SPECIAL COUNCIL MEETING

MAY 6, 2020

The Special Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i , on Wednesday, May 6, 2020 at 9:51 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin *(via remote technology)*
Honorable Ross Kagawa
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*

Council Chair Kaneshiro: Please note that we will run today's meeting pursuant to the Governor's Supplementary Emergency Proclamation dated March 16, 2020 and the Governor's Sixth Supplementary Emergency Proclamation dated April 25, 2020.

APPROVAL OF AGENDA.

Council Chair Kaneshiro: The first item is the approval of the agenda.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Kagawa.

(No written testimony was received regarding this agenda item.)

Council Chair Kaneshiro: Any discussion on the agenda from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next item please.

COMMUNICATION:

C 2020-134 Communication (04/30/2020) from Councilmember Kagawa, requesting a briefing from the Mayor and Managing Director on the temporary 4-10 (10-hour work day, 4 days a week) work schedule for Hawai'i Government Employees Association (HGEA) employees.

Councilmember Kuali'i moved to receive C 2020-134 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on the 4-10 work schedule or do you want them to give a brief summary first and then ask the questions after? Yes. Mike and Mayor, if you can explain the process on the 4-10 work schedule, why we are doing it? How is it going to affect services? What can the public expect with the 4-10 work schedule? Then, we will open it up for questions after that.

DEREK S.K. KAWAKAMI, Mayor: Thank you, Council Chair. As we all know, this is an unprecedented event that the whole world is going through. Just as proactive and out-of-the-box as we were able to move forward as far as playing defense, which is the first phase, which is quite simple. It is easy to build a bunker and tell people to get behind and protect themselves. The more complex challenge that we are facing is the next phase, which is emerging from that protective barrier and showing a staged and responsible approach to what is essentially, reverse engineering the economy to allow people to get back to work in a safe and responsible manner. We have done things, when we were playing defense, as far as, out-of-the-box ideas, such as the whole state and the world moving quickly to telework. We did a productivity study to see what the results were, and the results we got back were profound. One, most of the people were showing up for work, as if nothing had happened at the County of Kaua'i. Of course, taking protective measures, as far as hygiene, social distancing, and the folks that were teleworking were producing tremendous amounts of work. Those few that were hamstrung, as far as productivity, we put them through online training to further better their advancement to provide a better service to our constituents and customers. We also did things like the beach park user fee to limit the amount of people who were non-residents accessing our beaches. In this next evolution, this is another attempt at an out-of-the-box idea, because what we do know is that this virus is essentially a numbers game and we have a large number of our constituents that have been sitting on the bench, not able to work. So we are getting more of those workers off the bench and back into gainful employment and productivity. We also have to look internally, to see where we can scale-back the amount of people moving about at any given time. Everything we have in our toolbox to help mitigate the amount of people that are moving about is an advantage for our island because we are essentially the most vulnerable. There is no exact time to our response to the COVID-19 pandemic. We are utilizing a lot of our instincts and well thought-out...I guess you would call "the art side of conducting business" to be able to bring in some equilibrium as we allow more people into the workforce. The 4-10 work schedule is our attempt as an out-of-the-box idea. We made it very clear that this is temporary, much like our teleworking situation, which we are learning a lot from, and it ends when the Governor's Emergency Order ends or when schools resume, whichever comes first. We also made it very clear...and we are engaged with our associates...you should know that I have worked alongside many of them prior to this pandemic and we will get back online once we get services resumed to maintain that type of engagement. We are very cognizant that a number of associates, with this shift and pivot, is going to be very hard, if not impossible for some to pull off. So we made it clear that we would like to hear back from them and we will do our best to make reasonable

accommodations so that their work productivity and their ability to remain at work would not be disrupted to a point where they would be jeopardizing childcare and perhaps, taking care of an elder parent, if they have a medical condition; we want to certainly make accommodations for that and we made that very clear. We did get input and we are in the process of making accommodations either through allowing teleworking to happen, perhaps, if it is feasible to allow certain associates to maintain their current work schedule. We are being very flexible. I also want to take this opportunity to thank all of our associates who have been leading by example as far as remaining productive and accountable. A lot of times, it is self-accountability during these challenging times and we want to thank them again, because once again, I am reaching out to our own associates to ask them for personal sacrifices and assistance as we bring our private sector back online as well. That is the basic thought process behind this. I really wanted to spell out the intent and all of the accommodations and all of the thoughts that went behind this before we decided to bring this initiative online at our next phase, which is phase two of the operation. We are open to questions, and thank you for putting this on the agenda as well.

Council Chair Kaneshiro: As far as how it will affect the public, are there going to be certain services that are not available on Friday? Is it the intent to always have services available all through the week? Obviously, with a 4-10 work schedule, it makes services more available earlier in the morning and later in the afternoon. Is it the intent that there are going to be less services on Friday?

MICHAEL A. DAHILIG, Managing Director: Most of the County offices will be closed in lieu of the extended hours Monday through Thursday. However, there are construction-related functions that will continue the Monday through Friday schedule in order to ensure that construction inspections and engineering inspections can occur as normal. So those particular functions will remain on a five-day schedule for accommodating those private sector work site inspections.

Councilmember Kagawa: My first question is for Matt; Matt, how does this assist the emergency proclamation to go through this type of process without bargaining, and after that, ratification by the legislative body?

Mr. Bracken: At this point in time, a complaint was filed by the Hawai'i Government Employees Association (HGEA) and I would prefer to answer that question in Executive Session, which we do have the ability to do. That would be my preference.

