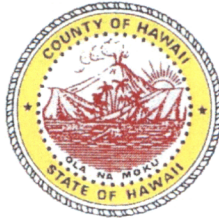


Harry Kim
Mayor

COUNTY CLERK
COUNTY OF HAWAII

2017 NOV -2 PM 3: 25



Julie M. Tulang
Chair

David K. S. Nahuina
Vice-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

November 8, 2017 (Wednesday)
9:00 a.m.
Council Chambers
Hawai'i County Building
25 Aupuni Street, Room 1401
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:** None
- 5) **Communication(s)**
- 6) **New Business (for discussion and appropriate action)**
- 7) **Unfinished Business (for discussion and appropriate action)**

A) Communication No. 17-01, received on January 6, 2017, appealing an employment action (denial of the Appellant's Step 2 Decision concerning alleged policy violations) by the Office of the County Clerk; *and*

Communication No. 17-01.01, received on April 25, 2017, regarding Respondent's (County) Motion to Dismiss Appeal Based Upon the Merit Appeals Board's Lack of Jurisdiction; Memorandum in Support of Motion; Declaration of an Individual (Human Resources Technician II, Office of the County Clerk); Exhibits "A"- "D"; Certificate of Service; *and*

(Note: The aforementioned Communications was listed on the Merit Appeals Board agenda dated May 10, 2017.)

William Chillingworth, Luahiwa Namahoe, Mitch Tam, Members

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

Communication No. 17-01.02, received on May 12, 2017, regarding County's request for a continuance of the hearing scheduled for June 21, 2017; *and*

Communication No. 17-01.03, received on May 22, 2017, regarding County's request for a continuance of the hearing scheduled for June 21, 2017; *and*

Communication No. 17-01.04, received on May 25, 2017, regarding Appellant's Memorandum in Opposition to the County's Motion to Dismiss; *and*

Communication No. 17-01.05, received on June 2, 2017, regarding County's (Respondent's) Reply Memorandum to Appellant's Memorandum in Opposition to County's (Respondent's) Motion to Dismiss Appeal Based Upon the Merit Appeals Board's Lack of Jurisdiction Filed April 25, 2017, Filed on May 25, 2017; Declaration of an Individual; Exhibit "E"; Certificate of Service; *and*

(Note: The aforementioned Communications was listed on the Merit Appeals Board agenda dated June 21, 2017.)

Communication No. 17-01.06, received on August 30, 2017, regarding County's Witness List; Certificate of Service; *and*

Communication No. 17-01.07, received on August 30, 2017, regarding the County's Exhibit List; Exhibits "1" - "7"; Certificate of Service; *and*

Communication No. 17-01.08, received on September 18, 2017, from Appellant, submitting a copy of a letter to the County Clerk concerning Appellant's rebuttal to alleged policy violations; *and*

Communication No. 17-01.09, received on September 21, 2017, from Appellant requesting a continuance of the hearing scheduled for September 27, 2017. (Note: At the Board's meeting held on September 27, 2017, the Board granted the Appellant's request for a continuance.); *and*

Communication No. 17-01.10, received on September 22, 2017, from County stating they have no objection to the Appellant's request for a continuance; *and*

(Note: The aforementioned Communications was listed on the Merit Appeals Board agenda dated September 27, 2017; Comm. No. 17-01.10 was presented/circulated at the meeting.)

Communication No. 17-01.11, received on October 9, 2017, from Appellant requesting a continuance of the hearing scheduled for November 8, 2017; *and*

Communication No. 17-01.12, received on October 9, 2017, from Appellant in opposition to County's Motion to Dismiss (Appeal Based Upon the Merit Appeals Board's Lack of Jurisdiction) and requesting a continuance of the hearing scheduled for November 8, 2017; *and*

Communication No. 17-01.13, received on October 25, 2017, from County stating they have no objection to the Appellant's request for a continuance; *and*

Communication No. 17-01.14, dated October 27, 2017, from Merit Appeals Board Chair Julie M. Tulang, granting Appellant's request for a continuance.

Board Action Required: Setting a hearing date (Appellant's request for a continuance was granted per Communication No. 17-01.14)

Hearing: 9:15 a.m.

B) Communication No. 17-02, received on April 17, 2017, appealing an employment action (concerning the Appellant's initial probationary appointment) by the Police Department; *and*

Communication No. 17-02.01, received on May 12, 2017, from County requesting a continuance of the hearing scheduled for June 21, 2017. (Note: At the Board's meeting held on June 21, 2017, the Board granted the County's request for a continuance.); *and*

(Note: The aforementioned Communications was listed on the Merit Appeals Board agenda dated June 21, 2017.)

Communication No. 17-02.02, received on July 14, 2017, from Appellant requesting a continuance of the hearing scheduled for September 27, 2017. (Note: At the Board's meeting held on September 27, 2017, the Board granted the Appellant's request for a continuance.); *and*

(Note: The aforementioned Communications was listed on the Merit Appeals Board agenda dated September 27, 2017.)

Communication No. 17-02.03, received on October 24, 2017, regarding County's Witness List; Certificate of Service; *and*

Communication No. 17-02.04, received on October 24, 2017, regarding County's Exhibit List; Exhibits "1" - "16"; Certificate of Service.

Hearing: 1:30 p.m.

C) **Communication No. 17-03**, received on July 19, 2017, appealing a recruitment and examination action (concerning non-selection to a position) by the Parks and Recreation Department; *and*

Communication No. 17-03.01, received on October 24, 2017, regarding Appellant's Witness List; *and*

Communication No. 17-03.02, received on October 25, 2017, regarding County's Witness List; Certificate of Service; *and*

Communication No. 17-03.03, received on October 25, 2017, regarding County's Exhibit List; Exhibits "1" - "3"; Certificate of Service.

D) **Fiscal Year 2016-2017 Annual Evaluation of the Director of Human Resources (HR)**

- Presentation by the Director of HR regarding Department's FY 2016-2017 goals and objectives

(Note: This matter was listed on the Merit Appeals Board agenda dated September 27, 2017.)

E) **Selection of New Director of Human Resources (for discussion and appropriate action)**

- Selection Process for Filling the Position
 - Current position description, type of recruitment and timeline, advertisements, applications, selection process
 - Continued discussion regarding residency requirements and setting a new advertisement date

(Note: This matter was listed on the Merit Appeals Board agenda dated October 18, 2017.)

8) Director's Report

- A) HR Quarterly Reports
- April - June 2017 (Postponed on 09/27/17)
 - July - September 2017)
- 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 November 8, 2017.