

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: 88622917336. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.**

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**October 25, 2022**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BOT STAFF:**

Amber Kalua, Trustee Aide  
Lehua Itokazu, Board Secretary

**GUEST:**

Jimmy Duvachelle Sr.

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Kaimana Peres-David, HR Director  
Robert Klein, Board Counsel  
Daniel Santos, IT Support  
Kevin Chak, IT Support

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Tuesday, October 25, 2022, at 9:08 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	excused	
TRUSTEE	DAN	AHUNA		Joins at 9:22 am
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
TRUSTEE	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE‘E		Joins at 9:14 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			6	

At the Call to Order, **six (6)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream) . Let me go over some quick announcements. Please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes which will become the official record of this meeting.

Joining the Trustees today is my staff, my Aides-Kanani Iaea and Amber Kalua, and Board Secretary-Lehua Itokazu. Also with us today is Kurt Klein-Board Counsel, and Sylvia Hussey-CEO. I will ask Sylvia to introduce staff participating.

**Sylvia Hussey, CEO** Thank you Chair, good morning Trustees, on the meeting today from Administration is Casey Brown-COO, Ramona Hinck-CFO, Interim General Counsel-Everett Ohta, Interim Sr. Legal Counsel-Nietzsche Ozawa, Kaimana Peres-David-HR Director and supporting from IT, we have Kevin and Dan.

**Chair Hulu Lindsey** Board Secretary, do we have anyone signed up to speak on any of the new business items?

**Board Secretary** No one is signed up to speak on any new business items.

## **New Business**

- A. Action Item BOT #22-16: Approval of an OHA Board of Trustees’ Honorary Resolution Honoring the Contributions of James “Uncle Jimmy” Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka‘i and the State of Hawai‘i\***

**Trustee Alapa Approval of an OHA Board of Trustees’ Honorary Resolution Honoring the Contributions of James “Uncle Jimmy” Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka‘i and the State of Hawai‘i**

**Trustee Akaka Seconds the motion.**

**Chair Hulu Lindsey** There is no discussion, roll call vote.

<b>Trustee Alapa Moves</b>						
<b>Approval of an OHA Board of Trustees' Honorary Resolution Honoring the Contributions of James "Uncle Jimmy" Mochao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i</b>						
<b>Trustee Akaka Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE LEI AHU ISA</b>						<b>X</b>
<b>TRUSTEE DAN AHUNA</b>						Joins at 9:22 am
<b>TRUSTEE KALEI AKAKA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE BRENDON LEE</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>						Joins at 9:14 am
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>6</b>			<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Six ( 6 ) Yes votes, Zero ( 0 ) No votes &amp; One ( 1 ) Excused.</b>						

**Trustee Alapa reads Mr. Duvachelle's resolution.**

**A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS  
HONORING THE CONTRIBUTIONS OF JAMES "UNCLE JIMMY" MOEHAO  
DUVACHELLE SR. TO THE NATIVE HAWAIIAN COMMUNITY, THE ISLAND OF  
MOLOKA'I AND THE STATE OF HAWAII**

WHEREAS, James Moehao Duvachelle Sr. was born in Kalamaula, Moloka'i, on February 8, 1944, and was raised in the homestead of Ho'olehua; and,

WHEREAS, James Moehao Duvachelle Sr. is a fourth generation paniolo at Moloka'i Ranch, his lineage dating back to his maternal great grandfather Antone Rodrigues, who worked as a paniolo for Moloka'i Ranch in the late 1800s and early 1900s; and,

WHEREAS, after the death of his father when he was just four years old, James Moehao Duvachelle Sr. was raised by his uncles who worked for Moloka'i Ranch as na paniolo; and,

WHEREAS, James Moehao Duvachelle Sr. graduated from Moloka'i High School in 1962, and began working for Moloka'i Ranch in 1966 as "professional cowboy," working on the pastures of Moloka'i from sunup to sundown each day; and,

WHEREAS, due to his exceptional ability with handling horses, herding, roping cattle and leading men, James Moehao Duvachelle Sr. was named pipi luna, or foreman, of Moloka'i Ranch in 1973; and,

WHEREAS, James Moehao Duvachelle Sr. would go on to a long and successful career with Moloka'i Ranch, being named a supervisor in 1985, a manager in 1990 and retiring from the ranch as a livestock division manager in 2008 after 42 years of service; and,

WHEREAS, James Moehao Duvachelle Sr. continued to ranch independently for eight years after retiring from Moloka'i Ranch, officially retiring as a paniolo in 2016 while marking some 50 years spent on the pastures of Moloka'i; and,

WHEREAS, James Moehao Duvachelle Sr. organized the first Moloka'i Paniolo Heritage Rodeo in the late 1980s to spread awareness about the rich and sometimes forgotten history behind the paniolo culture in Hawai'i; and,

**WHEREAS**, thanks to James Moehao Duvachelle Sr., the Moloka'i Paniolo Heritage Rodeo has become an annual event held during the Kamehameha Day weekend to celebrate the holiday, honor the paniolo culture and showcase the cowboys of Moloka'i who come together and demonstrate their talent; and,

**WHEREAS**, James Moehao Duvachelle Sr. was inducted into the Hawai'i Cattlemen Association's Paniolo Hall of Fame in 2000. The Hall of Fame recognizes the paniolo of yesterday and today statewide who have contributed to keeping Hawai'i's paniolo heritage alive, and to honor those who made the paniolo culture legendary; and,

**WHEREAS**, James Moehao Duvachelle Sr. has spent years educating the populace of the storied and honorable history of the paniolo in Hawai'i, which began with Kamehameha III bringing Mexican Spanish vaquero to the islands in 1832 to teach Hawaiians horse handling and cattle roping skills; and

**WHEREAS**, the Office of Hawaiian Affairs salutes, acknowledges and much appreciates the lifetime efforts of James Moehao Duvachelle Sr. to keep the spirit of the legendary Hawaiian paniolo alive in our hearts forever; and,

**WHEREAS**, James Moehao Duvachelle Sr., affectionately known to the people of Moloka'i as "Uncle Jimmy," has spent a lifetime representing, embodying, epitomizing, preserving and promoting the renowned history of the Hawaiian paniolo; and

**NOW, THEREFORE, BE IT RESOLVED**, the undersigned duly recognized as the board chair and trustees of the Office of Hawaiian Affairs, on the 25<sup>TH</sup> day of October 2022, do set forth their hand to recognize, honor and memorialize the life of James Moehao Duvachelle Sr.; and

**ADOPTED**, this 25<sup>th</sup> day of October 2022, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

##pau##

**Jimmy Duvachelle** We are so happy to be here. I thank you so much for the resolution that you just gave me, I appreciate that very much. Thank you all for recognizing our culture and our lifestyle. I hope you continue to help us promote this way of life, as sometimes we are forgotten. Thank you, I am speechless. I thank my lord and I thank each and every one of you.

**Chair Hulu Lindsey** Thank you Uncle Jimmy for all that you do for our culture and all of Hawai'i nei. We appreciate all your contributions to the lāhui. We are honored to honor you today.

## **B. Action BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

**Chair Hulu Lindsey** We will now move onto new business, item B. action item 22-17. I will call on Sylvia.

**Sylvia Hussey, CEO** Thank you. Administration has brought forward this action item for board approval, this pertains to board positions. It is to align changes to the compensation structure and the compensation philosophy. The re-org activities did not include the Board staff and now that it is a year later, the Administration re-organization activities were completed at the end of 2021, and we have had a chance to review the compensation philosophies, policies, and practices. We wanted to reflect similar philosophies with the Board positions, and so we've also taken a look at the nature of the positions, how they came to be, and the classifications. We've made some additional recommendations to the Board for consideration. One of the first actions we are recommending is that positions of the Board Chief of Staff and the Board Secretary, which our current positions, continue. There are two Trustee Aide classifications and one Trustee Secretary classification, we are recommending that there is only one Trustee Aide position, and that is because Administration has observed that in practical work, we do not see the differentiation of Secretary to Aide 22 or Aide 24. The classifications are in the State's Human Resources and these classifications are not in our current classifications here at OHA. There are no differentiations between them except for the years of experience. A Trustee Secretary does not function any different than a Trustee Aide. Administration is making that recommendation. In addition, the term Secretary compared to the Board Secretary, which is a Corporate term often used, Administration has done away with that in the Administration structures. Again, the idea is to consolidate all Trustee Aide functions into one position description that is the second recommendation and the elimination of those positions, and the third or fourth recommendation is we implement the compensation policy that is consistent with Administration. This starts with a compensation philosophy which was in the action item. We have a schedule that we would like to share with the Trustees to be able to walk through the logic of our compensation schedule, placement and some additional recommendations that we are recommending for working committee Chairs: BAE and RM. The action items make recommendations of the factors for the work that we observed. If there are any questions?