Councilmember Kagawa: In order to be an emergency decision to do this temporarily, there has to be an emergency reason. What is the emergency reason?

Mr. Bracken: Again, I would prefer to answer that question in Executive Session.

Councilmember Kagawa: I guess the Administration can answer. What is the emergency reason? Is that to get cars off the road?

Mr. Dahilig: Council Vice Chair, I did circulate out to the Councilmembers an illustration of some of the things we are looking at. The emergency situation is premised off reduction of movement, and that we know the disease moves where we move and we reduce risks by reducing movement. So the thought process is that reduction...any opportunity to reduce movement, to keep movements at low-risk-level, is something advantageous for our community as we try to get our private sector employees back online. You can see that we are making these observations in a vacuum and we are relying on data from the Department of Transportation, and you can see the benchmarks and how movement has responded to certain adjustments and actions that the County has taken. For example, when we opened up landscaping and some residential elements of construction, you can see that the movement is pretty noticeable. It is not drastic, but we are continuing to ask to continue monitoring movement around the island, because one, there is no cure for this disease, and two, keeping movement at a low-risk-level allows us to be resilient while the world tries to catch up to deal with COVID-19.

Councilmember Kagawa: But that would not keep the restriction of movement, it would be dependent upon each individual, right? Because there are some individuals who on the weekends stay home and they do not do much. Then there are others that they are going to Anahola...they are going to *holoholo* or go fishing...they are going to go shopping and they are going to move around. If they were not at work, I am thinking...regarding the restriction of movement, I have not seen evidence that sway one way or the other anymore. On the weekend, I think for me, when I am not working, I move around a lot more. Unless, I am abnormal.

Mayor Kawakami: Vice Chair, thank you very much. I want to point out that at every point along the way, during our daily updates, I drill the points that our ability to be successful requires community buy-in. This is not something that the government can solve on its own. We made it a point to really press the issue that this is going to require self-discipline...this is going to require self-governance of personal behavior. In a sense, because our workforce is...I would say...I will choose my words carefully...I would say that as a County, and as Mayor, I have an easier reach to our associates to continue to push those points of self-governance, self-discipline, and your own personal ability to make sure that you are practicing good hygiene. Now that we are in the process of wearing masks to keep our germs to ourselves, now that social distancing has been a norm and as we move along, this will be more engrained in our behavior and muscle memory. You brought up a good point.

(Councilmember Chock was noted as not present at 10:05 a.m.)

Mayor Kawakami: We are still at a stay at home/work at home order through the Governor, which means, to the best of our ability, we should get our exercise, but go home. We should go to work, and then go home. We should plan accordingly for the essential supplies that we need to lessen the amount that we need to go to the grocery store, and then to the best that we can, go home. So there are a lot of flexibilities built into this. For some reason or another, I think some people have misconstrued that this is a lockdown. This is by no means a lockdown or what Martial Law would be. In order for us to stay safe as a community, it requires our own ability for us to be part of this movement as well. You bring up a good point. A

lot of people are complying on Kaua'i and that is the reason why our numbers remain low and we are able to essentially eliminate the confirmed cases. Naturally, when something happens, you are going to see something happening on Kaua'i that is rather unique. The majority of community members know what to do and I have confidence that as we move along, the majority of our people will continue to keep their guard up and not become complacent. We realize that this all started with just one individual, and we saw how fast this virus has spread. So we continue to operate on pins and needles and walking on eggshells, and we continue to be creative, as far as how to strike that right balance as we move forward. Thank you, Council Vice Chair.

Councilmember Kagawa: Which Departments are going to be open four (4) days now that we are doing this? The other question is, there is a provision that you can request an exemption, like if you have a medical condition...and if that person gets to keep the five-day work schedule...does the office count as five (5) days being open and operating?

Mr. Dahilig: Vice Chair, what was that last line you said?

Council Chair Kaneshiro: Mayor, I realize that you may have to leave soon. I do not know if you want to say something before you leave, or you can leave when you need to leave. Is there anything pressing that you want to say before you leave? Feel free to do it and we will keep the meeting going. I know you only have a few minutes left before you have to go off to your other meeting. If I have anything, if not, we will continue to proceed.

Mayor Kawakami: You know, I am really sorry. They shifted the daily meeting to 10:30 a.m.; it used to be 11:00 a.m. and we have made adjustments. Mondays, Wednesdays, and Fridays immediately following those, we have what we call a "Senior Leadership Meeting" which contain all of the Incident Management Teams (IMTs) from across the State and County and all the mayors, as well as the Governor. So I do have to leave. I apologize to the Council that I am going to have to leave, but I am leaving it in good hands with Mike here. I want to thank you. I am not one to say things that I do not mean. I say what I mean, and mean what I say. I observe not just across the State, but across the nation, and I want to say that a huge component of our success has been from the support our Council and our State delegation has been giving this Administration, as far as the latitude and the trust that we are going to do the right things, for the right reasons. That has been a huge component of our success...I have talked to mayors from across the nation and it is clear that in many jurisdictions, the operation is being sort of hamstrung by the politicization of this disaster response. I just want to say that I am very grateful to have a partnership with this Council, as with our State delegation, and our Federal delegation as well, as far as entrusting us to do the right thing and giving us the latitude to operate. In a perfect world, there is always room for improvement. We will continue to seek ways that we can improve to make sure that we are all on the same page. Thank you very much.

