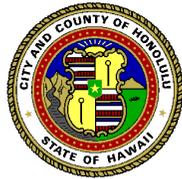


HONOLULU FIRE COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 9TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 723-7321 Fax: (808) 723-7397

KIRK CALDWELL
MAYOR



JAMES S. WATARU
CHAIR

ARNOLD WONG
VICE CHAIR

DR. JOSEPH W.C. YOUNG

MAX HANNEMANN

CHARLOTTE NEKOTA

STEFANIE LEE

WILLIAM HONG

Minutes of Regular Public Meeting
Honolulu Fire Department Headquarters
Honolulu Fire Department Auditorium
Tuesday, March 13, 2018

CALL TO ORDER: Chair Wataru called the regular meeting to order at 2:02 p.m.

MEMBERS PRESENT: James Wataru, Arnold Wong, Dr. Joseph Young, Max Hannemann, Charlotte Nekota, Stefanie Lee, and William Hong.

IN ATTENDANCE: Fire Chief Manuel Neves (HFD), Deputy Fire Chief Lionel Camara Jr. (HFD), Assistant Fire Chief Scott Lawton (HFD), Assistant Fire Chief Ron Rico (HFD), Assistant Fire Chief Socrates Bratakos (HFD), Assistant Fire Chief Nathan Ramos (HFD), Battalion Chief Keith Yasui (HFD), Battalion Chief Wayne Masuda (HFD), Battalion Chief Jason Samara (HFD), Robert Lee (HFFA), Aaron Lenchanko (HFFA), Chris Powell (HFFA), Jolyn Prieto (HFFA), Daisy Canile-Miyashiro (HFFA), Brian Ancheta (Corporation Counsel) and Nadine Murata.

Chair Wataru asked for a motion to amend the agenda for item number VI to reflect “2018” and not the “2019” as stated on the annual budget. Vice Chair Wong moved and there being no further comments the agenda was approved as amended.

II. PUBLIC TESTIMONY:

Chair Wataru asked if there was anyone from the public who wished to give public testimony. Mr. Lee of the Hawaii Fire Fighters Association introduced himself and a folder was passed out by Ms. Prieto. Mr. Lee briefly highlighted certain concerns with the Commission.

Mr. Lee updated the Commission regarding a complaint filed on November 4, 2016, and said that HFFA disagreed with the Honolulu Ethics Commission’s decision and asked that the

complaint be added to the agenda for the Ethics Commission's March 21, 2018 meeting so that HFFA may present their position and answer any questions the Commission may have.

Mr. Lee noted that, in response to Commissioner Young's request at the Commission's February 2018 meeting, a chronological summary of the Hawaii Labor Relations Board (HLRB) prohibited practice complaints filed by HFFA against HFD was included in the packet.

Mr. Lee gave general guidelines on Fire Captain promotions and informed the Commission that a grievance was filed due to HFD not using the February 2016 eligibility list.

Mr. Lee reviewed several pieces of correspondence that were sent to HFD.

Mr. Lee went over the Step 1 grievance letter dated February 22, 2018, from Chief Neves and HFFA's Step 2 grievance appeal letter dated February 26, 2018. Mr. Lee mentioned that a meeting was held with the City's Department of Human Resources (DHR) and that HFFA is waiting for DHR's decision.

Mr. Lee noted to the Commission that this grievance is creating a lot of issues with the fire fighters and questioned why there wasn't another promotion when it can be easily fixed.

Mr. Lee voiced his concerns regarding not filling vacancies with promotions. Per Mr. Lee, HFD said it could not promote due to the grievance.

Mr. Lee mentioned that DHR had released exam results on January 27, and noted that it has never seen results come out so fast (roughly 5 weeks), as the last results of the Captain exam took 4 months.

Mr. Lee mentioned that there's tension between fire fighters who are tied to the old and new promotion lists, and mentioned that should this issue go into arbitration, then there will be no resolution until the end of 2018 or early 2019.

Commissioner Hannemann asked Mr. Lee for clarification purposes, what he meant when he said, "This can be easily fixed." Mr. Lee said the fix is to promote from the old promotion list, which did not expire until February 12, 2018.

