



CIVIL SERVICE COMMISSION

JEFFREY IIDA, CHAIR
BEVERLY GOTELLI, VICE CHAIR

V. PAMAI CANO, COMMISSIONER
FELY FAULKNER, COMMISSIONER
FRANCIS KAAWA, COMMISSIONER
VONNELL RAMOS, COMMISSIONER

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

Meetings of the Civil Service Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Civil Service Commissioners, Department and/or Boards and Commission Staff, parties to agenda items, and resource individuals may appear via the Microsoft Teams remote technology.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Civil Service Commission will continue all matters and reconvene at the next scheduled Civil Service Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Civil Service Commission's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony:** The Civil Service Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to smuragin@kauai.gov or mailed to the Civil Service Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766. Written testimony received by the Civil Service Commission at least 24 hours prior to the meeting will be distributed to all Civil Service Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter. Any late testimony received will be distributed to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting via Microsoft Teams remote technology platform.
 - Anyone interested in providing oral testimony must register at least 24 hours prior to the meeting by emailing smuragin@kauai.gov or calling (808) 241-4919. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - It shall be the responsibility of the testifier to join the meeting through the Microsoft Teams link provided on the posted agenda to provide their testimony. In addition, it shall be the responsibility of the testifier to ensure that the Microsoft Teams software is downloaded and operational prior to the meeting.
 - The testifier's audio and video shall be disabled until it is your turn to testify.
 - Per the Civil Service Commission's and Chairs practice, there is three-minute time limit per testifier.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

AMENDED

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Tuesday, February 1, 2022
2:00 p.m. or shortly thereafter

Microsoft Teams VIDEO

Click on the URL below or type the URL into your computer or smart phone

<https://bit.ly/3zsPrvL>

Microsoft Teams AUDIO

Phone: 1-469-848-0234, Conference ID: 332 626 911#

#1 CALL TO ORDER IN OPEN SESSION (Open to the Public)

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENTS AND TESTIMONY

Individuals may orally testify on any agenda item at this time.

APPEAL HEARING

Pursuant to Hawai'i Revised Statutes §76-14 the Merit Appeals Board shall decide appeals from any action under Chapter 76. Pursuant to §76-47, a jurisdiction may continue to use its Civil Service Commission or Appeals Board, with or without modification, as its Merit Appeals Board to assume all of the functions and responsibilities under section §76-14. Pursuant to Hawai'i Revised Statutes §92-6(a)(2)(D), when the Civil Service Commission is exercising its adjudicatory functions, the appeal hearing may be closed to the public.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes §92-7(a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussion held in Executive Session are closed to the public.

#2 ENTER APPEAL HEARING(Closed to the Public)

Disconnect from #1 Open Session and enter #2 Appeal Hearing.

#2 CALL TO ORDER IN APPEAL HEARING

ROLL CALL

BUSINESS

ES-03 – RFA 2021-02 Respondent Department of Human Resources of the County of Kauai’s Motion *In Limine* to exclude evidence from RFA 2021-02.

#3 ENTER INTO EXECUTIVE SESSION (Closed to the Public)

Disconnect from #2 Appeal Hearing and enter #3 Executive Session.

#3 CALL TO ORDER IN EXECUTIVE SESSION

ROLL CALL

BUSINESS

ES-03 – RFA 2021-02 To consider Respondent Department of Human Resources of the County of Kauai’s Motion *In Limine* to exclude evidence from RFA 2021-02.

Pursuant to Hawai’i Revised Statutes §92-4, §92-5(a)(4) and §76-47 (e), the commission requests an Executive Session to consult with the Deputy Attorney General on the Motion *In Limine* and discuss the commissions process to rule on the motion. This discussion and consultation may involve matters affecting privacy and consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission as they relate to this agenda item.

#2 ENTER INTO APPEAL HEARING (Closed to the Public)

Disconnect from #3 Executive Session and enter #2 Appeal Hearing

#2 CALL TO ORDER IN APPEAL HEARING

ROLL CALL

BUSINESS

ES-03 – RFA 2021-02 Ruling regarding Respondent Department of Human Resources of the County of Kauai’s Motion *In Limine* to exclude evidence from RFA 2021-02.

a) Chair lida to announce the commission’s ruling.