Council Chair Kaneshiro: Thank you. Councilmember Kagawa, you had a question.

Councilmember Kagawa: What Departments are opened five (5) days a week now?

Council Chair Kaneshiro: And exemptions for employees?

Councilmember Kagawa: I heard that a few have applied for the exemption and have gotten it. I am glad we have that provision because it is hard to just change your life with a snap of a finger. Some people took the job knowing it was going to be five (5) days, forty (40) hours per week. If you change it to a four (4) day, ten (10) hours per day work week, it has to be a lengthy normal process that we have in place for government. But I guess we have this emergency in place and that is why it is on the agenda. Now, if they have gotten the exemption, is the office open on Fridays? You may have employees working without supervision. How do we deal with this with the exemption in place?

Mr. Dahilig: Just to answer your first question, the concern about what offices are affected, these are offices predominantly in the Līhu'e Civic Center and these are largely our employees that are HGEA union members. It also involves any of our employees that are appointed...these are exempted/appointed by the Mayor and those offices that have those employees are the ones that will not be affected. In terms of the exemptions, as far as I anecdotally understand, everyone that needed an exemption asked for one. For the most part, they have either resolved the issue or continue to resolve issues, and at this point, we have not, to my knowledge, fully said, "No, you cannot make adjustments to your schedule to accommodate your need." In terms of anything related to why, we have been pretty flexible in working with the individual employees, and in terms of the initial intention behind the 4-10, as the Mayor mentioned, we are not intending this to go beyond the emergency period or when school starts. If there is a permanent schedule change that we are looking at for the future...we are currently in the consultation process on a "9-80 plan," which is a compressed work schedule which consists of eight nine-hour days, one eight-hour day, and one day off in a two-week period. That is different from the 4-10 that is currently in place during this emergency time. We are continuing to be in consultation with HGEA and follow the normal collective bargaining process. In terms of the offices that have employees working on Friday service hours, we have given instructions to our Directors to work with the Division Heads to accommodate supervision during those time periods. It is a case-by-case basis and the Directors and Division Heads will make arrangements for that. In terms of the service windows being opened on Friday, if there are individuals that are on a five-day schedule, we are not going to be opening the windows because we are concerned about critical mass for the ability to service. So we are going to be sticking with the Monday through Thursday extended daytime schedules.

Councilmember Kagawa: I received testimony from people that are affected by the 4-10 work schedule and so far, they have told me that they are not for it and that they are concerned. I just find it unusual because normally, you would think that employees would love having three-day weekends and I always thought that was a is good thing, but apparently not...maybe because it has not gone through the process and they have not had it, yet. They feel like it is kind of like...but you

have this clause that says they can apply for that exemption. Why did we not look at something more on the means of it being voluntarily? That way, everybody is happy and everybody is motivated, because I will admit for me, if I work eight (8) hours, I am done...I am tired. I cannot see working two (2) more hours every day if I do not have to or if I am not fighting COVID-19 like you how and the Mayor are.

(Councilmember Chock was noted as present at 10:15 a.m.)

Councilmember Kagawa: So I do not know...to me, you can look at studies from other places, but I think it is best to ask our own workers. So far, what I am seeing is that our workers are not happy with this. So I guess my question is, why did we not look at something voluntary? That way, you achieve what the Mayor wants, and then you do not have to have this crazy exemption form that now will be judged and people will have to spill out their personal issues, whether they have an illness, that they do not want anybody knowing. To me, it is a little messy. I just feel like the ends do not justify the means in this decision. I agree with most of your folks' decisions with COVID-19, but this one a little uneasy, for the workers and their rights, especially, when they are saying they are unhappy.

Mr. Dahilig: Council Vice Chair, as the Mayor mentioned, a decision that he made that was going to be acceptable for some individuals, and then we tried to build in the exemption process to find happy-mediums. We know that HGEA is not happy about how this has transpired...there is that prohibited practices complaint. We still commit to working with the union and each individual employee to try to at least work through some of the accommodations that they need without violating any of their privacy rights or any civil rights that they are afforded. We are going to continue to monitor this and if it does persist that the predominant hardship is being exhibited...as you have seen through the testimony is untenable...we are still very open to making adjustments and working with the unions as we move day-by-day.

Councilmember Kagawa: Thank you, Chair, for letting me put this on the agenda today.

Council Chair Kaneshiro: Councilmember Cowden and Councilmember Kuali'i.

Councilmember Cowden: I am going to follow-up on what Council Vice Chair Kagawa said. I would like to see this encouraged and not mandated. I think we can have an adaptable schedule. For instance, maybe the people that want to work five (5) days a week can, where they can be a remote worker on Friday so they are not on the road. I know as a Councilmember, one (1) day is the same as the next. I do as much on Saturday as I do on Tuesday or Wednesday. I notice the difference when I do not have access to the County and the Administration on Saturday and Sunday. So this brings one more day that is hard to get a responsive answer or something to that effect. I think if it was where people could be compliant with it, I think you would be surprised that if you did not force people how many would probably do it, or maybe be able to work in the morning on their system and then come in. So that would really feel a whole lot better to me if we were not forcing our

people to do something that they do not want do. It does not make sense to me...it is addressing the needs...if people work a ten-hour day, four (4) days a week, they will have more time on Fridays that they will have to go do what they could not do after work. My question is, for the United Public Workers (UPW), does it affect any of that workforce?

