

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

**PUBLIC NOTICE OF MEETING**

COMMISSIONERS:

Arnold K. Wunder  
(Pukalani)  
Chair

Blake T. Takayama  
(Makawao)  
Vice-Chair

Jon Santos  
(Haiku)

Alice L. Lee  
(Wailuku)

Yarrow L. Flower  
(Makawao)

Pursuant to Chapter 92, Hawaii Revised Statutes,  
as amended by Act 271, Session Laws of Hawaii 1984

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:

DATE: December 4, 2013

TIME: 9:00 a.m.

PLACE: Department of Personnel Services  
Conference Room 629  
Kalana O Maui (County Building)  
200 South High Street  
Wailuku, Hawaii 96793

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 – APRIL 3, 2013 MEETING

## 5. OLD BUSINESS:

- A. Update on Salary Commission
  - (1) Next meeting scheduled for December 13, 2013.

## 6. NEW BUSINESS:

- A. Annual refresher training for Civil Service Commissioners on the County of Maui's Policy Against Discrimination.

## 7. COMMISSION CORRESPONDENCE:

- A. Performance Evaluation of Director of Personnel Services
  - (1) Letters dated November 7, 2013 transmitted to (1) Mayor and (2) Council reporting completion of evaluation.

## 8. DIRECTOR'S MONTHLY REPORT:

- A. Update on collective bargaining
  - (1) Unit 11 (HFFA) fire fighters
- B. Update on Employee Awards Program re Fiscal Year 7/1/12 - 6/30/13
  - (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 Employee Recognition Luncheon was held on October 10, 2013 at the Mitchell Pauole Center; Michael McCutcheon, Police Officer III, was selected as the Molokai Employee of the Year.
  - (3) Maui's luncheon was held on November 7, 2013 at the Maui Tropical Plantation. Distribute program brochure.
    - (a) Maui Employee of the Year: Richard A. Apana, Fire Fighter II (HAZMAT Operations), Department of Fire and Public Safety
    - (b) Maui Manager of the Year: Wendy Y. Kobashigawa, Civil Engineer V, Department of Public Works
    - (c) Maui Team of the Year: Meals on Wheels Program Staff, Department of Housing and Human Concerns.
- C. Office News
  - (1) DPS staff update – resignations, new hire.

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

10. 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 – APRIL 3, 2013 MEETING
2. ADJUDICATORY FUNCTION:
  - A. New Appeal:
    - (1) CSC-AP #2013-8, Suspension Appeal against the Mayor.
      - (a) Letter dated November 13, 2013 acknowledging receipt of appeal.
      - (b) Letter dated November 13, 2013 forwarding copy of appeal to the Mayor.
      - (c) Schedule hearing date.
  - B. 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) Order Denying in Part and Granting in Part Respondent's Motion to Quash Subpoenas Duces Tecum.
- (o) Letter dated October 8, 2013 to the parties enclosing above-referenced Order and setting hearing on the merits for December 4, 2013.
- (p) Appellant's Motion to Reconsider Order Granting in Part, Denying in Part Respondent's Motion to Quash Subpoenas Duces Tecum; Exhibit "A"; Certificate of Service.
- (q) Letter dated November 19, 2013 deferring December 4, 2013 appeal hearing and scheduling hearing on Appellant's Motion to Reconsider Order Granting in Part, Denying in Part Respondent's Motion to Quash Subpoenas Duces Tecum for January 8, 2014.
  - (i) Respondent and Intervenors' responses to motion due December 10, 2013.
    - (1) Respondent's response received November 25, 2013.

(ii) Appellant’s reply to Respondent and Intervenors’ responses due December 30, 2013.

(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) Review/approve decision and order as drafted by Deputy Attorney General Claire Chinn.

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 9:42 A.M. on this 27th day of November, 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](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.

ARNOLD K. WUNDER, 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 9:42 A.M. on this 27th day of November, 2013.

/s/ Lauren Anderson  
For: COUNTY CLERK, COUNTY OF MAUI