**Chair Hulu Lindsey** Are there any questions?

**Trustee Lee** Do these questions have to be asked in the executive session? Is the compensation sheet package not public information? I don't believe we're talking about personnel.

**Sylvia Hussey, CEO** The compensation schedules, like all other compensation schedules, can be public information. It often is because of the request that we get. What we wanted to do in executive session is to have our HR Director on, as well as to understand the rationale of the compensation policy application. The action will continue in open session but if you do not want to go into executive session, we can certainly discuss in open.

**Chair Hulu Lindsey** I do not see anything wrong with Trustee Lee asking questions about the positions and not the personnel. Trustee Lee, do you have any questions?

**Trustee Lee** I have several. My first question has to do with the elimination of the non-exempt position. My concern is there was a Trustee Aide who was denied exempt status. If we do away with the non-exempt position, that Aide would not have been allowed to be hired.

**Chair Hulu Lindsey** Is that true Ka Pouhana?

**Sylvia Hussey, CEO** When Administration makes these recommendations on the position, they are for prospective application. Motion two is to transition the existing staff that are currently holding the Trustee Secretary, the Trustee Aide 22 and Aide 24 and migrate those positions into the one Trustee Aide position with the scale. I will share with Trustees, which is a common compensation philosophy, is the concept of blue circles red circles. So in compensation philosophy and policy, when a policy is implemented, and for like kinds of positions, if the current salary of the individual is higher than where the experience would place them, we would call that a red circle. We retain the salary for that staff member. If in the placement the amount is higher, then we increase the salary to that higher amount. OHA's compensation philosophy has been not to have employees increase their compensation unless they are applying for a different position. In this case, Trustee Secretary, Trustee Aide 22 and Aide 24 are not applying for different positions, they are being migrated to a Trustee Aide position, that process will occur if the Board approves the change and migration.

**Trustee Lee** That does not answer my question. I understand that anybody who is currently a Trustee Aide, how this migration will work for them, but my concern is this particular Trustee Aide, by doing away with the non-exempt position, would not have been hired. I understand that anybody currently working as a Trustee Aide, exempt or non-exempt, will be migrated over. My concern is that this person has been a valuable Aide to one of our Trustees going on two years now. Doing away with a non-exempt position, this person would have been denied employment. I understand about the migration because this person continues to work now, but because his person was denied the exempt position two years ago, going forward someone of the same qualifications would be denied employment and that's a concern to me. This person has been a valuable Trustee Aide and this Trustee Aide once helped with committee work. My concern is someone of this qualification because they did not meet what Administration deems the exempt position qualification, would have been denied employment, that is my concern.

**Trustee Trask** I have a series of questions. I understand what Trustee Lee is saying and that is one of my questions too. How do we look at years of service that are already established? We only have one Trustee Aide, that's great if you live on Oahu but for those of us who live on neighbor islands, we don't have a Trustee Aide here. I also wanted clarification like Trustee Lee so we can proceed.

**Sylvia Hussey, CEO** I want to go back to the concept of exempt and non-exempt, and then to the extent that if the discussion is talking about one aide, I would recommend that you do move into executive session because it is talking about personnel matters. But if you're talking about the position, then what I will say is that the position by definition, all Trustee positions are exempt based on what's in the action item because they are tied to the service of the Trustee. All employee classifications for Trustee Aides are all exempt because they are tied to the Trustees' service. If there are any questions about positions, I'll be glad to answer them, but we would encourage, as do with our Administration staff, if there is a specific employee then we recommend they discuss that directly with HR. We will discuss the process. Trustee Trask, the process is once it is reviewed, HR will go through the Trustee Aides and look at the years of experience in the position, like kind of positions, outside experience and compute an experience score. Based on that experience score, they will then be placed on the schedule and that schedule amount is what the annual compensation will be. At that time, computations of red circle, blue circle will be assessed, and then the final compensation will be determined and communicated. So that's part of the transition activities that HR will perform in transitioning each of them.

Trustee Trask, answering your question as far as recognizing experiences in OHA, in like kind of positions in OHA and in external positions, all of that will be considered. Perhaps sometimes a resume may need to be updated so that we have the most current information as well.

**Trustee Trask** We have a real problem with this but let's proceed. What you are talking about is very subjective. For instance, I looked at the material, I understand what we're doing, but I can't find a definition of a living wage. I don't have any charts for the salary ranges.

**Sylvia Hussey, CEO** That is what we wanted to share with you.

**Trustee Trask** In a secret session? Aren't we a State agency talking about how we will deal with our staff? There is no definition of a living wage.

**Sylvia Hussey, CEO** I can tell you that Administration has determined based on the data for this compensation that we have determined a living wage at fifty thousand dollars. In our schedules, you will see that employees do not get paid less than fifty thousand, and their position descriptions are commensurate. One of the things, Trustees, I want you to be aware of as HR and Administration are going through the compensation schedules as we advocate for OHA for a living wage for our families to be able to make ends meet and yet we were not paying a living wage. That really was a concern. That is why in the compensation and in the reorganization, in philosophy, that particular item, we wanted to make sure that we recognize a living wage, and that we are there advocating, we are an employer paying a living wage based on that. We also know that we must look at that all the time, and looking at updating the compensation policy is also a practice that we are committed to as well.

**Trustee Trask** I am happy to proceed, but when you talk about a living wage in Hawai'i, I'd like to see the way you are calculating it. We have the highest cost of living. We're taking a licking on inflation, but we're making a guarantee that OHA will pay a living wage. I just want a definition of a living wage. We all know the cost of living is high, but things are more affordable on O'ahu than they are on the Big Island, and it's even worse on Moloka'i. Are we giving a cost in living increase for Hawai'i? When you get out to Lana'i and Moloka'i, the prices are horrible. How are we addressing this for our people? At some point, I would like things to be laid out in a concrete way. Talking about the compensation philosophy, the blue circles, the red circles is okay, but I am trying to establish what is the living wage? How are we defining it? And how are we going to pay it? Are we going to consider what we are paying our staff? When I look at that, I do not think I am paying my team fairly, that is my concern. I am not sure why we would go into executive session, maybe because people would say what is so-and-so getting paid. I am not looking at it that way. I went through all the materials and I cannot find the salary ranges. I am not one to have discussions with HR, I would like HR to talk to everyone on this Board at the same time to make sure we are all hearing the same thing.

**Trustee Lee** With respect to the later actions regarding Committee work, I've never understood why Trustee Aides are doing Committee work to begin with. Why don't we just do what the Board Secretary's job description was meant to do? There is a reason why the Board Secretary gets paid significantly more. The Board Secretary is supposed to be doing the work of the Board, not the work of the Trustee, who is the Chair. If someone requests to make an appointment with the Chair of the Office of Hawaiian Affairs, whoever it is, then the Board Secretary handles that, but if someone from Maui wants to speak to their Trustee, then Trustee Hulu Lindsey's Aides would handle that and not the Board Secretary. The Committee of the Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management (RM) are committees of the Board, which means it is Board work. This means the work of the Committee, such as minutes and everything, should be done by the Board Secretary. The Aides of the Trustee, who is the current Committee Chair, would be communicating with either the Board Chief of Staff or the Board Secretary to make sure items get on the agenda, and the Board Secretary would file the agenda because that is all work of the Board and not of the Trustee. I understand that is not a practice at OHA, but that doesn't mean that that's right, that is how it is supposed to be done.



**Chair Hulu Lindsey** I believe the positions have a lot to do with the discretion of the Chair. It has been the practice of the Chairs of the Committees to have their staff, staff the Committee. It has worked well. I can't tell you how much work the Board Secretary has and could never handle the two Committees. She would need to have an assistant. She spends all day long doing minutes for the many Board meetings that we have. I do want to say that it is the discretion of the Chair to assign her staff what she wants them to do, and it is not cut in stone on what they are supposed to do.

**Trustee Lee** If that is the case, then the name of that position needs to change. You are our Chair; we are not your Board. If it is going to be the Chair of the Board of Trustees who directs what these positions do and not based on a job description, then the position should be Chair's Secretary and not Board Secretary. If it is Board Secretary, then they do the work of the Board, not the work of the Chair; that should be the will of the Board and not the will of the Chair. If the Board wants to change it to Chair Secretary, then we should make that change. The discretion of the Chair is that the Chair has the pleasure to appoint who these people are.