ES-04 – RFA 2021-02 Appeal Hearing –Appeal filed March 18, 2021, against the action of the Director of Human Resources. Pursuant to Hawai’i Revised Statutes 76-14 the Merit Appeals Board shall decide appeals from any action under Chapter 76.

#3 ENTER EXECUTIVE SESSION (Closed to the Public)

Disconnect from #2 Appeal Hearing and enter #3 Executive Session.

#3 CALL TO ORDER IN EXECUTIVE SESSION

ROLL CALL

APPROVAL OF MEETING MINUTES

ES-05

Executive Session Minutes of January 4, 2022

Pursuant to Hawai'i Revised Statutes §92-4 and §92-5(a)(4), §92-9 (a)(1-4) and (b), the commission requests an Executive Session to approve or amend the executive session minutes of January 4, 2022, where consideration of matters affecting privacy will be involved and to consult with the Deputy Attorney General on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities of the Commission as they relate to this agenda item.

BUSINESS

ES-04 – RFA 2021-02

To consider Appeal filed March 18, 2021, against the action of the Director of Human Resources.

Pursuant to Hawai'i Revised Statutes §92-4, §92-5(a)(4) and §76-47 (e), the commission requests an Executive Session to consult with the Deputy Attorney General on the evidence presented at the hearing and discuss the commissions process to rule on the appeal if the commission finds that the director violated any applicable civil service rule, regulation, law or policy; or if the commission finds that the director did not violate any applicable civil service rule, regulation, law or policy and discussion and possible decision making on other related matters. This discussion and consultation may involve matters affecting privacy and consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission as they relate to this agenda item.

#1 ENTER OPEN SESSION (Open to the Public)

Disconnect from #3 Executive Session and enter #1 Open Session.

#1 CALL TO ORDER IN OPEN SESSION

ROLL CALL

RATIFY ACTIONS

Ratify the actions taken by the Civil Service Commission in executive session for ES-03, ES-04 and ES-05.

APPROVAL OF MEETING MINUTES

a) Open Session Minutes of January 4, 2022.

ANNOUNCEMENTS:

Next Scheduled Meeting: Tuesday, March 1, 2022 – 3:00 p.m. Microsoft Teams Teleconference.

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes, §92-7(a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Deputy Attorney General Henry Kim
cc: Deputy County Attorney Mark Ishmael
cc: Director of Human Resources Annette Anderson

COUNTY OF KAUAI
 Minutes of Meeting
 OPEN SESSION

Board/Commission:	CIVIL SERVICE COMMISSION	Meeting Date:	January 4, 2022
Location	Teleconference via Microsoft Teams	Start of Meeting: 3:00 p.m.	End of Meeting: 4:53 p.m.
Present	Vice Chair Beverly Gotelli. Commissioners: V. Pamai Cano, Fely Faulkner, Jeffrey Iida, Francis Kaawa and Vonnell Ramos. Deputy County Attorney Mark Ishmael. Director Human Resources Annette Anderson (<i>left at 4:19pm</i>). Office of Boards and Commissions Staff: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
	Prior to the meeting being called to order, Administrative Assistant to the County Clerk Eddie Topenio administered the Oath of Office to Mayoral Appointee Commissioner Jeffrey Iida serving a partial term ending 12/31/23.		
Call To Order/ Roll Call	<p>Chair Pro Tem Gotelli called the Open Session meeting to order at 3:00 p.m. and requested a roll call.</p> <p>Commission Support Clerk Sandra Muragin verified attendance and requested a verbal response of present or here and to identify if anyone was present with them at their location during the meeting;</p> <p>Commissioner Cano replied present and alone.</p> <p>Commissioner Faulkner present and alone.</p> <p>Commissioner Iida replied here and alone.</p> <p>Commissioner Kaawa replied here and alone.</p> <p>Commissioner Ramos replied present and alone.</p> <p>Vice Chair Gotelli replied present and alone.</p> <p>Deputy County Attorney Ishmael replied present and alone.</p> <p>Human Resources Director Anderson replied present and alone.</p> <p>Administrator Ching replied present and alone.</p> <p>Support Clerk Muragin replied present and alone.</p>	<p>Quorum was established with six commissioners present.</p>	