Mr. Dahilig: Just to respond, Councilmember, no it does not.

Councilmember Cowden: Okay. That is how I feel about it. I do not like it being mandatory.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: Mike, you said that the counters would remain closed on Fridays.

Mr. Dahilig: With the exception of those divisions that relate to construction inspections.

Councilmember Kuali'i: And permitting, yes. Are they also closed during the extended early hours and extended late hours?

Mr. Dahilig: There is an additional hour of counter time added, opening at 7:15 a.m. and closing at 5:00 p.m.

Councilmember Kuali'i: On the exemption, because of personal health information being confidential with the Health Insurance Portability and Accountability Act (HIPAA) and everything, can employees just submit an exemption request and say "for personal health reasons" in quotes and will that be accepted?

Mr. Dahilig: In terms of processing, we have not asked for any details concerning medical hardships that would be in violation of privacy laws.

Councilmember Kuali'i: So, that is yes?

Mr. Dahilig: That is pretty much how we approached it. We tried to work with our employees; if they have a medical issue, then they have a medical issue and that is that.

Councilmember Kuali'i: Okay. Have you started the 4-10 work schedule already? When is it starting?

Mr. Dahilig: This started on Monday already, Councilmember.

Councilmember Kuali'i: The Monday that just passed. Now, we were closed five (5) days a week, right? For several weeks now, to the public.

Mr. Dahilig: Yes, we were.

Councilmember Kuali'i: Last week, if I went in to pay my motor vehicle registration fee, that whole finance area was closed and I could drop it there in the box, right?

Mr. Dahilig: That is correct.

Councilmember Kuali'i: Instead of going back to a five-day week fully opened, we are just going back to four (4) days fully open.

Mr. Dahilig: That is correct. As mentioned earlier by Vice Chair's questions, we do have a predominant amount of employees that are teleworking, but our goal is to reestablish counter service. The telework windows that these employees are on are being aligned with important schedules so that when they do start coming back to the office in person, the normal work hours will already be obliged to match that.

Councilmember Kuali'i: Could you not meet the needs of what you are trying do, because basically what this is like is having a stay-at-home, work-at-home Friday. So instead of how it has been, completely the whole work week being stay-at-home, work-at-home, now we have a stay-at-home, work-at-home Friday. If you are opening the counters, instead of opening the counters one additional hour earlier, if you stuck to the regular hours, you could basically not have to unilaterally force employees to take on the 4-10 work schedule.

Mr. Dahilig: That is one way to look at it, Councilmember. I think our intention is that some jobs are suited for teleworking and some jobs are not. So the balance between being able to be predominantly teleworking is not necessarily what we are wanting to continue with normal operations, so we want to have people circling back to the Līhu'e Civic Center for work, which is not aggregate movement on the island, as much as possible.

Councilmember Kuali'i: Those arguments all lend to the ideas of regular Monday through Friday opening up and providing services to the public. As long as we remain closed on Fridays, then we have to allow employees to either...if they are trying to make their forty (40) hours, either work remotely.

Mr. Dahilig: That would be the case for some employees, but for other employees that predominantly deal with manual things, like driver's licensing and other agencies, it would be difficult to properly get us to what would be normal elevation of the labor force for some of those particular jobs.

Councilmember Kuali'i: That is the case right now. Well, that was the case all along when we were closed five (5) days of the week. So now we are opening four (4) days of the week and that can still stay in effect for one (1) day a week, which is Friday.

Mr. Dahilig: I understand where you are going, Councilmember. I think we did look at the overall, overarching movement counts as the balancing objective and this is where we landed based off of that.

Councilmember Kuali'i: I have to say that I hope the Governor lifts it soon, because I do not like that this is in place. I agree with HGEA's position that this is unilaterally mandating a work schedule change, and yes, it is an emergency, but how we dealt with emergencies in the past was we accommodated all five (5) days of the week for work from home, whether you had a counter job or not. We could and should continue to do that for the Fridays. But that is just me.

Mr. Dahilig: Understood.

Council Chair Kaneshiro: We probably have enough time for one more question before our caption break. Councilmember Evslin has a question. Councilmember Evslin.

Councilmember Evslin: Thank you, Mike. Going off of Councilmember Kuali'i's question, it seems like closing on Fridays for customer service to function the County that is pushing the public to four (4) days and possibly people having more contact with each other as we wait in line...is that a concern? How do we mitigate that as a concern?

Mr. Dahilig: Well, the presumption that the volume is going to be the same, whether or not it is five (5) days a week or four (4) days a week, right? That is what you are saying. By moving it to the windows on Monday through Thursday, does that create more squeeze versus not? The people get service at that level of demand regardless of whether or not it is five (5) days or four (4) days. So the movement is going to remain the same. That is why we did not consider that as being an issue because we could have the ability for individuals to come in during the available window times anyway and they would be getting the normal service.

Councilmember Evslin: Just a follow-up. I cannot imagine very many people showing up at 7:30 a.m. So it seems like we will have twenty percent (20%) of our work hours on Fridays...more public interaction with each other, possibly affecting the disease, which just from my own perspective, would mitigate any benefits of having to not drive to work on Friday alone in a car.

