

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

CASE NO(S). 19-CE-03-925,  
19-CU-03-371

FRANCINE K. GUZMAN,

ORDER NO. 3485

Complainant,

PRETRIAL ORDER AND  
NOTICES;

and

(1) NOTICE TO RESPONDENT(S)  
OF PROHIBITED PRACTICE  
COMPLAINT;  
(2) NOTICE REGARDING  
PROTECTION OF SOCIAL  
SECURITY NUMBERS AND  
PERSONAL INFORMATION;  
(3) NOTICE OF PREHEARING  
CONFERENCE;  
(4) NOTICE OF PRETRIAL  
CONFERENCE;  
(5) NOTICE OF HEARING ON  
THE MERITS; AND  
(6) SCHEDULE OF HEARINGS,  
CONFERENCES, AND  
DEADLINES.

HONOLULU POLICE DEPARTMENT,  
City and County of Honolulu; and  
HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO

Respondents.

PRETRIAL ORDER AND NOTICES; (1) NOTICE TO RESPONDENT(S) OF  
PROHIBITED PRACTICE COMPLAINT; (2) NOTICE REGARDING  
PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL  
INFORMATION; (3) NOTICE OF PREHEARING CONFERENCE; (4) NOTICE OF  
PRETRIAL CONFERENCE; (5) NOTICE OF HEARING ON THE MERITS;  
AND (6) SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES.

**PRETRIAL ORDER AND NOTICES**

THE PARTIES ARE HEREBY NOTIFIED AND ORDERED TO COMPLY WITH THIS PRETRIAL ORDER AND NOTICES. The Hawaii Labor Relations Board (Board) may impose appropriate monetary or other sanctions upon parties or attorneys who do not comply with this Pretrial Order and Notices where the parties or attorneys have not shown good cause for failure to comply, or a good faith attempt to comply.

Hereafter, this document shall control the course of proceedings and may not be amended except by the Board, or by a written request by a party with written consent of the parties (stipulation) and approved by the Board, or by an order granting a motion filed with the Board.

The use of singular, plural, masculine, feminine, and neuter pronouns shall include the others as the context may require. As part of the Board's paperless goal, any party may file any document electronically with File & ServeXpress or in person at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. Questions regarding the Board's electronic filing system should be directed to the Board's staff at (808) 586-8616.

All parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawaii Labor Relations Board within seven (7) days prior to a Board proceeding. For any other accommodation, please call the Board at (808) 586-8616.

The parties should be aware that the Board is located in a secured State of Hawaii building, and that any party representative, counsel, or other person attending a proceeding will need to present a government-issued identification for entry.

**(1) NOTICE TO RESPONDENT(S) OF A PROHIBITED PRACTICE COMPLAINT**

The attached prohibited practice complaint (Complaint) was filed with the Board by the above-named Complainant on: April 16, 2019

PURSUANT TO HAWAII REVISED STATUTES (HRS) § 377-9(b) AND HAWAII ADMINISTRATIVE RULE (HAR) § 12-42-42: NOTICE IS HEREBY GIVEN TO RESPONDENT(S) that the above-named COMPLAINANT(S) filed a prohibited practice Complaint with the Board, a copy of which is attached, alleging that you have engaged in or are engaging in prohibited practices in violation of HRS Chapter 89.

YOU ARE DIRECTED to file a written answer to the complaint within ten (10) days after service of the complaint. One copy of the answer shall be served on each party, and the original with certificate of service on all parties shall be filed with the Board no later than 4:30 p.m. on the tenth day after service of the complaint. If you fail to timely file and serve an answer, such failure shall constitute an admission of the material facts alleged in the complaint and a waiver of hearing. (HAR § 12-42-45(g))

**(2) NOTICE REGARDING PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL INFORMATION**

Before a party files or submits any pleading, correspondence or other document (Documents) to the Board, whether electronically or manually, the party shall make certain that all social security numbers and personal information are redacted or encrypted. "Personal information" shall include social security numbers, home addresses, dates of birth, bank account numbers, medical and health records, and any other information in which a person has a significant privacy interest. To the extent any personal information is relevant to the Board's consideration of this case, the submitting party shall submit the confidential information by

means of a Confidential Information Form that substantially conforms to Form 2 of the Hawaii Court Records Rules, as amended.