SUBJECT	DISCUSSION	ACTION
Business	<p><u>CSC 2021-31</u> Annual selection of a chairperson for calendar year 2022. a) <u>Nominate a commissioner to serve as chair</u></p> <p>Chair Pro Tem Gotelli opened the floor for nominations.</p> <p>Chair Pro Tem Gotelli asked if there were any other nominations; hearing none she asked for a roll call vote.</p> <p>Vice Chair Gotelli congratulated Chair Jeffrey Iida and turned the meeting over. Chair Iida announced that the commission would now enter executive session.</p>	<p>Ms. Faulkner nominated Jeffrey Iida to serve as Chair for the Civil Service Commission for calendar year 2022. Ms. Cano seconded the motion.</p> <p>Roll Call Vote: 6-Ayes 0-Nays. Motion carried 6:0.</p>
Executive Session	<p>Chair Iida asked for a motion to enter executive session.</p> <p>Ms. Ching read the Hawaii Revised Statutes to move the meeting into Executive Session.</p> <p>Pursuant to Hawai'i Revised Statutes §92-7(a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.</p> <p>Ms. Ching announced that the commission would enter executive session and it could take up to 30 minutes.</p>	<p>Vice Chair Gotelli moved to enter Executive Session. Ms. Cano seconded the motion.</p> <p>Roll Call Vote: 6-Ayes 0-Nays. Motion carried 6:0.</p> <p>The commission and staff, disconnected from open session at 3:05 p.m. and connected into executive session.</p>
Call To Order in	Chair Iida called the Open Session meeting back to order at 3:22 p.m. and requested a roll call.	

SUBJECT	DISCUSSION	ACTION
<p>Open Session/ Roll Call</p>	<p>Commission Support Clerk Sandra Muragin verified attendance and requested a verbal response of present or here and for the record to announce and identify if anyone was present with them at their location during the meeting; Commissioner Cano replied present and alone. Commissioner Faulkner replied present and alone. Commissioner Kaawa replied present and alone. Commissioner Ramos replied present and alone. Vice Chair Gotelli replied present and alone. Chair Iida replied present and alone. Deputy County Attorney Ishmael replied present and alone Director HR Anderson replied present and alone. Administrator Ching replied present and alone. Commission Support Clerk Muragin replied present and alone.</p>	<p>Quorum was established with six commissioners present.</p>
<p>Public Comments and Testimony</p>		
<p>Communication</p>	<p><u>CSC 2022-02 Memorandum received 12/02/21 from Councilmember Felicia Cowden, request for consideration of rescission of new county employment policy regarding incoming employees to be vaccinated for COVID-19 dated 11/30/21.</u></p> <p>a) Commission to take-action on the request to rescind the new employment vaccination policy</p> <p>Chair Iida announced the commission approved to change the order of the agenda and moved CSC 2022-02 up first on the agenda to accommodate the requests for public testimony. He explained the civil service commission under the county charter did not have the power to make, change or eliminate a policy. Chair Iida requested Director of Human Resources Anderson address the topic before opening the floor for public testimony.</p> <p>Ms. Anderson stated it was her understanding that the Mayor’s Office Administration was in the process of responding to Councilmember Cowden’s memo and once completed it would be</p>	