Mr. Dahilig: I guess the response, and as the Mayor mentioned, is we tried to look at as much statistical information as we could. Anecdotally, some of this is a bit of an art because nobody has written a book on how to maintain and keep movement to a low-risk-level in terms of reopening these public services in tandem with bringing the private sector economy back online. In the judgement of looking at where we are, and our desire to want to start opening up some of our windows as well, along with the fact that the private sector is coming back to work, where we can at least reduce movement, that was the overall theory. So private sector folks are coming back online. They are going to be creating movement. Where we can reduce movement here and there and try to accommodate more of the private sector to come back online...these things add up. Just to put it

into perspective, the County is the second largest employer on the island. The number of commuted trips and movement will add up as we bring more private sector folks back to work.

Councilmember Evslin: Just off of this, did this recommendation come from the Department of Health (DOH) or from public health experts elsewhere?

Mr. Dahilig: We have public health experts within the Incident Management Team, that were part of the dialogue around this. Ultimately, it is the Mayor's call from a policy standpoint. So like every decision, the Mayor has all different points of view that come into play. The public health officials have been constantly telling us that reducing movement is the way to reduce the risk of disease. That has never changed in terms of the advice from the public health officials. How exactly we do that becomes a discussion point because our operation folks, our policy folks, our legal folks, and the normal County Department Heads have very different opinions and very differing points of views on. Ultimately, it is the judgment from the Mayor that this will help reduce movement on the island.

Councilmember Evslin: I had another question, but I can ask it after the caption break.

Council Chair Kaneshiro: We will do our caption break and go back to Councilmember Evslin. I have few more people in line for questions. Ten (10) minute caption break.

There being no objections, the meeting was recessed at 10:30 a.m.

The meeting reconvened at 10:45 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back, from break. Again, we are on the Special Council Meeting regarding the 10-hour/4-day workweek. Councilmember Evslin, we will get back to you. Looks like you have signed off. Councilmember Cowden.

Councilmember Cowden: Scott answered my questions.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: Mike, in my prior life, I worked in finance at the City of West Hollywood for almost ten (10) years. We had the 9-80 schedule there and it worked really well. Obviously, it was negotiated with the union and was part of the workplace agreement. You kind of threw something out there briefly regarding the 9-80 schedule and being in talks with HGEA. Can you say a little bit more about that and how that will impact...it is temporary, right?

Mr. Dahilig: My mention of the 9-80 consultation that we are undergoing with the union...this was started roughly close to the Mayor taking office and we had gone to our associates, as well as the unions and initiated the consultation process to enter into a memorandum to bring the County HGEA

workforce to a 9-80 schedule. That is continuing and it is not what we are implementing in this scenario, and for different reasons why we are looking towards the 9-80 consultation. It is something that we will neither confirm or commit. That particular process is undergoing the normal process like it would as would any other change or adjustment to the collective bargaining agreements.

Councilmember Kuali'i: Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Chair. Mike, in regards to this schedule change, I read that there may be some potential cost-savings. Can you talk about that? Is that true? If so, to what degree?

Mr. Dahilig: We have anecdotal theories on if there are some savings or not. There will probably be minimal savings in the area of standby pay, but we have no metric until we look at it coming in, as to whether standby pay will be adjusted downward as a consequence of the temporary 4-10 schedule.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Can you hear me?

Councilmember Chock: Yes.

Councilmember Evslin: I am having audio difficulties. Just to clarify, you alluded to it earlier, but everybody who asked for an exemption was granted one; is that right?

Mr. Dahilig: Everyone who asked for the exemption has been accommodated or is in the process of being accommodated. So there has been no outright, "No, you have to do this in this fashion" at this point.

Councilmember Evslin: Would childcare be a reason for an exemption?

Mr. Dahilig: Those are exemption requests that I personally have concurred with as a reason for needing to maintain a 5-8 work schedule. *Kūpuna* care and taking care of a grandchild are reasonable exemptions and we have a number of those.

Councilmember Evslin: So that would be valid. My last question is, is there concern from Department Heads or Division Heads about having to oversee the staff ten (10) hours, Monday through Thursday, and also oversee no staff on Friday?

Mr. Dahilig: That is why we need to work it out as an individual basis because some shops have supervisory-level individuals that are working off a 5-8 schedule based on exemptions. There are ways to maintain hierarchies of supervision without necessarily forcing a Department Head to expand.

We are waiting on each department to accommodate those that would want to remain on 5-8 schedule, rather than create a one-size-fits-all solution.

Councilmember Evslin: You have mentioned that you are evaluating this as you go. So when looking at the traffic data and the number of the people in the Līhu'e Civic Center building as another metric, are you open to the possibility of lifting this before the back to school order or the Emergency Proclamation ends if there is an overcrowded population or not being able to reduce traffic?

Mr. Dahilig: That is a possibility. Another possibility could also be that a vaccine or drug is found next week, right? So we never know, and as the Mayor always emphasizes that we need to be flexible and balance all sides of the equation and not just look at it without analyzing what is buried beneath it, so we continue to have discussions with the union, even though we have a prohibited best practices complaint. We are open to the dialogue with individual members as they would for task force accommodation per the exemption process. Your input is also useful overall. This is a temporary measure...this is separate and apart from the 9-80 discussion that we are having in formal consultation. What we want to emphasize to the employees is to understand what you see at the State-level...what you will see in Friday's budget proposals...we do not at this time look at any furloughs or layoffs, or any reductions in pay. All of those things are being maintained so the only emergency situation that we are dealing with is trying to figure out how our workforce, which is the second largest workforce on the island, can help to reduce movement as the private sector starts creating movement back to work.

