

Agenda

Wednesday, April 15, 2015

9:30 a.m.

Aupuni Center Conference Room
101 Pauahi Street, Suite 1
Hilo, HI 96720

Note: This Agenda is anticipated to continue into Thursday, April 16, 2015, beginning at 9:30 a.m., and to be held in the same location. However, such a continuance will only occur if necessary.

- 1) **Call to Order**
- 2) **Addendum to Agenda** (requires four votes and must comply with Hawai'i Revised Statutes § 92-7(d))
- 3) **Statements from the Public**
- 4) **Approval of Minutes**
- 5) **Communication(s)**
 - A) **Communication No. 15-16**, received on March 18, 2015, appealing an employment action by the Fire Department; *and*
Communication No. 15-16.1, received on April 9, 2015, from Ted H. S. Hong, Esquire, requesting that his clients appeals (reference Communication Numbers 15-16 and 15-17) be consolidated by the Merit Appeals Board.
 - B) **Communication No. 15-17**, received on March 30, 2015, appealing an employment action by the Fire Department.

David K. S. Nahuina, Ida H. Otake, Julie M. Tulang, Members

Hawai'i County is an Equal Opportunity Provider and Employer.

6) New Business (for discussion and appropriate action)

- A) Introduction of New Merit Appeals Board Member.
- B) Election of Merit Appeals Board Chair and Vice-Chair for Calendar Year 2015.
- C) Annual Performance Evaluation Process for the Director of Human Resources for Fiscal Year 2014-2015.

7) Unfinished Business (for discussion and appropriate action):

The Counsels will have an opportunity to provide oral arguments concerning all motions referenced below. Following the hearings on the motions and the Board's decisions, the parties may proceed further. (The Appellants have requested a closed hearing.)

Communication Nos. 15-01 through 15-14, received on December 22, 2014, appealing an employment action concerning individuals of the Hawai'i County Fire Department (regarding compensation and benefits) by the Mayor and the Director of Human Resources. (Note: At its meeting held on March 18, 2015, the Board approved Communication 5-01.2 entitled, "Stipulation and Order to Continue Hearing" in the matter of the appeal contained in Communication 15-11); *and*

Communication No. 15-01.3, received on March 25, 2015, regarding the County's Motion to Dismiss Appeals concerning Communication Numbers 15-01, 15-04, 15-11, 15-02, 15-12, and 15-14; and Declaration of Steven D. Strauss; Exhibits A-F; *and*

Communication No. 15-01.4, received on April 6, 2015, regarding the Appellants' Memorandum in Opposition to County's Motion to Dismiss Appeals concerning Communication Numbers 15-01, 15-04, 15-11, 15-02, 15-12, and 15-14; *and*

Communication No. 15-01.5, regarding Appellants' Subpoena Duces Tecum; Exhibits A-B; Custodian of Records concerning the Department of Human Resources and the Hawai'i Fire Department (Note: The subpoenas for both departments were approved on February 13, 2015, by Merit Appeals Board Chair Jubilee N. Kuewa); *and*

(Communication No. 15-01.6 continues on the next page.)

Communication No. 15-01.6, received on March 25, 2015, regarding the County's Motion to Limit Scope of Appeals; Exhibits A-D; *and*

Communication No. 15-01.7, received on April 6, 2015, regarding Appellants' Memorandum in Opposition to County's Motion to Limit Scope of Appeals [sic]; Exhibits A-27, A-37, A-40; *and*

Communication No. 15-01.8, received on March 25, 2015, regarding the County's Motion for Protective Order; Exhibits A-D; *and*

Communication No. 15-01.9, received on April 6, 2015, regarding the Appellants' Memorandum in Opposition to County's Motion for Protective Order; *and*

Communication No. 15-01.10, received on April 1, 2015, regarding Appellants' Prehearing Statement; Exhibits A-C (Note: The Appellants propose to bifurcate their Appeals into a liability hearing to be followed by a damages hearing, if necessary); *and*

Communication No. 15-01.11, received on April 1, 2015, regarding County's Prehearing Statement; *and*

Communication No. 15-01.12, received on April 1, 2015, regarding Appellants Witness List; *and*

Communication No. 15-01.13, received on April 1, 2015, regarding County's Witness List; *and*

Communication No. 15-01.14, received on April 1, 2015, regarding Appellants Exhibit List (Exhibits A-1 through A-46); *and*

Communication No. 15-01.15, received on April 1, 2015, regarding County's Exhibit List; Exhibits A-MM.

8) Director's Report

- A) HR Quarterly Reports
- B) Items of Current Interest

9) Schedule Next Meeting Date

10) Adjournment

Executive Session

The Merit Appeals Board anticipates convening one or more executive meetings regarding the above matters listed on the agenda, 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.

The meeting place is accessible to persons with disabilities. If you need an auxiliary aid or service, language interpretation, or other access accommodation, please contact Glynis Yamada at 961-8361 as soon as possible or at least five days prior to the meeting of April 15, 2015.