If a party submits a document, which requires redaction of a page(s), the party shall by motion request permission from the Board to withdraw and replace the original document, in its entirety, with a redacted copy of such document, pursuant to HAR § 12-42-8(g)(11), “The Board may permit withdrawal of original documents upon submission of properly authenticated copies to replace such document.”

The Board may impose appropriate monetary or other sanctions upon parties or attorneys who do not comply with this provision where the parties or attorneys have not shown good cause for failure to comply, or a good faith attempt to comply.

**(3) NOTICE OF PREHEARING CONFERENCE**

PURSUANT TO HRS § 89-5(i)(4) and (i)(5), and HAR § 12-42-47:

NOTICE IS HEREBY GIVEN that the Board will conduct a Prehearing Conference on the date listed below and in the Schedule of Deadlines and Hearing Dates (Schedule) herein.

DATE AND TIME: Monday, May 6, 2019 at 9:00 a.m.

LOCATION:

Hawai‘i Labor Relations Board Hearing Room  
830 Punchbowl Street - Room 434  
Honolulu, Hawai‘i 96813

**The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board on the date listed in the Schedule set forth below.** Complainant's alleged violations are contained in the attached Complaint. All parties shall appear at the Prehearing Conference at the date and time designated. The purpose of the Prehearing Conference is to clarify the issues, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented, and to establish deadlines for prehearing briefing, to identify witnesses, file applications for the issuance of subpoenas, exchange witness and exhibit lists and file proposed exhibits, and such other matters as may raise.

All parties have the right to appear in person and to be represented by counsel or any other authorized person. However, the Board encourages the parties to have a representative, who is familiar with the dispute, appear at the Prehearing Conference. Auxiliary aids and services are available upon request to parties and representatives with disabilities. For TTY, dial 711; then, ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable

accommodation, or to make arrangements to appear telephonically where permitted by the Board, call the Board at (808) 586-8616 within seven (7) days prior to the conference.

**(4) NOTICE OF PRETRIAL CONFERENCE**

PURSUANT TO HRS §§ 89-5(i)(4) and (i)(5), and 377-9. NOTICE IS HEREBY GIVEN that the Board will conduct a Pretrial Conference on the date listed below and in the Schedule herein.

DATE AND TIME: Friday, May 17, 2019 at 10:00 a.m.  
LOCATION: Hawai'i Labor Relations Board Hearing Room  
830 Punchbowl Street - Room 434  
Honolulu, Hawai'i 96813

At the pretrial conference, the Parties shall be prepared to discuss, raise, and present their position regarding the presentation of the anticipated evidence (witnesses, exhibits) to be introduced at the hearing on the merits (HOM), including but not limited to any stipulations, evidentiary issues, objections thereto, or confidentiality issues, which require protection from public disclosure and the narrow tailoring of methods to protect that information (e.g. sealing or redaction).

Auxiliary aids and services are available upon request to parties and representatives with disabilities. For TTY, dial 711; then, ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable accommodation, or to make arrangements to appear telephonically where permitted by the Board, call the Board at (808) 586-8616 within 7 days prior to the conference.

**(5) NOTICE OF HEARING ON MERITS**

NOTICE IS HEREBY GIVEN, pursuant to HRS §§ 377-9, 89-5(i)(3), (4), (5), and 89-14, and HAR §§ 12-42-46 and 12-42-49 that the Board will conduct an HOM on the instant Complaint at the place, time, date listed below and in the Schedule set forth below. The purpose of the HOM is to receive evidence and arguments on whether Respondent(s) committed prohibited practices as alleged by Complainant(s).

DATE AND TIME: Friday, May 24, 2019 at 10:00 a.m.  
LOCATION: Hawai'i Labor Relations Board Hearing Room  
830 Punchbowl Street - Room 434  
Honolulu, Hawai'i 96813

All parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. **A party, representative, or witness must appear in person at a hearing on the merits.** Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable accommodation call the Board at (808) 586-8616.

**(6) SCHEDULE OF HEARINGS, CONFERENCES AND DEADLINES**

<b><u>DATES AND DEADLINES FOR</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>
<u>A Party Prehearing Statement</u>	04/29/2019	
<u>Prehearing Conference</u>	05/06/2019	9:00 am
<u>Dispositive Motions</u>	05/08/2019	
<u>Response to Dispositive Motions</u>	05/15/2019	
<u>Exchange of Witness Lists</u>	05/10/2019	

The witness lists shall include, in the interest of judicial economy, a brief but meaningful summary or general statement of the nature of the testimony expected, and the order in which the witnesses are expected to be called. The summary or general statement for each witness shall include sufficient information for the Board to determine whether the testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see, HRS § 91-10(1).