Mr. Lee mentioned to the Commission that DHR doesn't expire a list until they have a current list in place. Mr. Lee voiced this concern that there were 35+ vacancies and a lot of time to promote as there were a lot of vacancies available on that list.

Commissioner Nekota mentioned 35 vacancies. Mr. Lee answered, "somewhere in that vicinity" and noted at the last report it was at 42.

Mr. Lee questioned why it is a rush now when it wasn't before. Commissioner Nekota asked if the old list is still usable. Mr. Lee indicated that he did not know.

Commissioner Nekota asked Mr. Lee what the size of the Captain promotion list was 5 years ago. Mr. Lee said that it fluctuates due to retirements, but noted recently there are more Captain's being promoted then before.

Chair Wataru asked how many Captains were promoted at the last ceremony. Mr. Lee said, “20+ were promoted in March/April 2017, but from then on, there have no been no promotions except for non-competitive positions.”

Commissioner Lee asked if the list expires and you were on the list, would you have to go through the whole process again and when does the list expire. Mr. Lee answered, “Yes” and the list is good for 2 years with a possible extension.

Commissioner Nekota asked if a person is on the Captain promotion list and the list expires, how long does it take for him/her to get back up for promotion. Mr. Lee said it takes about 3 – 4 years, because the Captain exam is only given every 2+ years. Commissioner Nekota asked if it’s a long process from the time you take the exam to when you get promoted. Mr. Lee said, “Yes”.

Commissioner Nekota asked whether normally, all of the people on the promotion list get promoted. Mr. Lee said no, that the number promoted is based on the number of vacancies, with the people at the top of the list interviewed first.

Commissioner Nekota asked if a candidate failed the Captain exam, would he/she have to take the exam again. Mr. Lee answered, “Yes”, to get onto the next promotion list”.

Commissioner Hannemann asked how many Captain promotion classes there are in a year. Mr. Lee said normally, two per year.

Mr. Lee explained that vacancies have caused butting of heads within the department.

Mr. Lenchanko added his concerns mentioning that some companies don’t have a captain or engineer and fire fighters are being temporarily assigned to positions.

Mr. Lenchanko also mentioned that this is affecting safety and morale within the department and fire fighters are not showing up, and said it’s not uncommon for the department to be running with 3 fire fighters on a truck when 5 is the standard.

Mr. Powell agreed that the promotional process has impacted morale within the department.

Mr. Powell said that the balancing of personnel on trucks is hard for the Battalion Chief due to the vacancies, and that the safety of its members and the public is a concern.

Mr. Lee went over a recent filing of a grievance by HFFA and indicated how this situation can be resolved by interviewing from the old list.

Commissioner Lee asked if there was anyone promoted from the old list.

Mr. Lee said there were “some” promotions from the old list in the most recent promotion class (March/April 2017).

Commissioner Nekota mentioned that there were 4 Captains. Mr. Lenchanko mentioned 3.

Chair Wataru asked Mr. Lee if fire fighters have to take temporary assignments (TAs). Mr. Lee said no, but most fire fighters will not turn TAs.

Commission Nekota asked if fire fighters are paid Captain's rate if they take TAs and if there is a cap on overtime. Mr. Lee answered that they are paid a 5% increase and that because of vacancies on the top, there are more opportunities for overtime. Mr. Lee also mentioned that there is a cap on overtime, and that if these fire fighters were promoted, their total pay would be greater.

Commissioner Hong asked Counsel Ancheta what is Human Resources ruling on holding the promotion list. Counsel mentioned that he did not have the answer on hand but will get back to the Commission.

Commissioner Hong asked Counsel Ancheta if he could find out what is the normal duration of the promotion list, what is the number of candidates that are selected from the promotional list, what are the promotion criteria, and who calls for a new promotion list.

Commissioner Hong asked Chief Neves if he knew who calls for the new promotion list. Chief Neves answered that a new list and promotion process would be created.

Commissioner Hong asked by whose request, DHR or the administration. Chief Neves said that the written exam is given and a new list is created automatically.

Chair Wataru asked if the ranked list comes from the exam results. Chief Neves said, yes.

Mr. Lee indicated that the Fire Chief makes the list and it's good for 2 years, and DHR keeps it for 2 years; and HFD can ask for an extension if they want and if an extension has not been requested, then a new list is created.