**Chair Hulu Lindsey** Our Board Secretary has been working for the Board.

**Trustee Lee** You are claiming the Chair has the discretion to decide what these positions do and not do. I understand the Board Secretary does a lot of work, I have a former Board Secretary that works for me; I am very aware of what Board Secretaries do. If we start to say that these positions will be working at the discretion of the Chair, then titles should changed. Those Committees are Committees of the Board, they are not Committees of the Trustees.

**Trustee Ahuna** My concerns are like what Trustee Trask was saying, we do not have definitions of what each person is doing. I thought the Board Chief of Staff (COS) and Board Secretary was our COS and Board Secretary. We have nothing to read about on who this person is. I just wanted to know what the difference is.

**Chair Hulu Lindsey** The difference is they report to the Chair, but they do work for the Board.

### **Executive Session**

**Trustee Lee** I move that we move into executive session.

**Trustee Trask** Seconds the motion.

**The Board recuses into Executive Session at 9:47 a.m.**

Motion to recuse into executive session pursuant to HRS Section§92-5						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						<b>X</b>
TRUSTEE DAN AHUNA			<b>X</b>			
TRUSTEE KALEI AKAKA			<b>X</b>			

TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE MILILANI TRASK		X	X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION:</b> [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with a Eight (8) YES votes, Zero (0) No votes, and One (1) EXCUSED vote.</b>						

**Board returns to open session at 10:24 a.m.**

**Trustee Lee I move that we move the previous matter to the end of the agenda.**

**Trustee Ahuna Seconds the motion.**

**Chair Hulu Lindsey Trustee Lee has made a motion to move the item we discussed in executive session to the end of this meeting and Trustee Ahuna seconded this motion, roll call vote.**

<b>Trustee Lee Moves</b>						
<b>Moves that we move the previous matter to the end of the agenda.</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OL E (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
TRUSTEE LEI AHU ISA						X
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			

TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with Eight (8) Yes votes, Zero (0) No votes, and One ( 1 ) Excused.						

**Chair Hulu Lindsey** Moving on to Item C.

**Casey Brown, COO** Aloha Trustees, this item was ajenized to drop the PIG 6 report relating to an investigation of a master plan for Kaka'ako Makai. In order to make our 48 hour deadline, I did send it to you folks before 10:00 am and it should be in your inboxes, and it is scheduled for discussion this Thursday.

### **Community Concerns and Celebrations**

*There are no testifiers.*

### **Announcements**

**Chair Hulu Lindsey** Our next meeting is this next Thursday, October 27th at 10:00 am.

**Everett Ohata** This Board will be continuing this meeting to immediately follow the Board of Trustees meeting scheduled for 10:00 am on Thursday, October 27<sup>th</sup>. It will then take up the action item II.B. as well as the associated executive session matter. No motion is needed.

**Chair Hulu Lindsey** Okay, this meeting will be continued on October 27<sup>th</sup> following the Board of Trustees meeting.

### **Continuation of 10/25/2022 meeting: on 10/27/2022**

**Chair Hulu Lindsey** Aloha Everyone, I would like to reconvene the continued Board of Trustees Meeting from October 25, 2022, to take up item II.B. BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation. Before you start, I want to make it very clear to my colleagues that the Chair's office had nothing to do with this. It was a part of Administration's re-organization plan. I also want to make clear from discussions with our CEO, that none of these writings have anything to do with eliminating aides positions so that is not a consideration at all.

**Casey Brown, COO** Aloha Trustees, we are going to continue to talk about the compensation issues with the Board suite. Joining me is Kaimana, our HR Director. I am aware there were questions that arose because of the first discussion on this topic. I would like to open it up to the Trustees to ask those questions right now.

**Chair Hulu Lindsey** One of the questions is why is the CEO eliminating the SR numbers?

**Casey Brown, COO** The SR ranges were put in place for some time now. Kaimana is familiar on how the SR ratings came about, the explanation on the elimination, how it is acknowledged in the State system and so on. I will call on Kai Mana.

**Kai Mana Perez David, HR Director** Good morning, with respect to the concern of the removal of the SR ratings from positions of BOT staff, it is my understanding that SR rating system that was in place previously was established or developed internally by OHA and for OHA. It is not pegged or linked to the State's official SR rating system. In fact, the State does regard and consider OHA and its positions as a SR rating not applicable. Administration saw an opportunity to improve its people practices, including its compensation practices, by moving away from the internally established SR System and replacing it with one that provides better clarity and transparency for employees with respect on how the compensation works.

**Chair Hulu Lindsey** The concern is if one of our employees leave us and go to another State Department, how can that be comparable to the work that they were doing here? What if they are under-rated in another department? For example, the highest Trustee Aide position is an SR24, and if the SR24 does not stay with our aides and they decide to go to another department, what if they get rated to an SR16. That is the concern they had.

**Kai Mana Perez David, HR Director** Thank you for that additional clarification, I would say two things; number one again, because the SR System was developed internally, OHA technically is not linked to or pegged to the official state system. Even if we were to keep it, chances are when another agency is reviewing and making a determination for hiring, they would be able to make that correlation anyway. I would also say, for anecdotal evidence, UH for example does not use the State's SR rating system for their administrative, professional, and technical positions. Employees who do hold these positions generally do not experience challenges when transferring to another State agency, even though the position they held at UH had no SR rating attached to it.

**Chair Hulu Lindsey** I want to clarify about motion#3 *approve the elimination of the following three board of Trustees staff positions*. This does not mean the position, but the position title. This should have been made clear. This gave our staff concern that one of the aides would be eliminated from each Trustee. There will no longer be a Trustee Secretary, Trustee Aide SR22, and Trustee Aide SR24, all Aides will be the same.

**Casey Brown, COO** We understand and agree. We are not eliminating positions, it is merely making those three positions into one single role. The description for each position will now be described as one role.

**Chair Hulu Lindsey** For item B, if any Aides are classified below a Trustee Aide, then they will be transitioned up, right?

**Kai Mana Perez David, HR Director** That is correct. All existing Trustee staff will transition into the new proposed position of Trustee Aide.

**Chair Hulu Lindsey** Maybe we should amend these motions so that they are clearer.

**Trustee Trask** I understand what you are saying. If you go back, there's a historic note that the SR System is not applicable to OHA, I understand this. I think the concern is that some folks, myself included, would like to see the SR utilized by our office. One reason for that is that all other State agencies are using it and in the event, we have staff coming in after years in the State system or years in OHA and are transferring to another State agency, the retirement is impacted. I don't know any reason and I haven't heard anything yet from our staff as to

why the SR should not be applicable to OHA. I do see the background on why the State adopted the system and it follows the living wage calculator. We have the ability to not use the SR system, but I don't see the benefit. I do see a tangible problem for our employees that transfer out or those that may have been in the State system coming in. I would like to ask my colleagues to look section by section, which is how we review the work that we undertake at the Board. I feel that we should be able to test our system, there is a potential negative to my employees. Is there an absolute reason why Administration is saying no we shouldn't do it?

**Trustee Ahuna** I just wanted to say thank you for the discussion, but the clarity that you brought today, and I truly feel that we are all one. I believe the SR22 & SR24 and how we use the wording is very important. If there is any discretion, I would hope that our Trustees are keeping track of who they hire and making sure that they fall within these parameters. As I was looking at it before, it was based on how long the Trustee was in office, so it's like more popularity. But we should base them off qualifications, the SR22 and SR24 was a great way of identifying our Aides. I am saying that we should make just one SR if there is any. It does not have to fall under those guidelines but follow those parameters. Thank you for clarifying.

**Casey Brown, COO Kaimana**, is it fair to say that in your review of the SR system that was in place, the closer that OHA ties itself to a state system, the more likely we lose flexibility. One reason for exploring the move away from the SR system is to give OHA the flexibility to respond to the job market.

**Kai Mana Perez David, HR Director** I would concur. The HR policy, in general, is to be able to create a working environment and a workplace culture that suits our agency, our people, and having the flexibility to determine what works best for our staff and OHA without having to worry about pegging ourselves to a state system in many ways.

**Trustee Trask** What are you talking about "to have flexibility"? I am looking at potential impacts to the retirement and other benefits of State employees that come in and out of OHA.

**Casey Brown, COO Trustee**, in-terms of the impact to retirement there should not be impact to retirement. The state formula is driven by years of service it is not driven by SR ranges.

