

CIVIL SERVICE COMMISSION  
COUNTY OF MAUI  
200 South High Street  
Wailuku, Hawaii 96793

**PUBLIC NOTICE OF MEETING**

<p><u>COMMISSIONERS:</u></p> <p>Ann M. Moe (Kihei) Chairperson</p> <p>Arnold K. Wunder (Pukalani) Vice-Chair</p> <p>Blake T. Takayama (Makawao)</p> <p>Jon Santos (Haiku)</p> <p>Alice L. Lee (Wailuku)</p>	<p>Pursuant to Chapter 92, Hawaii Revised Statutes, as amended by Act 271, Session Laws of Hawai'i 1984</p> <p>NOTICE IS HEREBY GIVEN by the Civil Service Commission of the County of Maui, State of Hawaii, of its regular meeting and executive meeting scheduled for:</p> <p>DATE:           Wednesday, June 6, 2012</p> <p>TIME:           9:00 a.m.</p> <p>PLACE:          Department of Personnel Services Conference Room 629 Kalana O Maui (County Building) 200 South High Street Wailuku, Hawaii 96793</p>
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AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, please contact commission staff at the Department of Personnel Services.

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted prior to the discussion of each agenda item. If written testimony is submitted at the meeting, eight copies are requested.

INDIVIDUALS PLANNING TO ATTEND THE MEETING who have special needs or require an accommodation that would assist in their successful participation in the meeting, *i.e.*, large print, taped materials, sign language interpreter, accessible parking, etc. should call the Department of Personnel Services at least two working days in advance.

DOCUMENTS ON FILE WITH THE COMMISSION, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Section 2.64.010). Contact the Department of Personnel Services to make arrangements for inspection or photocopying of documents.

**Agenda - Regular Meeting**

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC TESTIMONY
4. APPROVAL OF MINUTES – OCTOBER 5, 2011 & NOVEMBER 2, 2011 MEETINGS

## 5. OLD BUSINESS:

- A. Update on Salary Commission issues.
  - (1) Met on May 11, 2012; next meeting July 13, 2012.
  
- B. Letter dated April 3, 2012 from G. Riki Hokama, Chair, Policy Committee, Maui County Council, to Ann Moe, Chair, Civil Service Commission, enclosing the 2011-2012 Maui County Charter Commission Final Report dated March 30, 2012 and requesting her attendance at the committee's April 9, 2012 meeting regarding the consideration of Proposal Ten relating to the Fire and Public Safety Commission, Civil Service Commission, Police Commission, and Liquor Control Commission.
  - (1) Response letter dated April 5, 2012 acknowledging receipt and informing the Policy Committee Chair that the CSC Chair will not be attending the April 9<sup>th</sup> meeting and that the matter will be discussed at the CSC's May 2, 2012 meeting.
  - (2) Review and discuss Proposal Ten, establish position, and draft reply to Policy Committee.
    - (a) Response letter dated May 2, 2012 sent to Policy Committee Chair.

## 6. DIRECTOR'S MONTHLY REPORT:

- A. Update on collective bargaining.
  
- B. Department of Personnel Services' proposed budget for FY2012-13.
  - (1) Attended Council Budget and Finance Committee's meeting on April 5, 2012; follow-up report.

## 7. SCHEDULE NEXT MEETING DATE &amp; DISCUSS NEXT MEETING BUSINESS

- A. Wednesday, July 11, 2012.

## 8. ADJOURN REGULAR MEETING AND MOVE INTO EXECUTIVE MEETING, CLOSED TO THE PUBLIC, FOR THE PURPOSES OF: (1) EXERCISING THE ADJUDICATORY FUNCTION OF THE COMMISSION and (2) CONSULTING WITH THE COMMISSION'S ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SECTION 11-102-6, RULES OF THE CIVIL SERVICE COMMISSION, AND SECTIONS 91-9, 92-4, 92-5(a)(4) &amp; (6) and 92-6(a)(2)(D), HAWAII REVISED STATUTES ("HRS").

**Agenda - Executive Meeting**

1. APPROVAL OF MINUTES – OCTOBER 5, 2011 & NOVEMBER 2, 2011 MEETINGS
2. ADJUDICATORY FUNCTION:
  - A. New Appeal:
    - (1) CSC-AP #2012-5, Appeal concerning suspension of name from the Police Officer I eligible list re unsuccessful completion of the physical fitness portion of the selection process.
      - (a) Letter of withdrawal received May 21, 2012.
  - B. Pending Appeals:
    - (1) CSC-AP #2012-3, Appeal concerning termination of initial probationary period.
      - (a) Review/approve proposed decision and order as drafted by Deputy Attorney General Claire Chinn.
    - (2) CSC-AP #2012-4, Appeal concerning forced transfer from Operations Superintendent of Wastewater Reclamation Division to Assistant Division Chief of Solid Waste Division.
      - (a) Letter dated March 28, 2012 acknowledging receipt of appeal.
      - (b) Letter dated March 28, 2012 forwarding a copy of appeal to the Director of Environmental Management.
      - (c) Letter dated April 4, 2012 informing Appellant the appeal is premature, Commission lacks jurisdiction, hearing deferred until Appellant receives notice of any adverse action.
      - (d) Response letter dated April 10, 2012 from Appellant.
      - (e) Reply letter dated April 12, 2012 to Appellant.
    - (3) CSC-AP #2012-1, Appeal concerning notice of Personnel Director's action dated 12/22/2011 re Position No. DE-0220, Assistant Solid Waste Division Chief, EM 5.
      - (a) Letter dated February 1, 2012 scheduling a March 7, 2012 hearing date.
      - (b) Parties' position statements and exhibits due February 28, 2012.