Councilmember Evslin: One final question on that. Given that you folks are open to exemption, is there a maximum amount of people that can claim exemptions before the system does not work, before we start counter service Monday through Thursday?

Mr. Dahilig: The balance that you are mentioning...we also have to look at to the 5-8 schedule...somebody being in their ability to open a window, right? If we have one (1) employee out of forty (40) in a specific department, it would be unreasonable to ask for that person to keep a window open. On a shop-by-shop basis, those determinations are being already made by Department Heads in consultation with Division Heads. We have divisions related to construction and those areas have a large number of employees that are on a Monday through Friday schedule simply because of their work demand. Our mission to the public is providing and maintaining quality service. Like you are mentioning, it becomes a shop-by-shop determination to ensure we have consistent services to the public that are not impeded by a reduction in force.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Councilmember Kuali'i has a follow-up.

Councilmember Kuali'i: Mike, my follow-up to that is so if you do get a lot of requests for exemptions, and you are talking about maintaining service to the public, like operating windows, all you are really talking about is the new hour that

you added with this act that you put forth on Monday. In fact, you could still have full services to the public with the full hours that we already had prior, Monday through Thursday, the regular hours that the public were accustomed to. What you are doing now is to try to offset the loss of Friday hours, in which you are adding one (1) hour earlier in the morning Monday through Thursday. That is the only place you would be impacted...you are saying to meet needs to the public...and you would therefore start denying employee exemptions. So I think that is a choice you are making and I would prefer that you make the choice of respecting the employees' need for those exemptions and giving them those exemptions. If need-be, eliminate that early hour, because nobody has gotten used to that yet. You just started it on Monday. These are just my thoughts.

Mr. Dahilig: As Councilmember Evslin is mentioning, there is a shop-by-shop balancing that we have to maintain, because we still have to maintain services. Ultimately, as the Mayor mentioned before he left, the big-picture ask that we are asking our employees as part of their role as part of the second largest employer on the island that we know in trying to help reduce movement where we can, that allows the ability for low-risk, across the island businesses in the private sector to try to come online. So where we obviously do not want to encourage people to just take advantage of the exemption process as a means of just simply applying, but we trust that our employees know what they need and what they are able to adjust to and if they need it, then so be it. So for us, looking at the additional morning and afternoon hours on a normal Monday through Friday work schedule, our windows are not necessarily open all eight (8) hours. There is a morning ramp up where they open up the windows, so a lot of windows open right up at 7:45 a.m. In order to ensure cash flows at the end of the day, the windows will close so proper accounting and security of the money that does come in is reconciled before the actual work day ends. In terms of our services, there are periods in the morning and periods in the afternoon that the windows are not open anyway to accommodate our business processes and our ability to secure cash and those type of things.

Councilmember Kuali'i: You mentioned that the morning was 8:00 a.m. or 8:30 a.m., what is the closing time?

Mr. Dahilig: For example, the Department of Motor Vehicles (DMV) opens at 8 a.m. and closes at 4 p.m. normally, but with the 4-10 schedule, they open at 7 a.m. and close at 5 p.m. We still have to build in the ramp-up and ramp-down periods to be able to maintain security of cash flow. The Planning Department will open half of its counters at 8 a.m. and the other half of its counters at 9 a.m. on a normal operation and close at 4 p.m. to secure cash flow. At this point, we are working with the Planning Department to figure out how they would want to ramp-up back to work once the proper glass shielding and personal protective equipment (PPE) measures are put into place. We are not going to roll out everybody all at once...we are having adjustment discussions with all of the different forward-facing shops that have to maintain counter service.

Councilmember Kuali'i: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Again, how many employees are affected? How many employees did you ask or did you order to go on the 4-10 schedule?

Mr. Dahilig: In terms of eligible employees, and this is including the Office of the Prosecuting Attorney and the Department of Water...those departments were eligible...so that is about four hundred (400) employees.

Councilmember Kagawa: Four hundred (400) employees.

Mr. Dahilig: About four hundred (400). I do not have the information from the Department of Water or the Office of the Prosecuting Attorney, but it would roughly be three hundred (300) something directly under our authority to look at. I also do not have the breakdown of exemptions. We can get that information over to Matt to transmit as part of privileged information. I will say that at least with those that are under our direct supervision, from a County operation, minus the Department of Water and minus the Office of the Prosecuting Attorney, a little over three hundred (300).

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: If people are back in the office, I am wondering about the Planning Commission meetings. Are we going to have Planning Commission meetings?

Mr. Dahilig: What has been happening is that each of the departments that have attendance commitments have been working with the Office of Boards and Commissions to practice the type of online meetings that you folks are doing. My understanding is that the Planning Commission is supposed to be holding a meeting, either this week or next week, to clear its docket. I know some other commissions, like Fire and Police, have already been meeting virtually.

Councilmember Cowden: I know that people are wanting to be able to see what is happening at the Planning Commission, which is typically public and it does not seem that it is being filmed.

Mr. Dahilig: I am not aware that the Planning Commission has even had a meeting since the drawdown. That is where it would probably be best for to me to check with Administrator Ching on exactly when the Planning Commission has had a meeting. I know they have a forward-facing meeting, either this week or next week. I will also say that the Governor's Supplemental Emergency Proclamation has adjusted Chapter 92 with respect to public interaction and public participation. I would suggest referring to that new order that we are still trying to sort through, as well to communicate to the public what is the new Chapter 92 protocols under the Governor's Emergency Order.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Mike, you mentioned earlier that the 4-10 schedule is subject to all appointed positions, but I realize that some departments have appointed positions and other union members involved in their departments. How does that work? For instance, on Friday if that appointed person is off, but yet, there are UPW workers under him or her?