**Trustee Trask** I am looking at the living wage and the living wage is tied to where you are in the system. I am not sure what you folks talked about last night, about the negative impact to our employees. Rather than using an SR rubric that everyone uses, I don't mind going to another rubric if you can show me what it is. I just feel very uneasy about it.

**Casey Brown, COO** We can fairly say that the replacement rubric of the SR system is this new rubric system of Step A, Step B, Step C correct?

**Kai Mana Perez David, HR Director** That is correct.

**Casey Brown, COO** I don't know if we'll be able to address Trustee Trask concerns, on this form right now. Maybe we can find a way to reconcile the two rubrics and point out, in particular what the differences are, and then we can provide it after this meeting.

**Trustee Lee** If it is after this meeting I do not see the point because we are being asked to make a decision now.

**Casey Brown, COO** We won't be able to provide that right now.

**Chair Hulu Lindsey** We can amend the motion to the satisfaction of the trustees. My recommendation would be to approve the elimination of the following: Board of Trustees staff positions, Trustee Secretary, Trustee Aide 22 and leave the last Trustee Aide position where everyone is going to be the same.

**Trustee Lee** I do not believe that's the issue right now. I believe the issue that Trustee Trask is bringing up, and that others have voiced is a much larger issue than just eliminating those two positions. The issue that I'm hearing is the SR rating. While I understand what Kaimana and Casey are saying and that the UH system does not use the SR system as well, I don't see the issue with continuing to use it if it makes the Trustees at ease. The State has stipulated, OHA officially does not fall under any SR rating. So, if we use an SR rating it is for our own personal purpose and if it make the trustees feel better then continue to use it. I do not see the purpose of eliminating something that really has no bearing on anything. If you are saying that the State as a whole does not recognize our SR system then who cares if we continue to use it.

**Trustee Trask** I just want to ask how am I suppose work at OHA, I live on the Big Island not on Oahu. If all the positions got rid of I only have one position left which is an Aide, I can't get the work done. Are you telling me my one Aide will have to fly back and forth with me.

**Chair Hulu Lindsey** No one is eliminating one of your aides. You have one Aide in Honolulu and one Aide on Hawaii island.

**Trustee Trask** I do not, I have one Aide in Honolulu and I am trying to hire one Secretary for Hilo. Are you saying we will have two Trustee Aides?

**Chair Hulu Lindsey** Yes, you are interviewing for an Aide for Hawai'i island

**Trustee Trask** I understood that, but I did not understand what's on this agenda we're supposed to be discussing that we didn't see until a few minutes ago, because it talked about removing secretary, removing aid and just keeping one aide. It's hard to look at that and not conclude that neighbor island Trustees are going to have one Aide. What this should be saying is that we're providing for a Trustee Aide position on the island in which where you work as well as where you live. If you live on Oahu you have one Aide and if you live on a neighbor island you have two.

**Chair Hulu Lindsey** No, every Trustee will have two Aides. It is you choice as an island Trustee to have an Aide on Hawai'i island and on Oahu or two on Oahu.

**Trustee Trask** Both will be referred to as a Trustee Aide?

**Chair Hulu Lindsey** Yes.

**Trustee Trask** Okay, I understand, thank you.

**Trustee Lee** I think that confusion is because it says that we're removing a Trustee Aide position when in actuality, we're moving a Trustee non exempt Aides position. There are three separate positions in the Board suite for trustees, Trustee Secretary and Trustee Aide exempt and Trustee Aide non-exempt. We are proposing to remove Trustee Secretary and Trustee Aide non-exempt but that does not say that here and that is where the confusion is coming in.

**Chair Hulu Lindsey** I don't know if a non exempt except for one person and that is not a trustee aide.

**Trustee Lee** That is what we are removing, the SR24 is Trustee Aide non exempt and that is the position that we are proposing to eliminate.

**Chair Hulu Lindsey** no all aides are all exempt.

**Kai Mana Perez David, HR Director** What I can say is that at the time when I joined OHA, these three positions that we are discussing Trustee Secretary, Trustee Aide SR22, and the Trustee Aide SR24 positions all were in existence and Trustee Lee's description of their status, non-exempt or exempt is accurate. However, in April of 2021 an action item was brought forth for the board which asked the Board to look at changing the status of the two non-exempt positions to exempt. Technically, this is what they should be, my recollection is that the Board did not take up that action or did not vote on it. A decision was made by administration to change all those positions to exempt to ensure that we were in compliance with FLSA. Technically, now they all show as exempt.

**Trustee Lee** I have a question about motion 1 under letter A. It is asking the board to approve a Chief of Staff and a Board Secretary and a Trustee Aide. We have already established that those positions exist. Why are we being asked to vote on something that currently exists. If this motion shall fail then what would happen to our employees?

**Chair Hulu Lindsey** That is good question.

**Trustee Lee** and if administration is correct, that when the Board did not take action on a similar item in the past, and then administration so move forward anyway, because it was delegated to them, and it brought us into compliance then why is administration again bringing things back to the board that doesn't need to come before the board?

**Chair Hulu Lindsey** I asked our CEO that same question.

**Trustee Lee** Then why is it before us? Then I will make a motion to adjourn and we are done. This is not a matter that should be in front of us.

**Chair Hulu Lindsey** Trustees, what do you think?

**Trustee Ahuna** We did I believe we all came into agreement. For me, it's not about whether we have one trustee aides or two. It was about eliminating one of the trustee aides SR positions. How do we transition to make sure that this happens, should we have another action?

**Chair Hulu Lindsey** I think the CEO has the authority to make these decisions on our agenda today. She gives administration staff raises and it does not come before the board. All of our Aides are technically under the CEO. I did question her why this was coming before the board.

**Everett Ohta, Interim General Counsel** If I can offer a few clarifying remarks providing better understanding of this. The OHA bylaws provide that changes to the type and number of staff positions for the board shall require board approval. That is what administration is bringing before the board. The sequence is what is important, first, is to approve the following staff positions. The positions under the Board suite are; Chief of Staff, the Board Secretary, and the Trustee Aide position. All of these are subject, of course, under the proper

classification under FSLA. The second motion, seeks to move all of the current trustee secretaries, Trustee Aides whether SR22 or SR24 to a newly established Trustee Aide position. Nobody is being terminated, we are not eliminating employment with OHA. We are making clear that all of the various Board staff positions are now transitioned to this Trustee Aide position. Once that transition is completed, then administration is proposing the elimination of the Trustee Secretary, the Trustee Aide SR22 and SR24 positions because to keep those would likely cause a confusion. Under this new structure all of those board suite positions are now going to fall under position description of Trustee Aide.

**Trustee Lee** I disagree with all of that. I believe it is all semantics. The Trustee Aide position exempt currently exist as it was explained by HR that administration took that matter upon themselves when the board failed to act on it in 2021. Changing the designation from SR22 to not having and SR designation is just semantics. The Trustee Aide position currently exists as does the Chief of Staff and the Board Secretary. Whether legal wants to argue with me is irrelevant because we are the Board.

**Kurt Klein, Board Counsel** Chair and Trustees, I just want to make helpful suggestions, and perhaps this could help with regard to motion that's pending 1. A. perhaps, after the word approved, we put in *approved reclassification of* that is my suggestion.

**Trustee Lee** Except we are not reclassifying Chief of staff, a board secretary. There are no changes being made to that whatsoever.

**Chair Hulu Lindsey** So I guess we could say approve the reclassification of Trustee Aide.

**Casey Brown, COO** The sequencing was important and intentional and based on what's in the By Laws I think eliminating a position, the SR system falls under that. Many times Administration is trying to play it safe.

**Chair Hulu Lindsey** Shall we take it in sequence?

**Everett Ohta, Interim General Counsel** The sequencing is important. So if the Board is going to entertain this progression of actions if motion 1 fails then the following motion should not be taken up.

**Trustee Lee** Given that all of our staff is under an exempt position based on the actions taken by Administration taken in 2021 and given the contention that going on within the Board about this issue and confusion, may I suggest that the Board to allow administration more time to make this very muddy watered issue a lot clearer. Administration can work with either the Chief of Staff or the Board Secretary so that something is brought forward that has much more clarity. I suggest that this not be taken up by the Board at this time.

**Chair Hulu Lindsey** I agree. I will defer this item.

**Trustee Waihe'e** I am trying to understand this too. Is it possible that part of the reason why they're trying to redo in this manner is because based on the present job description of a Trustee Aide is was restrictive on who could be hired in that position? So they're trying to make it easier to hire someone.