Chief Neves corrected Mr. Lee saying the department does not have access to the list unless a request to fill vacancies is made.

Commissioner Hong asked how does the new list get created and when does the old list expire. Chief Neves said the old list expires upon when the new list is generated based on the latest exam results and held at DHR.

Commissioner Hong asked "Who" creates the list. Mr. Lee gave an explanation of how the list expires and said the Fire Chief has the option to extend.

Commissioner Hannemann asked which ever list is available old or new, will that current list be used. Mr. Lee answered, "Yes".

Commissioner Hannemann asked if names are selected based on scores. Mr. Lee said yes.

Mr. Powell explained the scoring system to the Commission and noted that whatever number comes out, that is your rank.

Commissioner Hannemann asked if the fire fighters know if they are on the list. Mr. Powell said yes.

Chief Neves mentioned that before the list expires in February, the department sends out a notice 6 - 9 months before hand notifying personnel of the next exam.

Commissioner Nekota asked how that notice benefits personnel on the old list. Chief Neves mentioned that those individuals can start preparing for the next test.

Commissioner Hong asked Mr. Lee how many Captains were on the old list. Mr. Lee answered that he does not have access to the list but estimated anywhere from 100 - 120+.

Commissioner Hong asked how many vacancies on the last list. Mr. Lee answered, "at least 35".

Commissioner Hong asked if there were any challenges that might have affected DHR. Mr. Lee said no.

Commissioner Hannemann asked how many vacancies currently exist. Chief Neves explained due to the grievance he cannot be specific but said he could explain the process.

Chair Wataru asked at the last promotion if all Captain positions were filled. Chief Neves mentioned that normally all vacancies are filled except bureau positions.

Commissioner Nekota asked if Fire Fighter II's and III's have promotion lists and if there are any vacancies. Chief Neves said yes.

Mr. Lee said there was a backlog in the Fire Fighter II and III promotions, stemming from the Captain vacancies.

Commissioner Nekota voiced her frustration regarding the Captain list and mentioned the tension it creates within the rank and file.

Deputy Chief Camara suggested going into executive session to discuss the process.

Mr. Lee said the discussion on the promotion process should be done in public session rather than executive session and mentioned that this as a prime example of how management is conducted within the department.

Mr. Lee stressed to the Commission that they are here to evaluate the Fire Chief and noted that part of managing your work force is not bickering with each other. Mr. Lee raised the question, "Why isn't the Fire Chief promoting".

Chair Wataru asked Deputy Chief Camara what part of the process needs to be in executive session.

Deputy Chief Camara stated that things under grievance cannot be discussed.

Chair Wataru asked if this promotion differs from other promotions. Chief Camara said no, this promotion is being done the same way as before.

The Commission took a short break at 2:35 p.m. to confer with Counsel.

The meeting reconvened at 2:40 p.m.

Chair Wataru asked if the department could explain the general process of promotion, without getting into the grievance, in regular session.

Vice Chair Wong asked Chair Wataru if the Commission may continue with public testimony first and if there is a need to continue promotion questions in executive session.

Chair Wataru asked Mr. Lee if he has anything more to add. Mr. Lee repeated his earlier comment that the Fire Chief is in control of the Captains promotion list and that the list is good for 2 years with the option of having it extended.

Commissioner Young asked, whether HFFA and HFD can work together and whether there are any problems with the Battalion Chief promotions. Mr. Lee said things should work that way, and no there is no problem with the Battalion Chief promotions.

Chair Wataru asked if anyone else from the public would like to give testimony. There was none. Chair Wataru thanked Mr. Lee and union members for their testimony.

III. APPROVAL OF THE MINUTES OF FEBRUARY 21, 2018: Chair Wataru called for any comments or corrections to the minutes of the regular public meeting of February 21, 2018. There being no further comments or corrections the minutes were approved as circulated.

IV. APPROVAL OF THE EXECUTIVE SESSION MINUTES OF FEBRUARY 21, 2018. Chair Wataru called for any comments or corrections to the minutes of the executive session meeting of February 21, 2018. There being no further comments or corrections the minutes were approved as circulated.