Mr. Dahilig: Some of the HGEA members supervising UPW shops, predominantly with parts...the direct reporting lies with HGEA members on a 5-8 schedule to be able to supervise UPW employees. For example, in the Department of Parks and Recreation, there are five (5) employees that are HGEA members that are on a 5-8 schedule that are able to maintain supervision. All Department Heads are 24 hours on-call, so if there is something that needs to be handled by somebody at a supervisory-level, those Department Heads will have to pick up the call regardless.

Council Chair Kaneshiro: Thanks. Any further questions from the members? Councilmember Kuali'i.

(Councilmember Kagawa was noted as not present at 11:10 a.m.)

Councilmember Kuali'i: Mike, this is sort of like a broad, big-picture, general question. I really appreciate this graph on the traffic volume counts because it is very clear and you can see how in an average week, the Saturday and Sunday counts are much lower.

(Councilmember Kagawa was noted as present at 11:11 a.m.)

Councilmember Kuali'i: So if what we are intending to do is to add another day to that, say Friday, to have just the County do this, with just four hundred (400) employees, do you think that will make much difference? Instead, why has the Administration not considered the general policy as they allow people to go back instead of allowing them to go back the full week, allow them to go back four (4) days? If everyone is staying off the roads, then you will see Friday go down. But if it is just our four hundred (400) HGEA members, appointed members, and folks that work in the County, I do not think it will make that much difference. Any bit helps, of course, but why did we not do the big, broad policy?

Mr. Dahilig: I understand. I think that, phrase "anything helps" is the philosophy we were looking at. Small actions add up to large actions. Rather than looking at it from standpoint of trying to mandate private enterprise to conform to something, we are already trying to get this struggling sector up and running again and giving them enough ability to work within certain confines without creating much of a burden already, especially if they are non-essential businesses. So that is always an option if we look at the data that was circulated. If we end up with too much risk, we may look at modified private sector schedules. I think our primary focus right now is just trying to contribute as a government to reducing risk where we can and allowing the private sector to get their feet underneath them since they have been on the sidelines for quite a while.

Councilmember Kuali'i: You had mentioned that the County is the second largest employer on the island. Being that the County is doing this, have you thought about reaching out to the other larger employers on the island in asking them to do something similar? What about the first largest employer, or the third, fourth, or fifth?

Mr. Dahilig: The larger employers are actually the resorts. For example, the Grand Hyatt Resort & Spa is not using workforce right now, the Kaua'i Marriott Resort is not using workforce also. The only other large employer that would be up in the top five would be Wilcox Memorial Hospital, and that we want to ensure that our health care system is as primed and up and running as much as possible.

Councilmember Kuali'i: What about the top ten if the top five are mostly hotels?

Mr. Dahilig: I think we could percolate...I was looking at something from big businesses that shows the largest private employers on the island and so on and so forth. I would say the important piece is not necessarily one employer, but construction and limiting construction too much. In the absence of tourism, construction is one of our largest economic engines and we will need the construction sector now that they are working without much restriction anymore. It is important that we be at a top-performing level because that is what is going to be doing a lot of the economic circulation in the short-term.

Councilmember Kuali'i: Thank you.

Council Chair Kaneshiro: Is there anyone else? Any further questions? If not, thank you, Mike. Any final discussion from members? Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. I want to thank you, Scott, and Jade, again for allowing me to put this on the agenda. It was under the Emergency Order, as you all saw through the E-mails and various correspondences that we have gotten. For me, something like COVID-19 gives the Mayor power to do some things that would never be done under any other situation. While the Mayor has made a lot of great decisions...I praise his actions and the numbers show that this Mayor has performed...he has outdone everybody else by using out-of-the box thinking and really being strong, and knowing that every decision has an impact that may not be comfortable. But in this case, I will disagree with the decision to go forward. I think when you deal with changing the hours of four hundred (400) of our County employees without going through the process of public hearing of having the legislative side give their stamp of approval, which is how checks and balances work...this is not a small move...changing the employee's hours is a big move. We are also impacting the public. For instance, contractors may not be able to get the services that they need on Friday with inspections. When you do that, you are losing money. Time is money in the construction industry. We talked about not having tourism. How we can open up other sectors while being careful as to how we let our visitors come back? Why are we going to make this kind of move where we reduce

