

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

PUBLIC NOTICE OF MEETING

<p><u>COMMISSIONERS:</u></p> <p>Arnold K. Wunder (Pukalani) Chair</p> <p>Blake T. Takayama (Makawao) Vice-Chair</p> <p>Jon Santos (Haiku)</p> <p>Alice L. Lee (Wailuku)</p> <p>Yarrow L. Flower (Makawao)</p>	<p>Pursuant to Chapter 92, Hawaii Revised Statutes, as amended by Act 271, Session Laws of Hawaii 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, October 2, 2013</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>
<p>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.</p> <p>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.</p> <p>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>i.e.</i>, large print, taped materials, sign language interpreter, accessible parking, etc. should call the Department of Personnel Services at least two working days in advance.</p> <p>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.</p>	

Agenda - Regular Meeting

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC TESTIMONY
4. APPROVAL OF MINUTES – FEBRUARY 20, 2013 MEETING

5. OLD BUSINESS:

- A. Fiscal Year 2014-2015 Budget Preparation.
 - (1) Memorandum dated August 12, 2013 from Budget Director to all departments transmitting a timeline of due dates.
 - (a) DPS' budget narratives submitted September 20, 2013.
 - (b) Operating budget request due October 4, 2013.

6. NEW BUSINESS:

- A. Table of Organization and Functional Charts of the Department of Personnel Services.
 - (1) Annual update for review and approval.
- B. Annual Report of the activities and operations of the Civil Service Commission and Department of Personnel Services for the fiscal year period beginning July 1, 2012 through June 30, 2013.
- C. Performance evaluation of the Director of Personnel Services for the fiscal year ended June 30, 2013.

Note: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, may be held to consider the hire, evaluation, dismissal or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held; and pursuant to Section 92-5(4), HRS, to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

7. DIRECTOR'S MONTHLY REPORT:

- A. Update on collective bargaining.
- B. Updated vacancy report.
- C. Update on Employee Awards Program.
 - (1) Lanai Employee Recognition Luncheon was held on September 24, 2013 at the Lanai Senior Center; Vernon Patao, Fire Fighter III, was selected as the Lanai Employee of the Year.
 - (2) Molokai - Thursday, October 10, 2013, Mitchell Pauole Center
 - (3) Maui - Thursday, November 7, 2013

8. SCHEDULE NEXT MEETING DATE & DISCUSS NEXT MEETING BUSINESS
9. 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) & (6) and 92-6(a)(2)(D), HAWAII REVISED STATUTES ("HRS").

Agenda - Executive Meeting

1. APPROVAL OF MINUTES – FEBRUARY 20, 2013 MEETING
2. ADJUDICATORY FUNCTION:
 - A. Pending Appeals:
 - (1) CSC-AP #2013-4, Appeal against the Fire Chief concerning non-selection to Battalion Chief.
 - (a) Letter dated April 23, 2013 acknowledging receipt of appeal.
 - (b) Letter dated April 23, 2013 forwarding copy of appeal to Fire Chief.
 - (c) Letters (2) dated May 1, 2013 setting appeal hearing for June 5, 2013.
 - (d) Respondent Fire Chief's Motion to Dismiss Appeal; Memorandum in support of Motion; Certificate of Service.
 - (e) Letter dated May 17, 2013 deferring appeal hearing and scheduling hearing on Motion to Dismiss Appeal for June 5, 2013.
 - (i) Appellant's response to motion due May 28, 2013.
Response received.
 - (ii) Respondent's reply to Appellant's response due June 3, 2013.
 - (f) Findings of Fact, Conclusions of Law, and Order Denying Respondent's Motion to Dismiss Appeal.
 - (g) Letters (2) dated July 16, 2013 to selectees enclosing copy of appeal and to respond by August 5, 2013 if they wish to file a motion to intervene.
 - (i) Responses received from selectees.
 - (h) Letters (4) dated August 7, 2013 setting appeal hearing for September 4, 2013.
 - (i) Notice of Taking Deposition Upon Written Interrogatories; Interrogatories; Certificate of Service.

- (i) Subpoena Duces Tecum (to Custodian of Records, Department of Fire and Public Safety)
 - (j) Notice of Taking Deposition Upon Written Interrogatories; Interrogatories; Certificate of Service.
 - (i) Subpoena Duces Tecum (to Custodian of Records, Department of Personnel Services)
 - (k) Respondent Fire Chief's Ex Parte Motion for Leave to Submit Exhibits Under Seal; Ex Parte Order; Certificate of Service.
 - (i) Ex Parte Order signed August 21, 2013.
 - (l) Respondent's Motion to Quash Subpoenas Duces Tecum; Memorandum in Support of Motion; Declaration of Gary Murai; Exhibits "A" - "B"; Certificate of Service.
 - (m) Letter dated August 21, 2013 deferring appeal hearing and scheduling hearing on Motion to Quash Subpoenas Duces Tecum for September 4, 2013.
 - (i) Appellant and Intervenors' responses to motion due August 28, 2013.
 - (1) Appellant's Memorandum in Opposition to Motion to Quash Subpoena Duces Tecum received.
 - (ii) Respondent's reply to Appellant and Intervenors' responses due August 30, 2013.
 - (1) Respondent's reply received.
 - (n) Review/approve decision re Motion to Quash Subpoenas Duces Tecum as drafted by Deputy Attorney General Claire Chinn.
- (2) CSC-AP #2013-7, Appeal against the Director of Personnel Services concerning disqualification of application re Exam No. 2013-11, Assistant Wastewater Treatment Plant Operator (Immediate Vacancy - Molokai).
- (a) Letter dated July 30, 2013 acknowledging receipt of appeal.
 - (b) Letter dated August 7, 2013 setting appeal hearing for November 6, 2013.

B. HRS Chapter 91 Contested Case Hearing:

- (1) CSC-AP #2013-6, Appeal against the Director of Personnel Services concerning the removal of appellant's name from the Public Safety Aide eligible list.
 - (a) Letter dated June 18, 2013 acknowledging receipt of appeal.
 - (b) Letter dated July 3, 2013 setting appeal hearing for August 7, 2013.
 - (c) Letter dated July 18, 2013 from appellant requesting that the appeal hearing be moved from August 7, 2013 to the month of September and further requesting the specific reason behind the Director's determination of unsuitability for employment.

- (d) Letter dated July 19, 2013 from respondent stating no objections to continuance.
- (e) Letter dated July 22, 2013 postponing hearing date from August 7, 2013 to October 2, 2013.
- (f) Appellant’s Position Statement; List of Exhibits with seven unmarked exhibits.
- (g) Respondent’s Position Statement with Exhibits "1"-"17"; List of Exhibits; Certificate of Service.
- (h) Respondent’s Errata to Respondent’s Position Statement; Staff Report of Kainea Aiwohi; Exhibits "1"-"17"; List of Exhibits; Certificate of Service.

3. ADJOURNMENT

* * * * *

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 8:38 A.M. on this 26th day of September, 2013, 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. Molokai residents may call toll-free at 1-800-272-0117; Lanai residents: call 1-800-272-0125.

ARNOLD K. WUNDER, Chairperson,
Civil Service Commission

By /s/ David J. Underwood
David J. Underwood, Deputy Director
For Lance T. Hiromoto
Director of Personnel Services

Received and filed in the Office of the County Clerk of the County of Maui at 8:38 A.M. on this 26th day of September, 2013.

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