<u>Exchange of Exhibit Lists</u>	05/10/2019
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The full applicable collective bargaining agreement(s) shall be provided to the Board by the exclusive representative or employer and marked as Board Exhibit 1 or Board Exhibit 1a, 1b, 1c, etc. In identifying exhibits, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits and Respondent shall use alphabetical letters A-B-C-D, etc. to identify its exhibits. If there are more than one Respondent, then the Board shall specify the designation for each Respondent.

<b><u>(cont'd) DATES AND DEADLINES FOR</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>
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If the parties have agreed to submit proposed Joint Exhibits, then the Exhibits shall be marked with a J and then a number, i.e. J-1, etc.

<u>Exchange and Filing of Proposed Exhibits</u>	05/10/2019	
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The parties are encouraged to use the File & ServeXpress eFiling system to file their proposed exhibits before or by 4:30 p.m. (HST) on the deadline day. The exhibits shall be combined and filed in a searchable portable document format (PDF) not exceeding 10 megabytes with each exhibit bookmarked. If the single pdf file exceeds 10 megabytes, then each exhibit shall be filed in separate files not to exceed 10 megabytes. Alternatively, a party may file exhibits in person or by mail to the Board; the date of receipt by the Board shall be deemed the date of filing. If there are Joint Exhibits, the parties shall designate one party to file these exhibits, who shall comply with the above requirements.

<u>Pretrial Conference and Oral Arguments on Dispositive Motion(s), if any</u>	05/17/2019	10:00 am
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<u>HEARING ON THE MERITS</u>	05/24/2019	10:00 am
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**All submissions shall be filed on or before 4:30 p.m. on the deadline**

**date. DATED:** Honolulu, Hawaii, April 17, 2019.



HAWAII LABOR RELATIONS BOARD

*Marcus R. Oshiro*

MARCUS R. OSHIRO, CHAIR

*Sesnita A. D. Moepono*

SESNITA A. D. MOEPONO, MEMBER

*J. N. Musto*  
J. N. MUSTO, MEMBER

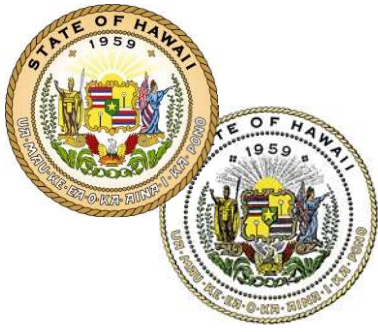
PRETRIAL ORDER AND NOTICES

CASE NO(S). 19-CE-03-925, 19-CU-03-371

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Enclosure: PROHIBITED PRACTICE COMPLAINT

Copies sent to:  
Above-named Parties



**EFiled: Apr 16 2019 03:26PM HAST**  
**Transaction ID 63175944**  
**Case No. 19-CE-03-925**

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

**FORM HLRB-4**  
**PROHIBITED PRACTICE COMPLAINT**

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INSTRUCTIONS. Submit the original<sup>1</sup> of this Complaint to the Hawaii Labor Relations Board, 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813. If more space is required for any item, attach additional sheets, numbering each item accordingly.

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1. The Complainant alleges that the following circumstances exist and requests that the Hawaii Labor Relations Board proceed pursuant to Hawaii Revised Statutes Sections 89-13 and 89-14 and its Administrative Rules, to determine whether there has been any violation of the Hawaii Revised Statutes, Chapter 89.
- 

2. COMPLAINANT Please select one that describes the Complainant:

Public Employee       Public Employer       Public Union (public employee organization)

- a. Name, address and telephone number.

Francine K. Guzman  
89-519 Nanakuli Avenue  
Waianae, HI 96792  
(808) 222-1151

- 
- b. Name, address, e-mail address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

Francine K. Guzman (Self Represented)  
89-519 Nanakuli Avenue  
Waianae, HI 9679  
(808) 222-1151  
fguzman1@twc.com

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<sup>1</sup> Notwithstanding Board rule 12-42-42(b), the Board only requires the original of the complaint.



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3. RESPONDENT Please select one that describes the Respondent:

- Public Employee       Public Employer       Public Union (public employee organization)

a. Name, address and telephone number.