**Chair Hulu Lindsey** My understanding from the CEO is she thinks that all of the Aides should be treated fairly.



**Trustee Waihe'e** I am just thinking that if we do not change it to this new description then it will be harder to make everyone even based on the qualifications that are present in the current SR22 and SR24 job description. I do not want it where because we do not take action then someone who should be in the Aide position isn't able to now moved there.

**Chair Hulu Lindsey** yes, that is under consideration.

**Trustee Ahuna** Thank you for the clarification. I think we are still going to have issues moving forward with this action.

**Chair Hulu Lindsey** I will defer this matter.

**Casey Brown, COO** Are we saying this proposal needs to be re-worked and brought back with more clarity?

**Chair Hulu Lindsey** Yes.

**Trustee Lee** I know I will not be here but I ask that this matter not brought up until the new year.

**Trustee Ahuna** With that Thank you Trustee Lee for your time here and thank you for all that you've done for our people. I hope the best for you in the future.

**Chair Hulu Lindsey** We wish you well and thank you for your service to our lāhui.

**Trustee Trask** Thank you brendon for all your work. You have always had a great grasp on procedure and following decision making. Even though your term as a Trustee ends it really is not going to end. I want to add my thanks.

**Trustee Akina** I want to thank you for your dedication and contribution during your term. Mahalo for serving with us here at OHA.

### **Adjournment**

**Trustee Trask** Moves to adjourn the meeting.

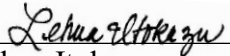
**Trustee Waihe'e** Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						X
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK	X		X			
JOHN	WAIHE'E		X	X			

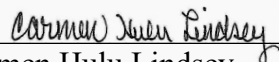
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				8			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 1:48 p.m.

Respectfully submitted,

  
 Lehua Itokazu  
 Board Secretary

As approved by the Board of Trustees on July 26, 2022.

  
 Carmen Hulu Lindsey  
 Chairperson, Board of Trustees

Attachments:

1. Excused Memo – Trustee Ahu Isa
2. Action Item BOT #22-16: Approval of an OHA Board of Trustees’ Honorary Resolution Honoring the Contributions of James “Uncle Jimmy” Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka‘i and the State of Hawai‘i\*
3. Action BOT #22-17: Changes in Board of Trustees’ Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation\*




---

**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i*

---

To: Chairperson Carmen Hulu Lindsey  
From: Trustee Leina'ala Ahu Isa, Ph.D.   
Date: October 24, 2022  
Re: Excused Absence

---

Please be advised that I am unable to attend the virtual meeting of the Board of Trustees on Tuesday, October 25, 2022, at 9:00 A.M. due to the flu.

If you have any questions, please contact my office.

Mahalo!



**ACTION ITEM**  
**Board of Trustees**  
**October 25, 2022**

**BOT #22-16**

**Action Item Issue:**    **Approval of an OHA Board of Trustees' Honorary Resolution Honoring the Contributions of James "Uncle Jimmy" Moe hao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i**

**Prepared by:**

A handwritten signature in black ink, appearing to read 'Sylvia M. Hussey'.

Oct 19, 2022

---

**Sylvia M. Hussey, Ed.D.**  
**Ka Pouhana, Chief Executive Officer**

**Date**

**Reviewed by:**

A handwritten signature in black ink, appearing to read 'Carmen Hulu Lindsey'.

Oct 20, 2022

---

**Trustee Carmen Hulu Lindsey**  
**Ke Kauhuhu o ke Kaupoku, Chairperson, Board of Trustee**

**Date**

**Action Item BOT #22-16: Approval of an OHA Board of Trustees' Honorary Resolution Honoring the Contributions of James "Uncle Jimmy" Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i**

---

**I. Proposed Action**

The Office of Hawaiian Affairs, Board of Trustees, to approve an honorary resolution honoring the contributions of James "Uncle Jimmy" Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i, as attached.

**II. Issue**

Whether (or not) the Office of Hawaiian Affairs ("OHA"), Board of Trustees ("BOT") should approve the attached honorary resolution.

**III. Discussion**

James Moehao Duvachelle Sr. ("Uncle Jimmy") was born in Kalamaula, Moloka'i, on February 8, 1944, raised in the homestead of Ho'olehua; is a fourth generation paniolo at Moloka'i Ranch, his lineage dating back to his maternal great grandfather Antone Rodrigues, who worked as a paniolo for Moloka'i Ranch in the late 1800s and early 1900s; and, after the death of his father when he was just four years old, was raised by his uncles who worked for Moloka'i Ranch as na paniolo.

Uncle Jimmy graduated from Moloka'i High School in 1962, and began working for Moloka'i Ranch in 1966 as "professional cowboy," working on the pastures of Moloka'i from sunup to sundown each day; and, due to his exceptional ability with handling horses, herding, roping cattle and leading men, was named pipi luna, or foreman, of Moloka'i Ranch in 1973. Uncle Jimmy would go on to a long and successful career with Moloka'i Ranch, being named a supervisor in 1985, a manager in 1990 and retiring from the ranch as a livestock division manager in 2008 after 42 years of service. Uncle Jimmy continued to ranch independently for eight years after retiring from Moloka'i Ranch, officially retiring as a paniolo in 2016 while marking some 50 years spent on the pastures of Moloka'i.

In the late 1980s, Uncle Jimmy organized the first Moloka'i Paniolo Heritage Rodeo in the to spread awareness about the rich and sometimes forgotten history behind the paniolo culture in Hawai'i; and thanks to him, the Moloka'i Paniolo Heritage Rodeo has become an annual event held during the Kamehameha Day weekend to celebrate the holiday, honor the paniolo culture and showcase the cowboys of Moloka'i who come together and demonstrate their talent.

Uncle Jimmy was inducted into the Hawai'i Cattlemen Association's Paniolo Hall of Fame ("Hall of Fame") in 2000. The Hall of Fame recognizes the paniolo of yesterday and today statewide who have contributed to keeping Hawai'i's paniolo heritage alive, and to honor those who made the paniolo culture legenday. Uncle Jimmy spent years educating the populace of the storied and honorable history of the paniolo in Hawai'i, which began with Kamehameha III bringing Mexican Spanish vaquero to the islands in 1832 to teach Hawaiians horse handling and cattle roping skills.

**Action Item BOT #22-16: Approval of an OHA Board of Trustees' Honorary Resolution Honoring the Contributions of James "Uncle Jimmy" Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i**

---

**IV. Recommendation**

To approve an honorary resolution honoring the contributions of James "Uncle Jimmy" Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i, as attached.

**V. Alternative Actions**

- A.** To not approve Administration's recommended honorary resolution
- B.** To approve an amended version of Administration's recommended honorary resolution

**VI. Funding**

No funding is required.

**VII. Timeframe**

Immediate action is recommended.

**VIII. Attachment – A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS  
HONORING THE CONTRIBUTIONS OF JAMES "UNCLE JIMMY"  
MOEHAO DUVACHELLE SR. TO THE NATIVE HAWAIIAN  
COMMUNITY, THE ISLAND OF MOLOKA'I AND THE STATE OF  
HAWAI'I**

**A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS  
HONORING THE CONTRIBUTIONS OF JAMES "UNCLE JIMMY" MOEHAO  
DUVACHELLE SR. TO THE NATIVE HAWAIIAN COMMUNITY, THE ISLAND OF  
MOLOKA'I AND THE STATE OF HAWAI'I**

**WHEREAS**, James Moehao Duvachelle Sr. was born in Kalamaula, Moloka'i, on February 8, 1944, and was raised in the homestead of Ho'olehua; and,

**WHEREAS**, James Moehao Duvachelle Sr. is a fourth generation paniolo at Moloka'i Ranch, his lineage dating back to his maternal great grandfather Antone Rodrigues, who worked as a paniolo for Moloka'i Ranch in the late 1800s and early 1900s; and,

**WHEREAS**, after the death of his father when he was just four years old, James Moehao Duvachelle Sr. was raised by his uncles who worked for Moloka'i Ranch as na paniolo; and,

**WHEREAS**, James Moehao Duvachelle Sr. graduated from Moloka'i High School in 1962, and began working for Moloka'i Ranch in 1966 as "professional cowboy," working on the pastures of Moloka'i from sunup to sundown each day; and,

**WHEREAS**, due to his exceptional ability with handling horses, herding, roping cattle and leading men, James Moehao Duvachelle Sr. was named pipi luna, or foreman, of Moloka'i Ranch in 1973; and,