- (c) Letter from Appellant dated February 24, 2012 requesting the hearing date be rescheduled from March 7, 2012 to May 2, 2012.
- (d) Letter from Respondent dated February 28, 2012 objecting to request to reschedule the March 7, 2012 hearing date.
- (e) Respondent's Position Statement, List of Exhibits, Exhibit "A", Certificate of Service.
- (f) Appellant's Position Statement; List of Exhibits; Exhibits A-R.
- (g) Appellant's letter dated February 25, 2012 requesting subpoenas be issued for seven witnesses at March 7<sup>th</sup> hearing; may disregard should hearing be rescheduled.
- (h) Appellant's letter dated February 29, 2012 responding to Respondent's objection to reschedule hearing date.
- (i) Letter dated February 29, 2012 granting Appellant's request to reschedule hearing date to May 2, 2012.
- (j) Letter from Appellant dated April 24, 2012 requesting the May 2, 2012 hearing date be delayed and rescheduled as necessary pending the outcome of Appellant's grievance.
- (k) Letter from Respondent dated April 25, 2012 objecting to any further continuance of the matter.
- (l) Letter dated April 25, 2012 granting Appellant's second request for continuance; hearing rescheduled from May 2, 2012 to July 11, 2012.

C. HRS Chapter 91 Contested Case Hearing:

- (1) CSC-AP #2012-2, Classification Appeal regarding "no change" action taken on Position No. PD-0324, Clerk-Stenographer III.
  - (a) Letter dated February 16, 2012 acknowledging receipt of appeal.
  - (b) Letter dated March 7, 2012 scheduling appeal hearing for April 4, 2012.
  - (c) Parties' position statement and exhibits due March 27, 2012.
  - (d) Letter dated March 20, 2012 from Appellant requesting an extension of the appeal hearing date.
  - (e) Letter dated March 27, 2012 from Respondent re statement of no objections to a reasonable continuance.
  - (f) Response letter dated March 27, 2012 granting Appellant's request for extension and rescheduling hearing to June 6, 2012.
  - (g) Letter dated May 2, 2012 to Appellant acknowledging receipt of her Position Statement, List of Exhibits, Exhibits A-S and Supplement to Exhibit H.
  - (h) Response letter dated May 7, 2012 from Appellant.

- (i) Reply letter dated May 8, 2012 to Appellant.
- (j) Respondent’s Motion to Strike Exhibits Offered by Appellant and for Protective Order; Certificate of Service.
- (k) Letter dated May 23, 2012 scheduling a June 6, 2012 hearing date on Respondent’s Motion to Strike and setting a June 1, 2012 deadline for Appellant’s response to said motion.
- (l) Ex parte request from Respondent dated May 25, 2012 regarding Appellant’s Exhibit "H" and Supplement to Exhibit "H".
- (m) Respondent’s Position Statement, DPS’ Staff Report; List of Exhibits; Exhibits "1" to "12"; Certificate of Service.
- (n) Response letter dated May 28, 2012 from Appellant to Respondent’s Motion to Strike Exhibits Offered by Appellant and for Protective Order.

3. ADJOURNMENT

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I HEREBY CERTIFY that this notice was filed in the Office of the County Clerk of the County of Maui at least six calendar days prior to the time and date of the forthcoming meeting; and FURTHER CERTIFY that the notice was filed in the office of the Department of Personnel Services of the County of Maui which is the office of the Civil Service Commission of the County of Maui, and posted on the bulletin boards of the Department of Personnel Services on the sixth floor of the County Building (Kalana O Maui) at 10:51 A.M. on this 31st day of May, 2012, which is at least six calendar days prior to the date and time of the forthcoming meeting.

Any inquiries, contact commission staff at the office of the Department of Personnel Services, County of Maui, 200 South High Street, Room 623, Wailuku, Hawaii, during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, except on holidays, by phone: 270-7850, fax: 270-7969 or e-mail: [personnel.services@co.maui.hi.us](mailto:personnel.services@co.maui.hi.us). Molokai residents may call toll-free at 1-800-272-0117; Lanai residents: call 1-800-272-0125.

ANN M. MOE, Chairperson,  
Civil Service Commission

By /s/ Lance T. Hiromoto  
Lance T. Hiromoto  
Director of Personnel Services

Received and filed in the Office of the County Clerk of the County of Maui at 10:51 A.M. on this 31st day of May, 2012.

/s/ Joyce Murashige  
For: COUNTY CLERK, COUNTY OF MAUI