Honolulu Police Department  
801 S. Beretania Street  
Honolulu, HI 96813  
Attention: Chief Susan Ballard/723-3931  
HGEA  
888 Mililani Street, Suite 601  
Honolulu, HI 96813-2991 Attention: Stacy Moniz/543-0000

b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

-Honolulu Police Department (Attention: Chief Susan Ballard) 723-3931  
801 S. Beretania Street  
Honolulu, HI 96813  
-HGEA  
888 Mililani Street, Suite 601  
Honolulu, HI 96813-2991  
Attention: Stacy Moniz (Advocacy Manager)/ 543-0000

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4. Indicate the appropriate bargaining unit(s) of employee(s) involved.

HGEA - Bargaining Unit 3

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5. ALLEGATIONS

The Complainant alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in a prohibited practice or practices within the meaning of the Hawaii Revised Statutes, Section 89-13. (Specify in detail the particular alleged violation, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13, alleged to have been violated, together with a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.)

I have received a certified letter from HGEA on 4/8/19 declining the Arbitration against the Honolulu Police Department, due to insufficient evidence. We went through the Step 1 and Step 2 of the Grievance Process and now HGEA has declined the Arbitration process of an Interview/Selection process for the Secretary II position of the Communications Division.

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6. Provide a clear and concise statement of any other relevant facts.

I have been denied 12 positions within the HPD for either a lateral or promotion for an internal application since 2011. In 2017 the Civil Service Commission granted my appeal for an unfair Interview/Selection process. In 2018, the HLRB granted my appeal and both the CSC and HLRB request a reinterview for the D8 PT&A position. On November 30, 2018 I attended a settlement hearing for a Federal lawsuit against the HPD for a Whistleblower and Retaliation case and I reinterviewed for D8 PT&A position. Again I received another regret to inform you letter for both and the Secretary II position for the Communications Division that HGEA declined to pursue the Arbitration, due to insufficient evidence. I believe that this is continued retaliation by the HPD, which is against the settlement agreement and for HGEA for not supporting me as a union member.

I am currently pending a CSC Appeal for 1) Communications Division Secretary II position and 2) D8 PT&A Re-Interview, which I hope will be scheduled at the end of April 2019.

I did have an attorney for the lawsuit, however, I am no longer able to afford his services, therefore I am filing these appeals independently.

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

**DECLARATION IN LIEU OF AFFIDAVIT**

(If the Complainant is self-represented, then the Complainant must sign this Declaration).

Please select one:

- the Complainant  
 the Complainant's principle representative  
 the person described below

I, Francine Kaleialoha Guzman,  
do declare under penalty of law that the foregoing is true and correct.

Date: 4/11/19

/s/Francine Kaleialoha Guzman

*The person signing above agrees that by signing his or her name in the above space with a "/s/ first, middle, last names" is deemed to be treated like an original signature.*

fguzman1@twc.com

*Signor's email address*

If you are not the Complainant or listed as the principle representative in #2(b) and you are signing above, then please complete the contact information below.

Your address:

89-519 Nanakuli Avenue

Waianae, HI 96792

Your phone number: (808)222-1151

Your relationship to the Complainant:

Self

If the Complainant or principal representative is registered with File and ServeXpress (FSX), then you may proceed to electronically file this complaint.

If the Complainant or the principal representative is not registered with FSX and would like to electronically file this complaint through FSX, then complete the Board Agreement to E-File, FORM HLRB-25. (Form HLRB-25 is on the HLRB Website at [labor.hawaii.gov/hlrb/forms](http://labor.hawaii.gov/hlrb/forms).) Email the completed form to the Board at [dlii.laborboard@hawaii.gov](mailto:dlii.laborboard@hawaii.gov).



**AFSCME**  
LOCAL 152, AFL-CIO

888 Mililani Street, Suite 401  
Honolulu, Hawaii 96813-2991

**EFiled: Apr 16 2019 03:26PM HAST**  
**Transaction ID 63175944**  
**Case No. 19-CE-03-925**

April 4, 2019

Certified Mail  
Return Receipt Requested

Ms. Francine Guzman  
89-519 Nanakuli Av.  
Waianae, Hawaii 96792-4040

Dear Ms. Guzman

SUBJECT: Grievance – Non-Selection

This is to inform you that after a through review of the circumstances, claims, arguments and documents of your grievance we have determined that there is insufficient merit to prevail at arbitration. We, therefore, regret to inform you that we will not pursue this grievance to arbitration.