SUBJECT	DISCUSSION	ACTION
	<p>shared.</p> <p>Chair Iida opened the floor for the public to orally testify and requested Ms. Muragin start with the list of registered testifiers.</p> <p>The testifiers were given a three-minute time limit. Of the 16 registered by 2:00 p.m. on the day of the meeting, six submitted written testimony (<i>documents on file</i>), seven orally testified, one could not testify due to audio problems, two emailed that they would not be able to attend the meeting and one unidentified male left a voice message with no contact information. Ms. Muragin announced all names registered that did not orally testify multiple times with no response and asked if there was anyone else who did not register that wanted to testify. With no response, she announced that written testimony could be emailed if anyone was unable to testify at today's meeting.</p> <p>With no further public testimony, Chair Iida thanked everyone and reiterated that the commission did not make policies for the employees per the county charter and moved on to the next agenda item.</p>	
<p>Approval of Meeting Minutes</p>	<p>A. Open Session Minutes of December 7, 2021</p>	<p>Vice Chair Gotelli moved to approve the Open Session minutes of December 7, 2021, as circulated. Mr. Ramos seconded the motion. Motion carried 6:0.</p>
<p>Director of Human Resources Report</p>	<p>CSC 2022-01 December 2021 period, January 4, 2022, meeting.</p> <ul style="list-style-type: none"> a) Collective Bargaining-no change from December meeting report b) HRMS Project-no change from December meeting report c) HR Trainings-no change from December meeting report d) Update on Review and Revisions to Internal Policies and/or Procedures-no change from December meeting report e) Litigation/Lawsuits/Settlements-no change from December meeting report f) 100% Centralized Payroll System integration with new HRMS System-no change from 	

SUBJECT	DISCUSSION	ACTION
	<p>December meeting report</p> <p>g) Discussion on the Format of the Human Resources Director’s Monthly Reports for 2022.</p> <p>h) Monthly Report from HR Divisions/Sections</p> <ul style="list-style-type: none"> a. Administrative Services and Benefits b. Employee Development and Health Services c. Other d. HR Manager, Classification and Pay and Labor Relations e. Recruitment and Exam f. Payroll g. EEO/ADA <p>Director of Human Resources Annette Anderson reviewed the December 2021 period, January 4, 2022, meeting report. (<i>Documents on file</i>)</p> <p>Ms. Anderson reported that since there was only seven working days from the last report, due to multiple holidays, there were no updates or changes except for the discussion on the format of the monthly reports. She asked the commission to consider if the additional information provided in the report was helpful or if there were suggestions or recommendations to make it relevant. She noted that it took seven hours for staff to update the additional data.</p> <p>The commission did have any questions or clarification on Ms. Anderson’s report.</p> <p>Ms. Ching stated that the commission did not receive or accept CSC 2022-02 and requested the commission form a motion before proceeding to the next agenda item.</p>	<p>Ms. Gotelli moved to accept the memorandum received 12/02/21 from Councilmember Felicia Cowden, request for consideration of rescission of new county employment policy regarding incoming employees</p>