**WHEREAS**, James Moehao Duvachelle Sr. would go on to a long and successful career with Moloka'i Ranch, being named a supervisor in 1985, a manager in 1990 and retiring from the ranch as a livestock division manager in 2008 after 42 years of service; and,

**WHEREAS**, James Moehao Duvachelle Sr. continued to ranch independently for eight years after retiring from Moloka'i Ranch, officially retiring as a paniolo in 2016 while marking some 50 years spent on the pastures of Moloka'i; and,

**WHEREAS**, James Moehao Duvachelle Sr. organized the first Moloka'i Paniolo Heritage Rodeo in the late 1980s to spread awareness about the rich and sometimes forgotten history behind the paniolo culture in Hawai'i; and,

**Action Item BOT #22-16: Approval of an OHA Board of Trustees' Honorary Resolution Honoring the Contributions of James "Uncle Jimmy" Moehao Duvachelle Sr. to the Native Hawaiian Community, the Island of Moloka'i and the State of Hawai'i** **ATTACHMENT**

---

**WHEREAS,** thanks to James Moehao Duvachelle Sr., the Moloka'i Paniolo Heritage Rodeo has become an annual event held during the Kamehameha Day weekend to celebrate the holiday, honor the paniolo culture and showcase the cowboys of Moloka'i who come together and demonstrate their talent; and,

**WHEREAS,** James Moehao Duvachelle Sr. was inducted into the Hawai'i Cattlemen Association's Paniolo Hall of Fame in 2000. The Hall of Fame recognizes the paniolo of yesterday and today statewide who have contributed to keeping Hawai'i's paniolo heritage alive, and to honor those who made the paniolo culture legendary; and,

**WHEREAS,** James Moehao Duvachelle Sr. has spent years educating the populace of the storied and honorable history of the paniolo in Hawai'i, which began with Kamehameha III bringing Mexican Spanish vaquero to the islands in 1832 to teach Hawaiians horse handling and cattle roping skills; and

**WHEREAS,** the Office of Hawaiian Affairs salutes, acknowledges and much appreciates the lifetime efforts of James Moehao Duvachelle Sr. to keep the spirit of the legendary Hawaiian paniolo alive in our hearts forever; and,

**WHEREAS,** James Moehao Duvachelle Sr., affectionately known to the people of Moloka'i as "Uncle Jimmy," has spent a lifetime representing, embodying, epitomizing, preserving and promoting the renowned history of the Hawaiian paniolo; and

**NOW, THEREFORE, BE IT RESOLVED,** the undersigned duly recognized as the board chair and trustees of the Office of Hawaiian Affairs, on the 25<sup>TH</sup> day of October 2022, do set forth their hand to recognize, honor and memorialize the life of James Moehao Duvachelle Sr.; and

**ADOPTED,** this 25<sup>th</sup> day of October 2022, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

##pau##





## ACTION ITEM

### BOARD OF TRUSTEES

October 25, 2022

BOT #22-17

**Action Item Issue:** Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation

Co-Prepared  
by:

A handwritten signature in black ink, appearing to read 'Kai Mana Peres-David'.

Kai Mana Peres-David  
Ka Hoakake'a, Human Resources Director

10/20/2022  
Date

Reviewed by:

A handwritten signature in black ink, appearing to read 'Everett Ohta'.

Everett Ohta  
Ka Paepae Puka Kūikawā, Interim General Counsel

10/20/2022  
Date

Reviewed by:

A handwritten signature in black ink, appearing to read 'Ramona G. Hinck'.

Ramona G. Hinck  
Ka Pou Kihi Kanaloa Wai, Chief Financial Officer

10/20/2022  
Date

Reviewed by:

A handwritten signature in black ink, appearing to read 'Casey K. Brown'.

Casey K. Brown  
Ka Pou Nui, Chief Operating Officer

10/20/2022  
Date

Co-Prepared &  
Reviewed by:

A handwritten signature in black ink, appearing to read 'Sylvia M. Hussey'.

Sylvia M. Hussey, Ed.D.  
Ka Pouhana, Chief Executive Officer

10/20/2022  
Date

Reviewed by:

A handwritten signature in black ink, appearing to read 'Carmen Hulu Lindsey'.

Trustee Carmen Hulu Lindsey  
Ke Kauhuhu o ke Kaupoku  
Chairperson of the Board of Trustees

10/20/2022  
Date

**Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

**I. PROPOSED ACTIONS**

**A. Motion #1 re: Board Staff Positions & Exempt Classification**

Approve the following Board of Trustees staff positions: Chief of Staff; Board Secretary; and Trustee Aide; currently classified as Exempt, consistent with the Fair Labor Standards Act of 1938, as amended, in accordance with 29 C.F.R. § 553.11.

**B. Motion #2 re: Transition of Existing Trustee Secretary and Trustee Aide Positions to New Trustee Aide Position**

Approve the transition of existing staff, currently classified as Trustee Secretary, Trustee Aide – SR 22 or Trustee Aide – SR24 to the Trustee Aide position.

**C. Motion #3 re: Board of Trustees Staff Position Eliminations**

Approve the elimination of the following three Board of Trustees staff positions: Trustee Secretary; Trustee Aide – SR22; and Trustee Aide – SR24.

**D. Motion #4 re: Implementation of Compensation Policy for Board Staff**

Approve the budgetary implications of the following actions, to be implemented by Administration, for the following Board Staff compensation changes, consistent with Administration changes:

1. Reference the work of the Commission on Salaries, established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai'i, approved in November 2006; and Section 26-56, Commission on salaries, Hawai'i Revised Statutes, latest dated March 13, 2019;
2. Approve the Board of Trustees Staff Salary Schedule at Attachment K, including:
  - a. Temporary assignment compensation % of Trustee Aide(s) of a Standing Committee Chair of 10% plus factor on base pay for the time of service;
  - b. Temporary assignment compensation % of Trustee Aide(s) of the Board Chair of 15% plus factor on base pay for the time of service; and
  - c. Transition of existing Board staff to the new Board of Trustees Staff Salary Schedule including applicable temporary assignment % retroactive to 7/1/2022.

## **Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

### **II. ISSUES**

Whether or not the Board of Trustees will approve the proposed changes in Board of Trustees' ("BOT" or "Board") staff position, position classifications and budgetary impacts of compensation policy implementation as proposed in the four motions in Section I.

### **III. HISTORY and BACKGROUND**

- A. **History and Background.** In March 2013, via Action Item ARM/BAE 13-01, the Board of Trustees approved BOT Bylaws Amendment and corresponding and confirming changes to the BOT Executive Policy Manual relating to options for staff for each Board of Trustee office. The BOT Bylaw Amendment and corresponding BOT Executive Policy Amendment allowed the Trustees to have up to two full-time positions in the following staffing configurations: (a) one aide and one secretary, (b) two aides, (c) two secretaries, (d) one aide, or (e) one secretary.
- B. **Trustee Aide SR24 and SR22.** In approving Action Item ARM/BAE 13-01, the Board of Trustees approved two-levels of Trustee Aide: Trustee Aide SR24 and Trustee Aide SR22:
1. The Position Description ("PD") for Trustee Aide SR24 (Attachment I) included minimum qualifications requiring advance educational attainment and more executive experience. A Trustee Aide SR24 was expected to conduct necessary research, data collection and analysis, and develop complete recommendations for projects assigned by the Trustee. The position of Trustee Aide SR24 was classified as exempt under the Fair Labor Standards Act ("FLSA") as it is regarded as a staff position of an elected official. In other words, a patronage position. Therefore, the term of employment of the Trustee Aide SR24 is contingent on the term of the Trustee. As a patronage position and exempt from FLSA, the position of Trustee Aide SR 24 would not be subject to overtime pay and this Aide's term of employment would normally end upon the departure of the trustee by whom the Aide was selected. The position description ("PD") for Trustee Aide SR24 is attached as Attachment H. The Trustee Aide SR24 serves at the pleasure of the Trustee.
  2. The PD for Trustee Aide SR22 includes minimum qualifications requiring graduation from high school with six years of secretarial experience and three years of experience working independently. The position of Trustee Aide SR22 serves at the pleasure of the Trustee and is currently classified as non-exempt. The PD for Trustee Aide SR22 is attached as Attachment I.
- C. **Trustee Secretary.** At the time the Board approved Action Item ARM/BAE #13-01, the position of Trustee Secretary was in existence. The PD of the Trustee Secretary has minimum qualifications and requires graduation from high school with three years specialized and six months of general work experience. This position serves as secretary to an elected Trustee and is currently classified as non-exempt. The PD for Trustee Secretary is attached as Attachment G.
- D. **Board Secretary.** At the time the Board approved Action Item ARM/BAE #13-01, the position of Board Secretary was in existence. The PD of Board Secretary has minimum qualifications and requires specialized clerical and secretarial experience. This position serves as personal and confidential assistant to the Chair of the Board of Trustees of the Office of Hawaiian Affairs and performs highly complex clerical work. The position of Board Secretary is currently classified as non-exempt. The PD for Board Secretary is attached as Attachment F.

## Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation

---

### IV. REORGANIZATION, COMPENSATION POLICY, BOARD STAFF

- A. Reorganization.** On June 30, 2021, via Action Item RM #21-08A, OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23), the BOT approved the reorganization actions that were reflected in the fiscal biennium periods. Reorganization activities focused on Administration and no changes were proposed for the Board of Trustees' staff. Administration activities included, but not limited to: separation activities; new organization function and position charts; new position descriptions; updated recruitment policies, processes and practices; and updated compensation policies, processes and practices. OHA organization separation activities were completed by December 30, 2021, for all of the impacted Administration positions.
- B. Salary Commission.** Trustee salaries are not within the scope of this action item as the process is governed by §10-9.5 Salary commission; established as illustrated below:

Image 1: Excerpt from Chapter 10

#### § 10-9.5. Salary commission; established.

(a) There is established a salary commission for the members of the board of trustees for the office of Hawaiian affairs. The salary commission shall consist of seven members appointed by the governor on or before August 31, 1999, and every four years thereafter. The members of the salary commission shall be selected from nominations submitted by native Hawaiian organizations as defined in section 673-2(c). The members shall serve without compensation, but shall be entitled to reimbursement for necessary expenses while in the discharge of their duties and responsibilities.

(b) Before the twentieth legislative day of the regular session of 2000 and every four years thereafter, the salary commission shall study and make recommendations for the salary of the members of the board of trustees for the office of Hawaiian affairs, and then shall be dissolved. The recommended salary shall be effective as of the date of the recommendations unless the legislature disapproves the recommendation by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted.

In July 2019 (for the 2020 Legislature) and July 2021 (for the 2022 Legislature), Administration sent names to the Governor's Office, to effect the naming of the OHA Salary Commission members from the community, in accordance with §10-9.5 of Chapter 10 to complete the work. No response from the Governor's office despite repeated letters, e-mails and discussion with the Governor's office staff. The provision of "every four years thereafter." sequences the work for the 2020, then 2024 Legislature—hence work in 2023. While Trustee compensation is not within the scope of this action item, it is a matter for the Board and Administration to address in 2023.

- C. Current Administration Compensation Policy.** The current OHA Compensation Policy is found on page 17 of the HR Employee Handbook and articulates:

*It is OHA's policy to pay each employee in accordance with the knowledge, skills, abilities, education and experience they bring to the job, the performance of the job and the overall economic health of OHA. OHA monitors pay rates within state and local governments and secondarily, within the community and strives for competitive pay rates and benefits for its employees.*

*Wages are not the only form of compensation each OHA employee receives. The benefits OHA provides its employees form a significant part of your "true" compensation package. Please review the Benefits section for more information about the numerous benefits that OHA offers. Eligible employees receive medical*

## Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation

---

*insurance benefits as well as benefits which help meet basic needs for financial security in case of inability to work, job loss, illness and injury and retirement.*

**D. Reorganization Compensation Philosophy.** For purposes of the Administration reorganization, the following points crosswalk compensation philosophy elements used in the Administration work and is applied in the Board staff compensation work for consistency. **Compensation** (in no order of priority):

1. Recognizes the value of knowledge, skills, abilities and performance to Ho'oulu Lāhui Aloha—raise a beloved Lāhui;
2. Recognizes the value of knowledge, skills, abilities and performance to advance the purposes of the OHA including to better the conditions of Native Hawaiians;
3. Recognizes the value of knowledge, skills, abilities and performance that contribute to its roles as: Advocate, Researcher, Community Engager and Resource Manager;
4. Aligns with the OHA business model: Perpetuity, Mission Alignment, Fiduciary Responsibility, Beneficiaries, Communities (e.g., beneficiary and community centric); and strategic directions—‘Ohana, Mo’omeheu, ‘Āina;
5. Management, is not just wage and salary amounts, it includes fringe benefits; it is comprised of salary and/or wages, including authorized overtime<sup>1</sup>, at this time;
6. Recognizes that while the OHA is a quasi-state agency it has the autonomy from the executive, legislative and judicial branches of the state government; for example the compensation practices of state government are reflective of bargaining unit (e.g., UPW, HGEA, HSTA) agreements and related influences;
7. Should be reflective of a “living wage”;
8. Recognizes that the OHA operates across the State of Hawaii, with offices and staff on the islands of Kauai, O’ahu, Maui, Moloka’i and Hawaii Island on both sides---Hilo and Kona and in Washington, D.C.;
9. Recognizes the knowledge, skills, abilities and use of technology for mission aligned work as distributed in communities;
10. Recognizes the knowledge, skills, abilities to navigate policy work—development, implementation, monitoring and evaluation---in island communities;
11. Can be funded by a number of sources (e.g., general, trust, special, federal funds); and
12. In the form of variable pay (e.g., bonuses, spot awards, incentives) can be considered in the future.

---

<sup>1</sup> Variable compensation (i.e., bonuses), within a state entity context, is not planned as yet, due to the need to have clear goals, performance metrics, consistent evaluation and professional growth and development practices

## Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation

---

### V. PROPOSED CHANGES

- A. **Exempt Classification.** Non-civil service employees of OHA who serve as immediate advisors and/or personal staff to an OHA Trustee, who is elected to state public office, are exempt from the provisions of the Fair Labor Standards Act of 1938, as amended, in accordance with 29 C.F.R. § 553.11., including the following definitions:
1. "Personal staff" include secretaries, aides, and any other person who is appointed by an OHA Trustee and serve at the pleasure or discretion, and under the direct supervision of such OHA Trustee. *See* 29 C.F.R. § 553.11(b).<sup>2</sup>
  2. "Immediate advisors" include any staff who advise on matters concerning legal or Constitutional matters. *See* 29 C.F.R. § 553.11(d).<sup>3</sup>
  3. OHA employees are non-civil service employees of the State.<sup>4</sup> The position descriptions for Chief of Staff, Board Secretary and Trustee Aide include the following: "serve at the pleasure of the Trustee (or Chair)".
  4. Pursuant to procedure and practice, when an OHA Trustee departs OHA (e.g., retires, not re-elected), the staff who were appointed by the Trustee and who serve at the discretion of the Trustee, also depart OHA. The term of employment for the Trustee staff ends contemporaneous with the departure of the OHA Trustee, unless extended by Administration, to address various transition activities. OHA Human Resources provides for an exit process for all separating employees, including Trustee staff.
  5. Consistent with the provisions of the Fair Labor Standards Act of 1938, as amended, in accordance with 29 C.F.R. § 553.11, the position of Chief of Staff, Board Secretary and Trustee Aide should be classified as exempt where they serve at the pleasure or discretion of the publicly elected OHA Trustee by whom they were appointed. Exempt staff are not subject to overtime pay and the term of employment will end upon the departure of the Trustee by whom the staff was selected, unless extended by Administration.
- B. **Elimination of Positions.** Since March 2013, the BOT Bylaw Amendment and corresponding BOT Executive Policy Amendment allowed the Trustees to have up to two full-time positions in the following staffing configurations: (a) one aide and one secretary, (b) two aides, (c) two secretaries, (d) one aide, or (e) one secretary. However, almost a decade later, differentiations in staffing configurations are less discernable as currently, in practice, both hires function as Aides, differentiated only by years of service and experiences of the Trustee (e.g., Board/Committee Chair, Board/Committee Vice Chair). In addition, differentiations in Trustee Aide SR24 and SR22 and the Trustee Secretary positions, in practice were also becoming less and less discernable. SR references, referenced a salary range and schedule from the Department of Human

---

<sup>2</sup> 29 C.F.R. § 553.11(b) ("The statutory term 'member of personal staff' generally includes only persons who are under the direct supervision of the selecting elected official and have regular contact with such official. The term typically does not include individuals who are directly supervised by someone other than the elected official even though they may have been selected by the official. For example, the term might include the elected official's personal secretary, but would not include the secretary to an assistant.").