A review of the selection process and your scores found no violations of the collective bargaining agreement.

Thank you for the opportunity to provide representation on your behalf. We wish you well in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Moniz".

Stacy Moniz  
Advocacy Manager

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU  
801 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 - INTERNET: www.honolulu.gov



SUSAN BALLARD  
CHIEF  
JOHN D. MCCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE  
RK-TP

December 26, 2018

Ms. Francine Guzman  
89-519 Nanakuli Avenue  
Waianae, Hawaii 96792  
Dear Ms. Guzman:

Thank you for participating in our department's selection process for the Senior Clerk Typist position in District 8.  
We regret to inform you that you were not selected for this position. We appreciate your interest in seeking other employment within the department and wish you the best in your future endeavors.

Sincerely,

By  
AARON TAKASAKI-YOUNG  
Major  
Human Resources Division

*Serving and Protecting With Aloha*

EFiled: Apr 16 2019 03:26PM HAST  
Transaction ID 63175944  
Case No. 19-CE-03-925





DEPARTMENT OF HUMAN RESOURCES

**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET 10<sup>TH</sup> FLOOR - HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: [www.honolulu.gov/hr](http://www.honolulu.gov/hr)

**EFiled: Apr 16 2019 03:26PM HAST**  
**Transaction ID 63175944**  
**Case No. 19-CE-03-925**

KIRK CALDWELL  
MAYOR




CAROLEE C. KUBO  
DIRECTOR  
  
NOEL T. ONG  
ASSISTANT DIRECTOR

January 3, 2019

**CONFIDENTIAL**

**MEMORANDUM**

**TO:** Francine Guzman  
Honolulu Police Department

**FROM:** Denise Tsukayama   
Equal Opportunity Administrator/ADA Coordinator

**SUBJECT:** Conclusion of Investigation - PSO #17-0838

This is sent to notify you that the investigation of your complaint of retaliation, recorded as PSO 17-0838, has been completed. Your complaint included six (6) allegations against seven (7) named as well as other unknown/unnamed persons. The investigation substantiated the particulars involving you being directed not to go to the District 8 Administrative work area following a decision by the Civil Service Commission regarding your appeal of a non-selection action. The report of investigation was submitted to the Honolulu Police Department for review, final disposition and corrective action, as applicable. After reviewing the investigative report, the Executive Review Board (ERB) initiated appropriate responsive actions. The matter is now closed and no further action is pending.

While your complaint is considered closed, you are reminded that the City policy and the law prohibit retaliation of persons who have filed complaints or participated in the complaint process. This means that you should not be the subject of any action that is retaliatory in nature because you filed a complaint. Retaliation is considered a separate violation and can be established regardless of the outcome of the original complaint. Therefore, should you experience any conduct that you believe to be retaliatory, notify a management official in your department or my office immediately.

Should you have any further questions or concerns, you may contact me at 768-8505.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: [www.honolulu.org](http://www.honolulu.org)



KIRI CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE **KH-MM**

September 18, 2018

*Ms. Francine K. Guzman  
Narcotics Vice Division  
Alapai Police Station  
801 South Beretania Street  
Honolulu, Hawaii 96813*

Dear Ms. Guzman:

Complaint No. 17-0840

Your complaint, received by the Professional Standards Office (PSO) on October 27, 2017, has been thoroughly reviewed.

Upon a review of the facts available, we did not find sufficient evidence to support a violation of departmental directives and/or procedures.

Thank you for your willingness to bring this matter to our attention. Should you have questions, you may contact Detective Vernon Perreira of the PSO at 723-3775.

Sincerely,

A handwritten signature in black ink, appearing to be "K. Horikawa", written over a horizontal line.

KEITH HORIKAWA, Major  
Professional Standards Office

TO: LISA MANN, MAJOR, PROFESSIONAL STANDARDS OFFICE  
FROM: FRANCINE K. GUZMAN, SENIOR CLERK-TYPIST, NARCOTICS/VICE DIVISION  
SUBJECT: MISCONDUCT OF HONOLULU POLICE PERSONNEL

I have filed a petition of appeal with the Civil Service Commission (CSC) in April of 2017 for Non-selection, Retaliation, Favoritism, and Nepotism. The Honolulu Police Department's Human Resources Division continues to be unfair in their interview and selection process. I have applied for eight (8) positions and met the minimum qualifications for all but one (1) EROIII position, however, many of the selections were made with family ties within the department.

