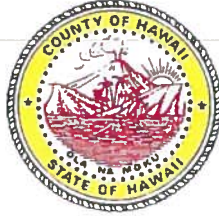


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## County of Hawai'i Merit Appeals Board

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

### Agenda

September 23, 2016 (Friday)

10:00 a.m.

Council Room, Hawai'i County Building  
25 Aupuni Street, Hilo, HI 96720

- 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: March 10, 2016**
- 5) **Communication(s)**
  - A) **Board Action Required (Setting a Hearing Date):**  
**Communication No. 16-01**, received on April 11, 2016, appealing an employment action by the Planning Department as well as the Merit Appeals Board determining whether the Appellant's Step 2 appeal was timely filed with the Mayor pursuant to the County's "Internal Complaint Procedures.")
- 6) **New Business (for discussion and appropriate action)**
  - A) **FY 2015-2016 Annual Evaluation of the Director of Human Resources (HR)**
    - Survey Results
    - Presentation by the Director of HR regarding Department's FY2015 -2016 and next fiscal year goals and objectives
    - Merit Appeals Board's Evaluation Tool for the Director of HR for FY 2016-2017

David K. S. Nahuina, Ida H. Otake, Members

- B) Proposed Amendments to the Merit Appeals Board's Records Retention Schedule:** Proposed amendments to the "County of Hawai'i Paper and Electronic Records Retention Schedule" for the Department of Human Resources concerning the Merit Appeals Board's appeal files, tape recordings, agendas, and minutes.

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

- A) Appeal Hearing: Communication No. 15-18,** received on September 16, 2015, appealing a recruitment and examination action by the Department of Human Resources; *and*

**Communication No. 15-18.01,** received on September 8, 2016 from Appellant, informing the Merit Appeals Board that they are withdrawing their appeal.

- B) Communication No. 15-16.55:** Copy of letter from Deputy Attorney General Julian T. White, dated August 25, 2016 to Counsels. States that one Member of the Merit Appeals Board was unable to attend a hearing held on February 5, 2016. The Board believes that the absence of one Member for one hearing triggers the requirements of Hawai'i Revised Statutes, Section 91-11, which requires the Board's determinations of facts and law be served on the parties for their review and to file exceptions, if deemed necessary to do so.

Counsels for both parties will be given the opportunity to present oral argument on their position regarding their exception positions, if any, on the proposed Findings of Fact, Conclusions of Law. The following were transmitted to the Counsels (Comm. Nos. 15-16.56 - 15-16.59):

**Communication No. 15-16.56,** received on August 25, 2016 regarding the Merit Appeals Board's proposed Findings of Fact, Conclusions of Law, Decision and Order Denying Appeal of Appellants; *and*

**Communication No. 15-16.57,** received on August 25, 2016 regarding the Merit Appeals Board's proposed Findings of Fact, Conclusions of Law and Order Denying Appellants' Motion in Limine to Preclude Disclosure of Protected Health Information; *and*

**Communication No. 15-16.58,** received on August 25, 2016 regarding the Merit Appeals Board's proposed Findings of Fact, Conclusions of Law and Order Denying Employer's Motion for Closed Hearing; *and*

*(Communication No. 15-16.59 continues on the next page.)*

**Communication No. 15-16.59**, received on August 25, 2016 regarding the Merit Appeals Board's proposed Findings of Fact, Conclusions of Law and Order Denying Employer's Motion to Dismiss for Lack of Jurisdiction; *and*

**Communication No. 15-16.60**, received on September 13, 2016 regarding Appellants' Exceptions to Proposed Findings of Fact, Conclusions of Law, Decision and Order Denying Appeals of Appellants; Exhibits "1," - "7;" Declaration of Appellants' Representative; Certificate of Service.

For informational purposes, the following proposed Findings of Fact and Conclusions of Law were previously submitted by both Counsels to the Merit Appeals Board:

**Communication No. 15-16.50**, received on May 6, 2016, regarding Appellants' Proposed Findings of Fact and Conclusions of Law; Exhibit "A;" Certificate of Service; *and*

**Communication No. 15-16.51**, received on May 6, 2016, regarding County's Proposed Findings of Fact, Conclusions of Law and Order; Certificate of Service; *and*

**Communication No. 15-16.52**, received on May 6, 2016, regarding County's Proposed Findings of Fact, Conclusions of Law and Order Re: Employer's Motion to Dismiss for Lack of Jurisdiction; Certificate of Service; *and*

**Communication No. 15-16.53**, received on May 6, 2016, regarding County's Proposed Findings of Fact, Conclusions of Law and Order Re: Employer's Motion for Closed Hearing; Certificate of Service; *and*

**Communication No. 15-16.54**, received on May 6, 2016, regarding County's Proposed Findings of Fact, Conclusions of Law and Order Re: Appellants' Motion in Limine to Preclude Disclosure of Protected Health Information; Certificate of Service.

**8) Director's Report**

- A) HR Quarterly Reports
- B) Bargaining Unit/Negotiations Update
- C) 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 September 23, 2016.