



HAWAI‘I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai‘i Civil Rights Commission Office
via MS TEAMS
July 27, 2022
11:00 a.m.

Present: Liann Ebesugawa, Joan Lewis, William Puette, and Jon Matsuoka,
Commissioners; Robin Wurtzel, Bill Hoshijo, and Marcus Kawatachi, Staff

Chair Liann Ebesugawa called the meeting to order.

Approval of Minutes

The Commissioners reviewed the draft minutes of the June 22, 2022, meeting.

The minutes were approved as circulated and submitted.

Executive Director’s Report

Deputy Executive Director (DED) Marcus Kawatachi presented an FY 2022 HCRC Mediation Program Year-End summary.

Summary & Details (7/1/21 through 6/30/22)

Referrals	37
Dispositions:	35
Settlements:	19
Non-agreements:	16
Settlement Rate:	54.3%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements:	13	(HUD or EEOC dual-filed)
State-only settlements:	6	

Employment cases settled:	11
Housing cases settled:	8

Primary Bases for Complaints Settled in Mediation

Arrest & Court Record	5
Disability	4
Retaliation	3
Familial Status	2
Race	2
Sex	2 (including 1 based on pregnancy)
Age	1

DED Kawatachi again noted that the protected basis with the highest number of mediation settlements was Arrest & Court Record. A&CR is a state-only protected basis, and the strong state law provides an incentive for respondents to settle in mediation.

Dispositions by Mediation Center

Mediation Center of the Pacific	7/9	(settlement rate 77.8%)
Mediation Services of Maui	2/4	(settlement rate 50%)
Private Mediators		
Ku‘ikahi Mediation Services (Hilo)	1/2	(settlement rate 50%)
West Hawaii Mediation Center	1/3	(settlement rate 33.3%)
Kauai Economic Opportunity, Inc.		
Hawai‘i Civil Rights Commission	8/17	(settlement rate 47.1%)

OVERALL 19/35 (settlement rate 54.3%)

DED Kawatachi presented a data and production report showing caseload data through July 25, 2022.

As of July 25, 2022, the written report showed 315 open cases, a decrease of 4 cases from the number reported as of June 21, 2022.

Of the 315 open investigation cases, 1 (0.3%) was filed in 2017, 18 (5.7%) in 2018, 52 (16.5%) in 2019, 54 (17.1%) in 2020, 96 (31.5%) in 2021, and 94 (29.8%) in 2022.

DED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

	2017	2018	2019	2020	2021	2022	Total
Housing Cases	0	0	2	8	15	17	42
Response Monitoring	0	2	17	32	55	72	178
Mediation	0	0	3	7	10	3	23
Pending Assignment	0	9	26	4	3	1	43
Active Investigation	1	7	4	3	13	1	29
TOTAL	1	18	52	54	96	94	315

The report indicated no new subpoena enforcement litigation.

Case Aging (Last report – 5/23/22)

34 % of all cases are 2 years or older (32.9 %)

6.3 % of all cases are over 18 months, but less than 2 years old (10.3 %)

12.4 % of all cases are over 12 months, but less than 18 months old (10.7 %)

19.4 % of all cases are over 6 months but less than 12 months (17.9 %)

27.9 % of all cases are 6 months or less (28.2 %)

The report also covered the year-to-date data for the past five fiscal years:

Category	7/1/18 – 7/25/18	7/1/19 – 7/25/19	7/1/20 – 7/25/20	7/1/21 – 7/25/21	7/1/22 – 7/25/22
PCQ Received	45	54	31	21	24
Intake Decision	44	49	31	15	23
Complaint Filed	17	10	19	7	9
Investigation Closed	24	10	16	12	10
Notice of Cause	0	0	2	1	0
Enforcement Closure	3	2	0	0	0

Executive Director (ED) Bill Hoshijo reviewed Executive Order 22-01, Attachment E Article 51, ordering pay adjustments for all EMCP civil service and exempt excluded employees, to match the pay adjustments provided under collective bargaining agreements with HGEA BU 13. The Executive Order mandates a 2% pay increase effective July 1, 2022. In the alternative, it allows for adjustment at the discretion of the appointing authority

The Executive Director reported that a Personnel Action was submitted for the 2% pay increase effective July 1, 2022, for the affected exempt excluded employees and recommended that the Commission affirm this pay adjustment allocated as mandated by the Executive Order, choosing not to re-adjust as an exercise of discretion. The recommendation was adopted without objection.

Chief Counsel’s Report

Chief Counsel (CC) Robin Wurtzel reported no change on *Morning Hill Foods, LLC dba Mana Bu’s v. The Hawaii Civil Rights Commission*, Civil No. 18-100034-01 KKH, pending in the ICA.

Next meeting.

The next meeting of the Commission was scheduled for August 24, 2022, at 10:00 a.m.

Announcements

Commissioner William Puette announced that he had participated in the EEOC FEPA Conference and had downloaded some of the training materials that were offered to participants, and would share those documents with CC Wurtzel.

Closed Executive Session

The Commissioners voted to go into Closed Executive Session, to discuss a personnel matter pursuant to HRS § 92-5(a)(2), and an attorney-client privileged discussion regarding *Greer v. State of Hawaii, et al*; CA 22-00286-LEK-WRP (Federal Court), pursuant to Hawaii Revised Statutes §§ 92-4 and 92-5(a)(4).

The Commissioners came out of Closed Executive Session.

Adjournment

Draft minutes circulated by William D. Hoshijo, Executive Director.

Approved by Commission, as corrected, on August 24, 2022.