V. REPORT OF THE FIRE CHIEF: Chief Neves passed out his monthly report and highlighted the following:

1. Blue Card Command Overview. Chief Neves said this is a type of training that helps company commanders and incident commanders at the scene to have better communication at an incident and to manage their resources a lot better. Chief Neves mentioned that Battalion Chiefs and Captains have gone through this training, and it will soon be introduced to FF III's as they often take on the role of acting Captains.

2. Hawaii State Fire Council Third Quarter Meeting. Chief Neves mentioned that they met in Kona and went over legislative issues, and said that preparation for adoption of a new administration is currently being conducted.
3. HFD Promotion Ceremony. Chief Neves thanked Commissioners Young and Nekota for attending.
4. HFD Station Visitations. Chief Neves mentioned that 19 visits were conducted.
5. Kalaeloa Site Visit. Chief Neves mentioned that a site visit was conducted as the department is looking for an alternative training site. Currently this site is owned by the State Department of Hawaiian Home Lands, and the department is evaluating whether they should lease the land.
6. Meeting with City Council Chair Emeritus Ernie Martin. Chief Neves mentioned that this meeting related to the fire sprinkler retrofit bill.

The Fire Chief also reported on the following:

1. 103rd FFR Class graduation ceremony at 11 a.m. on March 16, 2018, in the Hawaii Okinawan Center's Legacy Ballroom.
2. There was one complimentary piece of correspondence (from Kapiolani Community College), and no negative correspondence, for the month of February.

Chief Neves had each member of the executive staff give a brief description of his section's recent activities.

Deputy Fire Chief Lionel Camara Jr.- Chief Camara went over the FY 2018 budget shortfalls with the Commission.

Chief Camara went over the arbitration pay raises award of \$2.3 million with the Commission and the lump-sum vacation pay off of \$2.25 million dollars due to a large number of retirements. Chief Camara stated that both amounts are coming out of the current budget and the department is hoping to get something from the provisional account. If the department receives something from the City, it would be around \$1.8 million with a shortfall of \$1.6 million.

Chief Camara mentioned that the department is currently watching what they are spending.

Chair Wataru asked how many retirees are there annually. Chief Neves mentioned that there are about 30 – 40 and in 2017, there were 90. Chief Neves explained leave balances and how they can be unaccounted for.

Chair Wataru asked when a fire fighter uses his/her sick and vacation time if it's budgeted. Chief Camara answered that it's part of his/her salary.

Chair Wataru asked what if the fire fighter doesn't take his/her vacation time. Chief Camara mentioned that it becomes part of the pay off.

Commissioner Hannemann asked if the department budgets for lump-sum vacation payoff every year. Chief Camara mentioned that the department tries every year, but the City doesn't give it.

Chief Neves went over the budget process with the Commission.

Assistant Fire Chief Scott Lawton- Administration. Chief Lawton highlighted the Peer Support Program, which is another program of the Occupational Safety Health Office. Chief Lawton explained that fire fighters are exposed to daily incidents and stress issues, and this new program enables them to talk to one another while keeping the issues private. Chief Lawton mentioned that there is also a website which is confidential and available to fire fighters to access anytime if there is a need for support.

Commissioner Nekota asked if the peers are all volunteers. Chief Lawton said yes.

Commissioner Hannemann asked if they are trained. Chief Lawton said ye, and noted that this is an IFF Peer Support Program combined with first aid.

Chair Wataru asked if peers are available 24 hours a day. Chief Lawton said yes.

Chair Wataru asked how many peers are there in the program and how much training do they receive. Chief Lawton mentioned 12 – 15 peers, and they receive 1 week training for IFF.

Assistant Fire Chief Socrates Bratakos- Support Services. Chief Bratakos spoke about training classrooms and facilities.

Chief Bratakos mentioned that there are dozens of incumbent classes, and the current training facility consists of just 2 classrooms. With classes of about 50 recruits plus other training, the department needs a new office with more classrooms.

Chief Bratakos said the department has been looking around for potential training sites and currently uses other HFD facilities as classrooms, including the HFD auditorium.

Chief Bratakos mentioned a recent site visit to Kalaeloa and planning efforts at the Mililani Mauka Tech Park, as well as other locations including the National Guard and Honolulu Community College.