SUBJECT	DISCUSSION	ACTION
		to be vaccinated for COVID-19 dated 11/30/21. Ms. Faulkner seconded the motion. Motion carried 6:0.
Business	<p><u>CSC 2022-03</u> Director of Human Resources Goals and Objectives for evaluation period February 16, 2021 to February 15, 2022 (on-going)</p> <ul style="list-style-type: none"> a) Review updated report b) Discussion and possible decision-making on other related matters <p>Chair Iida asked if this agenda item was discussed at the previous meeting. Vice Chair Gotelli replied that the DHR and clerk Muragin work together to update the information.</p>	<p>Vice Chair Gotelli moved to accept the Director of Human Resources Goals and Objectives for evaluation period February 16, 2021 to February 15, 2022, as presented. Mr. Faulkner seconded the motion. Motion carried 6:0.</p>
	<p><u>CSC 2022-04</u> Discussion on establishing goals and objectives for the evaluation of the Director of Human Resources for period February 16, 2022 to February 15, 2023 (on-going).</p> <p>Chair Iida asked if this agenda item was also discussed at the previous meeting. Ms. Muragin replied that it was not but placed on the agenda knowing that the evaluation would be completed next month and wasn't sure if the commission wanted to reestablish new goals or work with DHR Anderson on new goals.</p> <p>Vice Chair Gotelli commented that it would be prudent for the commission to wait until after the evaluation was completed and then assess the process at the April 5, meeting. She said they could revise or keep the same goals. Chair Iida asked for a motion to defer.</p>	<p>Vice Chair Gotelli moved to defer discussion on establishing goals and objectives for the evaluation of the Director of Human Resources for period</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Gotelli felt they needed to experience the evaluation process first before they could recommend improvements, or changes to the process and evaluation forms. Ms. Cano expressed concern that the DHR would be without goals for two months and preferred it be discussed in March. Mr. Kaawa agreed with Ms. Cano.</p> <p>The commission then discussed the tight February schedule with an appeal hearing and annual evaluation period.</p> <p>Ms. Ching summarized the commissions discussion and stated that since the commission deferred discussion on new goals until the April 5, meeting she gave the following options for the commission to consider;</p> <ul style="list-style-type: none"> • The commission could extend the current goals and objectives to the April 5, 2022, meeting • The commission could extend the current goals and objectives until new goals were adopted <p>Chair Iida called for a roll call vote.</p> <p>With no further discussion, Chair Iida requested Ms. Ching read the executive session.</p>	<p>February 16, 2022 to February 15, 2023, until the April 5, 2022, meeting. Ms. Faulkner seconded the motion.</p> <p>Roll Call Vote: 5-Ayes 1-Nay (Cano). Motion carried 5:1</p> <p>Chair Gotelli moved to extend the director’s evaluation period from February 16, 2021 to April 5, 2022. Ms. Cano seconded the motion. Roll Call Vote: 6-Aye 0-Nay. Motion carried 6:0.</p>
<p>Executive Session</p>	<p>Ms. Ching read the Hawaii Revised Statutes to move the meeting into Executive Session.</p> <p>Pursuant to Hawai‘i Revised Statutes §92-7(a), the Commission may, when deemed necessary,</p>	

SUBJECT	DISCUSSION	ACTION
	<p>hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.</p>	<p>Ms. Faulkner moved to enter Executive Session. Vice Chair Gotelli seconded the motion. Motion carried 6:0.</p> <p>The commission and staff, disconnected from open session at 4:19 p.m. and connected into executive session.</p>
<p>Call To Order in Open Session/ Roll Call</p>	<p>Chair Iida called the Open Session meeting to order at 4:46 p.m. and requested a roll call.</p> <p>Commission Support Clerk Sandra Muragin verified attendance and requested a verbal response of present or here and to identify if anyone was present with them at their location during the meeting;</p> <p>Commissioner Cano replied present and alone.</p> <p>Commissioner Faulkner replied present and alone.</p> <p>Commissioner Kaawa replied present and alone.</p> <p>Commissioner Ramos replied present and alone.</p> <p>Vice Chair Gotelli replied present and alone.</p> <p>Chair Iida replied present and alone.</p> <p>Administrator Ching replied present and alone.</p> <p>Commission Support Clerk Muragin replied present and alone.</p>	<p>Quorum was established with six commissioners present.</p>
<p>Ratify Actions</p>	<p>Ratify actions taken by the Civil Service Commission in executive session for agenda items: ES-01 and ES-02.</p>	<p>Vice Chair Gotelli moved to ratify actions taken in Executive Session for ES-01 and ES-02. Ms. Faulkner seconded the motion. Motion carried 6:0.</p>
<p>Announcements</p>	<p>Next Meeting: Tuesday, February 1, 2022 – 2:00 p.m., Microsoft Teams Teleconference</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Gotelli inquired how they would receive the annual evaluation form to complete. Ms. Muragin replied that the form would be emailed to the commissioners along with an updated timeline.</p> <p>The commission began to discuss the annual DHR evaluation until Ms. Ching interrupted and stated that due to Sunshine Law the discussion could not continue under announcements. It needed to be discussed under an agenda item for evaluation.</p>	
Adjournment	Chair Iida asked for a motion to adjourn.	<p>Ms. Faulkner moved to adjourn the meeting. Mr. Ramos seconded the motion. Motion carried 6:0.</p> <p>Chair Iida adjourned the meeting at 4:53 p.m.</p>

Submitted by: _____
 Sandra Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Jeffrey Iida, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.