<sup>3</sup> 29 C.F.R. § 553.11(d) ("The exclusion for 'immediate adviser' to elected officials is limited to staff who serve as advisers on constitutional or legal matters, and who are not subject to the civil service rules of their employing agency").

<sup>4</sup> Haw. Rev. Stat. § 10-12 ("Such officers and employees may be hired without regard to chapter 76. . .").

**Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

Resources, not currently used by OHA; and the Secretary reference has been replaced by the professional term of Administrative Assistant or Administrative Professional.

Administration recommends the Board eliminate the Trustee Secretary (Attachment G); Trustee Aide – SR22 (Attachment H); and Trustee Aide – SR24 (Attachment I) positions, replacing all positions with the one Trustee Aide position (Attachment C) discussed below.

- C. **New Position.** The newly drafted position description, provided for information only, for Trustee Aide (Attachment C) details the new position and is responsible for providing day-to-day assigned technical executive and administrative support to an assigned Trustee of the Office of Hawaiian Affairs, with minimal supervision. The Trustee Aide must regularly and collaboratively, work within organizational policies, processes and procedures to enable the assigned Trustee to perform their fiduciary and statutory responsibilities. The Trustee Aide is also expected to communicate, collaborate and conduct necessary research, data collection and analysis, and develop complete recommendations for projects assigned by the Trustee, including beneficiary and community engagement.

Administration recommends the Board eliminate the Trustee Secretary (Attachment G); Trustee Aide – SR22 (Attachment H); and Trustee Aide – SR24 (Attachment I) positions, replacing all positions with the one Trustee Aide position (Attachment C) discussed below.

- D. **Position Description Changes.** Red-lined position description changes for Chief of Staff (Attachment D) and Board Secretary (Attachment E) are made to clarify roles, responsibilities and align the positions with the newly drafted Trustee Aide position (Attachment C) and are provided for information only purposes.
- E. **Complementary Organizational Document Changes.** Any edits to organization documents, such as Board By-Laws, Operations Manual, etc. that need to be made as a result of this action, will be brought forward to the Board via a future action item.
- F. **Complementary Compensation Changes.** Attachment J (which will be distributed in Executive Session) aligns the:
1. Chief of Staff position with Administration's ranges for Director level position;
  2. Board Secretary with Administration's ranges for Manager level positions; and
  3. Board of Trustees Staff Salary Schedule at Attachment J, including temporary compensation proposals.

Administration further recommends that a temporary assignment compensation % of Trustee Aide(s) of a Standing Committee Chair of 10% plus factor on base pay for the time of service; temporary assignment compensation % of Trustee Aide(s) of the Board Chair of 15% plus factor on base pay for the time of service; and transition of existing Board staff to the new Board of Trustees Staff Salary Schedule including applicable temporary assignment % retroactive to 7/1/2022.



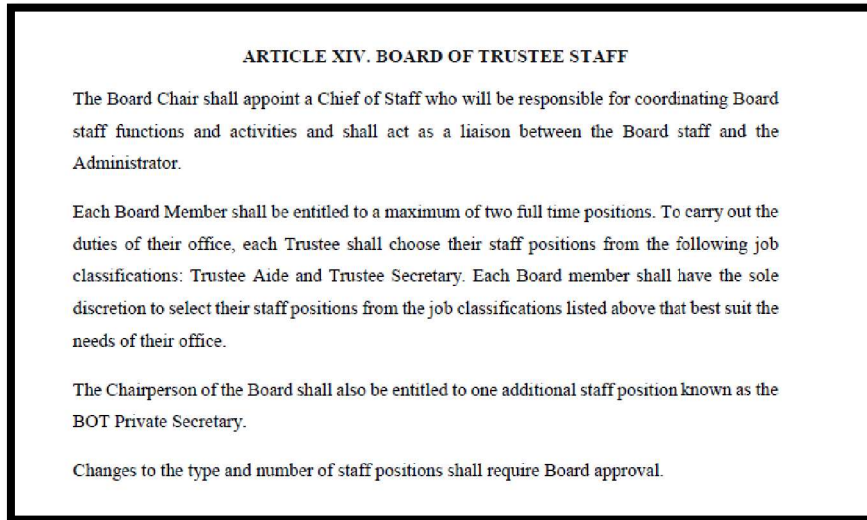
**Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

**VI. BOARD OF TRUSTEES BY-LAWS, ARTICLE XIV. BOARD OF TRUSTEE STAFF**

ARTICLE XIV. BOARD OF TRUSTEE STAFF of the BOT By-Laws in Image 2 below reference recommended changes contained herein. Once the Board takes action on the recommendations contained herein, a future action item will be brought forward to align the BOT By-Laws with the actions of the Board.

**Image 2: Article XIV. Board of Trustee Staff Excerpt from BOT By-Laws**



**VII. RECOMMENDED ACTIONS**

Based on the discussion above, Administration recommends the following actions:

**A. Motion #1 re: Board Staff Positions & Exempt Classification**

Approve the following Board of Trustees staff positions: Chief of Staff; Board Secretary; and Trustee Aide; currently classified as Exempt, consistent with the Fair Labor Standards Act of 1938, as amended, in accordance with 29 C.F.R. § 553.11.

**B. Motion #2 re: Transition of Existing Trustee Secretary and Trustee Aide Positions to New Trustee Aide Position**

Approve the transition of existing staff, currently classified as Trustee Secretary, Trustee Aide – SR 22 or Trustee Aide – SR24 to the Trustee Aide position.

**C. Motion #3 re: Board of Trustees Staff Position Eliminations**

Approve the elimination of the following three Board of Trustees staff positions: Trustee Secretary; Trustee Aide – SR22; and Trustee Aide – SR24.

INTENTIONALLY LEFT BLANK



**Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

**D. Motion #4 re: Implementation of Compensation Policy for Board Staff**

Approve the budgetary implications of the following actions, to be implemented by Administration, for the following Board Staff compensation changes, consistent with Administration changes:

1. Reference the work of the Commission on Salaries, established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai'i, approved in November 2006; and Section 26-56, Commission on salaries, Hawai'i Revised Statutes, latest dated March 13, 2019;
2. Approve the Board of Trustees Staff Salary Schedule at Attachment K, including:
  - a. Temporary assignment compensation % of Trustee Aide(s) of a Standing Committee Chair of 10% plus factor on base pay for the time of service;
  - d. Temporary assignment compensation % of Trustee Aide(s) of the Board Chair of 15% plus factor on base pay for the time of service; and
  - e. Transition of existing Board staff to the new Board of Trustees Staff Salary Schedule including applicable temporary assignment % retroactive to 7/1/2022.

**VII. ALTERNATIVE ACTIONS**

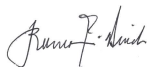
- A. Decline to approve the elimination of positions, new salary schedule and exempt status of Chief of Staff, Board Secretary and Trustee Aide positions, consistent with the Fair Labor Standards Act of 1938, as amended, in accordance with 29 C.F.R. § 553.11 and retain current schedule; and/or
- B. Approve other positions, and/or
- C. Change compensation actions, including temporary assignment %.

**XI. FUNDING**

The annual incremental amount of the position and compensation implementation including retroactive impact to 7/1/2022 is approximately \$60,000 for the fiscal year ended 6/30/2023.

**X. CHIEF FINANCIAL OFFICER CERTIFICATION**

The following is the certification by the Chief Financial Officer that the funds are available to effect the Board of Trustees staff changes, including the budgetary impact contained herein:



---

Ramona G Hinck,  
Chief Financial Officer  
Date: 10/20/2022

**Action Item BOT #22-17: Changes in Board of Trustees' Staff Positions, Position Classifications and Budgetary Impacts of Compensation Policy Implementation**

---

**VIII. TIMEFRAME**

Impacts to Board Staff as a result of the proposed (and if approved) changes is recommended to be retroactively computed and effected on July 1, 2022.

**IX. ATTACHMENTS - FOR INFORMATION ONLY**

- A. Position Description (Clean): Chief of Staff
- B. Position Description (Clean): Board Secretary
- C. Position Description (New): Trustee Aide
- D. Position Description (Redlined): Chief of Staff
- E. Position Description (Redlined): Board Secretary
- F. Position Description (AS IS): Board Secretary
- G. Position Description (AS IS): Trustee Secretary
- H. Position Description (AS IS): Trustee Aide SR-22
- I. Position Description (AS IS): Trustee Secretary SR-24
- J. Position Description (AS IS): Chief of Staff
- K. Board of Trustees Staff - Compensation Pay Bands - Based on Specific Service Time in Seat and Role + Temporary Assignment % (to be distributed in Executive Session)