Commissioner Young mentioned that the current recruit class started with 51. Chief Bratakos said yes, but several candidates were released for different performance-related reasons, bringing the number down to 46.

Commissioner Young asked when does the next recruit class start. Chief Bratakos said at the beginning of April, with about 50 recruits.

At the end of the report, Vice Chair Wong thanked the department for putting out a fire behind his building that morning. He noted the quick response and hard work involved.

VI. REVIEW OF FISCAL YEAR 2018 ANNUAL BUDGET.

Vice Chair Wong asked whether lack of money in the budget affects promotions. Chief Neves explained that the standard process is for the department to go the City's Department of Budget and Fiscal Services (BFS) for approval of all promotions, and Budget and Fiscal Services looks at the department's projections and then makes a determination.

Commissioner Hannemann asked if a promotion approval is needed even for old vacancies. Chief Neves said yes. Commissioner Hannemann noted that the money is already appropriated for those old vacancies. Chief Neves agreed, but said BFS could still cut back on the number of vacancies.

Commissioner Hannemann asked if different weights could be assigned to different City positions. Chief Neves said yes, but there are positions across 19 agencies to balance.

Chair Wataru asked if there was a time when they didn't fill a position within the department. Chief Neves said in that case, they will extend the process.

Commissioner Nekota asked if there's a vacancy and the department needs to fill that slot, is overtime being paid and how much overtime is given. Chief Camara indicated 280 hours per person annually.

Vice Chair Wong asked if B funds can be moved to A funds. Chief Neves said no.

Commissioner Hannemann asked about the upcoming class and the department's vacancies. Chief Neves indicated that there are 140 vacancies.

Commissioner Hannemann commented that more vacancies could get taken away by BFS if those vacancies are not promptly filled. Chief Neves noted that recruit classes (50 recruits per) are being added due to vacancies, and by 2019 the vacancies should decrease.

VII. FIRE CAPTAIN PROMOTIONS.

Vice Chair Wong asked for a general over-view of the promotion process. Chief Neves mentioned that the department always has redundancy built into any position. If a position is vacant the department uses rank for rank, and if a Chief doesn't want to cover them the department uses a TA for people who are qualified but needs more experience.

Chief Camara went over the promotion process for Battalion Chiefs, with 5 openings. He said the department goes to BFS and finds out whether there is funding. If so, the department goes to DHR for approval to interview Battalion Chief candidates. He noted that DHR had only recently given approval for these interview.

Chief Neves resummarized the process, mentioning that BFS releases the funds and DHR releases a list of candidates, and then interviews are conducted by the department, with the interview questions needing to be changed each time.

Chief Neves also noted that the departments promotion recommendations go back to DHR for their approval.

Chair Wataru asked how long does the process take. Chief Neves mentioned that the Battalion Chiefs took their exam in December 2017, and the department was soon calling DHR every week for the results, which came back in February 2018. Chief Neves noted that the Battalion Chief exam is not multiple choice, unlike the Captain exam which is sent through a scanning machine with results the next day.

Chief Neves mentioned that each question is evaluated and validated by DHR to see if it was too easy or too hard. Chief Neves said this process is what takes time.

Chief Camara mentioned the “ripple effect” of first getting the 5 Battalion Chief vacancies filled, then adding to the number of Captain vacancies accordingly, then working through the Captain list.

Commissioner Nekota asked if the department gets a list of names. Chief Neves indicated that the department gets a list of 10 names to fill the vacancies.

Commissioner Nekota asked if one performs poorly on the interview, does that bring one down in ranking. Chief Neves said yes, that the interview results in a re-ranking.

Commissioner Lee asked if the person is done after a poor interview. Chief Neves said no, because the next time there’s an interview the same person has a chance to be called on again (if the promotion list is still active and the person is ranked sufficiently high).

Chief Lawton mentioned that the department must form an available interview panel (all free at the same time to conduct the interview(s)), and reiterated that the questions asked must be changed each time.

Commissioner Lee asked if the questions are subjective. Chief Lawton said some are subjective and some are not.