services? There are going to be minimal people that will benefit by having the earlier and later hours. The main hours of operation in standard work is 8:00 a.m. to 4:30 p.m. or 5:00 p.m.; it is not 6:00 a.m. to 6:00 p.m. I think the other move that we made that was bad was that we did not listen to our employees, we could have gone with something that was voluntary. That would have benefited the Mayor's initiative for reacting to COVID-19. Then, it may not work because it may only have ten percent (10%) of the volunteered-workers to do it, so why even do it, right? The exemption process is going to save some financial hardship and stress, and if we grant it, there is no way to get to the point if it is not worth it. Again, I think it is better to do it right, then you do not have to go through the other process of giving an exemption to ask ourselves later, "Well, did we achieve our goal of out-of-the box thinking of keeping Kaua'i safe?" I think we are already as safe as can be; we have had any new cases in I do not know how long. It is clearly not the local people who are spreading the virus. It may be the local people who travel, which they should not be traveling at all or returning from our favorite place, Las Vegas, but it is primarily about the visitors and we are restricting that. The Mayor is doing a great job there. So why this change where the union is fighting lawsuits and everything? With this move, I believe we made a bad decision. What we do create is a bunch of workers that are saying, "Why are you not listening to us? Why are you not listening to our needs?" Everybody is stressed. Why make them more stressed? I just think the timing and I do not think...I do not even believe...is it proven that we are going to get people traveling less by taking away that work day? I think people will be traveling more. Governor Ige's mandate to work from home is in place and O'ahu still has hundreds of cases still active that have not been cured. For Kaua'i, we have zero (0). Again, let us try and get back to how we are going to rebound this economy. That is our headache. Then, we get our workers back so that we are not so backlogged as far as driver's licenses, because you never know who will be coming for service and all of that. There are a lot of things and a lot of problems that we need to address. Certainly, we could have avoided a lot of headaches by not mandating this change. Had we gone through a normal process, I think our hardworking citizens and employees would at least feel they had due process under their bargaining unit rights, and come up with a solution together, not just being handed down...again, out of all the great decisions, I think this one is not great. Thank you, Chair.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

(Councilmember Kagawa was noted as not present at 11:14 a.m.)

Councilmember Cowden: I want to thank the Office of the Mayor for achieving remarkable success with resisting the virus. We have reached national recognition and I want to thank the community for their willingness. I know we seem to be doing so well. I checked and there was a COVID-19 tent set up on two (2) days last week on the north shore. There was not a single person who came to get tested and it seems like we are doing pretty well. I would like to see businesses running five (5) days a week. I will just be honest...I think that we need to be adaptable and flexible. When I think about the Planning Department, the Department of Finance, the Office of the County Attorney, the Department of Public Works, and the Department of Parks and Recreation, all these Administrative offices, not operating

on that day...I think it cripples our policy decisions. We need to be able to move quicker and faster. I am looking at it from a selfish end. I would like the services available for best planning and making good choices. I certainly care about how the staff feels. I do not think it is up to us to make a vote, but what I do hope is if we try it...because where we are already trying it...since we are trying it, if it does not work out that well, we do not have to wait until the end of the summer if we can adapt, or if it does not seem to be making a difference or having a problem, that we have that flexibility to change pathways. Those are my thoughts. Not the best choice.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Can you hear me?

Councilmember Cowden: Sit back.

Council Chair Kaneshiro: Councilmember Evslin, you may have to speak a little slower and sit further back from your mic.

Councilmember Evslin: Can you hear?

Councilmember Cowden: That is better.

Councilmember Evslin: Yes, I want to reiterate again, what a great job the Administration has done so far with every order. I think they all make sense and certainly work. I have been behind you folks all the way. With that said, I am missing something because I do not quite see how it achieves what we want it to achieve. I am not saying that we should...I think if we look at positive changes...for the last two (2) weeks...carefully going forward...and I really appreciate any efforts along those lines. I feel if you are going to take cars off the road, I think we will certainly be adding more people to the Līhu'e Civic Center and I worry it would make it worse. I appreciate the fact that you will be looking at this and altering it as need be. I also worry about lowering County efficiencies, as we have people working on Fridays maybe without much to do. Then maybe we have overstressed counter staff where they are understaffed possibly. Certainly public service, if people cannot access it on Friday...I think Councilmember Kagawa said it well, being able to adequately serve the public and just the fact that we had a whole bunch of E-mails in advance of this meeting with much concerns, as far as HGEA, that anybody can get an exemption and will be evaluated as we go forward.

Council Chair Kaneshiro: Councilmember Kuali'i.

(Councilmember Kagawa was noted as present at 11:19 a.m.)

Councilmember Kuali'i: I will just say that, I too, disagree with this decision. I agree pretty much with everything that was shared by Vice Chair Kagawa. Like Councilmember Evslin, I was happy to get confirmation from Mike that they were granting the exemptions, and that in the case of personal health reasons that employees do not need to disclose anything confidential, that they just need to request the exemption and state "for personal health reasons" and they would not be denied.

I am all for modified work schedules, like 4-40, 9-80, and other options...it worked great in my workplace in California where I was for ten (10) years, a lifetime ago. I think such a major workplace condition has to be negotiated with our bargaining units and not mandated unilaterally, even during these difficult times. As we have seen from discussions, there are other ways to reduce movement and reduce traffic to address the pandemic, as we have been doing for past several weeks now, five (5) days a week. If we want to bring folks back to work four (4) days, the remaining fifth day can continue to be what we have had for everyone, not just for the four hundred (400) employees at our County. I feel pretty strongly about that.

Council Chair Kaneshiro: Is there anyone else? If not, I do want to confirm we did receive written testimony on this item.

The following communications were received for the record:

1. Bennett, Lillian, dated May 5, 2020
2. Nakamatsu, Duke, dated May 5, 2020
3. Perreira, Randy on behalf of the Hawai'i Government Employees Association, dated May 6, 2020

The Special Council Meeting proceeded on its agenda item as follows:

Council Chair Kaneshiro: Again, it is not our decision to make, it was more of an informational item. The motion on the floor is to receive.

The motion to receive C 2020-134 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

ADJOURNMENT.

Council Chair Kaneshiro: This concludes our Special Council Meeting. Not seeing or hearing any objections, this meeting is now adjourned.

There being no further business, the Special Council Meeting adjourned at 11:21 a.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).