Commissioner Hannemann noted that there is an active Captain promotion list on hand and that it’s the department’s decision when to utilize that list for promotion.

Chief Lawton said that the department normally does one round of Captain interviews per year.

Chief Bratakos mentioned that the number of Captain vacancies cannot be determined until January, after the end-of-year retirements.

Chair Wataru questioned the department and said they should have some idea of how many will retire. Chief Lawton said the department does have some idea, but cannot ask BFS for funding until the exact Position Numbers are determined.

Vice Chair Wong asked how long it takes generally to get BFS and DHR to come up with a list for interviews. Chief Neves said there is no general rule, since there are other retirements in other departments and it's difficult to tell how long BFS and DHR will take to get to HFD.

Vice Chair Wong expressed concern over this sort of delay, since it seems public safety would be paramount and that HFD vacancies would have priority.

Chief Neves reiterated that the department has redundancy built into every position and has a big pool of off-duty personnel (400 that day) who can be asked to work overtime.

Commissioner Hannemann asked why the department has to wait for end-of-year retirements if it already knows it has 35+ Captain vacancies to fill. Chief Lawton said it wouldn't be feasible to form an interview panel for just 5 openings, and noted the need to maintain the integrity of the interview process.

Commissioner Hannemann asked Chief Lawton what is a reasonable number for vacancies for Captains. Chief Lawton said they don't have a set number, but noted that the department has never had so many Captain vacancies and that it is partly due to an extremely large number of Captains retiring at end of 2017.

Commissioner Hannemann asked how many Captains retired. Chief Neves said 25.

Chief Neves mentioned that the discussion was getting too detailed and asked if the Commission would like to discuss it further in executive session.

Chair Wataru asked who makes up the panel. Chief Neves explained that the department does one promotion a year on each level, and the bureau positions are conducted separately.

Commissioner Nekota asked if, prior to Chief Neves becoming Chief, the process had been conducted this way. Chief Neves said yes.

Vice Chair Wong indicated that 35 Captain vacancies is a lot, and asked if the department could have formed a second interview panel in 2017, when the number might have stood at 15. Chief Neves mentioned that the department goes from top to bottom and tries not to get out of sequence, and that some years the department may have gone longer between panels, but not while he's been Chief.

Chair Wataru allowed Mr. Lee to comment. Mr. Lee said that it doesn't make sense to hold off on filling 35 Captain vacancies due to the Battalion Chief promotion process. He mentioned that, even though there were a large number of Captain retirements, many other vacancies rose over the term of the old promotion list and remain unfilled.

Mr. Lee further stated that the department cannot promote off of the new promotion list when there is a pending grievance with an old promotion list, because if that's done and the grievance goes to arbitration and the union wins, then everything gets rescinded.

Commissioner Hannemann asked Mr. Lee for clarification that all they're asking is to use the list from February 2016. Mr. Lee said yes, take a reasonable number from the old list (since the Chief has the ability to extend the term of that list), then go to the new list.

Commissioner Nekota asked when did the list get so big. Chief Neves asked to go into executive session to get into the details of the grievance.

Mr. Lee noted that the last Captain exam was set up prior to the HFFA grievance, but the new promotion list can be suspended until the grievance is resolved.

Mr. Lenchanko mentioned for clarification that the Battalion Chief and Captain promotions don't come from the same pool.

VIII. EXECUTIVE SESSION- Annual Evaluation of the Fire Chief.

Commissioner Lee moved and Commissioner Nekota seconded that the Commission go into executive session regarding the evaluation of the Fire Chief "to consider the hire, evaluation, dismissal, or discipline of an officer or employer or employee where consideration of matters affecting privacy will be involved" [HRS Sec. 92-5(a)(2)], and to "consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" with regard to these matters [HRS Sec. 92-5(a)(4)]. The Commission went into Executive Session at 3:52p.m. and the regular public meeting reconvened at 4:20 p.m.

ANNOUNCEMENT: The next meeting will be held on Tuesday, April 17, 2018, at 1:00 p.m., at the HFD Auditorium.

ADJOURNMENT: There being no other business the meeting was adjourned at 4:21 p.m.

Respectfully submitted by: Nadine Murata, Secretary.

APPROVED:

JAMES S. WATARU, Chair