The Honolulu Police Department disqualified all of the internal candidates for the D8 Senior Clerk-Typist position and hired an external candidate. Appearance of Favoritism-section 11-104 of the RCH, violation of HPD Standards of Conduct; Article V, Code of Ethics. The HPD Mission Statement of Integrity, Respect, and Fairness. The Goals of CALEA to establish fair and non-dis practices; nepotism.

The current D8 Major Sean Naito, Captain Stephen Gerona, and Secretary Robyn Gonsalves were not fair in their interview and selection process for the D8 Senior Clerk-Typist position. After reviewing the interview tools, it appears pre-planned in scoring the internal candidates low. On May 23, 2017, the CSC requested that the interview panel appear at the next hearing, which was on August 22, 2017.

On August 22, 2017 the Civil Service Commission granted the appeal based on facts. I have attached a copy of the CSC Decision. On August 24, 2017, my supervisor Lieutenant Chad Ikezawa notified me that the D8 Command notified my command (NVD) that I am not allowed in the D8 Admin area. Later, I emailed my entire chain of command to inform them of the CSC Decision. Apparently, Major Tong was not apprised of the decision and rescinded the order not allowing me in the D8 area and to conduct HPD business as usual. Major Tong referred a retaliation complaint for Pat Ah Loo to forward to Ms. Denise Tsukayama of EEO.

Thank you in advance for your time.

Respectfully,

---

FRANCINE K. GUZMAN 100221  
Narcotics/Vice Division  
October 19, 2017 1200 hours





DEPARTMENT OF HUMAN RESOURCES

**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET 10<sup>TH</sup> FLOOR - HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: [www.honolulu.gov/hr](http://www.honolulu.gov/hr)

**EFiled: Apr 16 2019 03:26PM HAST**  
**Transaction ID 63175944**  
**Case No. 19-CE-03-925**

KIRK CALDWELL  
MAYOR



CARDLEE C. KUBO  
DIRECTOR


NOEL T. OMO  
ASSISTANT DIRECTOR

January 3, 2019

**CONFIDENTIAL**

**MEMORANDUM**

**TO:** Francine Guzman  
Honolulu Police Department

**FROM:** Denise Tsukayama   
Equal Opportunity Administrator/ADA Coordinator

**SUBJECT:** Conclusion of Investigation - PSO #17-0838

This is sent to notify you that the investigation of your complaint of retaliation, recorded as PSO 17-0838, has been completed. Your complaint included six (6) allegations against seven (7) named as well as other unknown/unnamed persons. The investigation substantiated the particulars involving you being directed not to go to the District 8 Administrative work area following a decision by the Civil Service Commission regarding your appeal of a non-selection action. The report of investigation was submitted to the Honolulu Police Department for review, final disposition and corrective action, as applicable. After reviewing the investigative report, the Executive Review Board (ERB) initiated appropriate responsive actions. The matter is now closed and no further action is pending.

While your complaint is considered closed, you are reminded that the City policy and the law prohibit retaliation of persons who have filed complaints or participated in the complaint process. This means that you should not be the subject of any action that is retaliatory in nature because you filed a complaint. Retaliation is considered a separate violation and can be established regardless of the outcome of the original complaint. Therefore, should you experience any conduct that you believe to be retaliatory, notify a management official in your department or my office immediately.

Should you have any further questions or concerns, you may contact me at 768-8505.



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LISA MANN, MAJOR, PROFESSIONAL STANDARDS OFFICE

FROM: FRANCINE K. GUZMAN, SENIOR CLERK-TYPIST, NARCOTICS/VICE DIVISION

SUBJECT: MISCONDUCT OF HONOLULU POLICE PERSONNEL

I have filed a petition of appeal with the Civil Service Commission (CSC) in April of 2017 for Non-selection, Retaliation, Favoritism, and Nepotism. The Honolulu Police Department's Human Resources Division continues to be unfair in their interview and selection process. I have applied for eight (8) positions and met the minimum qualifications for all but one (1) EROIII position, however, many of the selections were made with family ties within the department.

The Honolulu Police Department disqualified all of the internal candidates for the D8 Senior Clerk-Typist position and hired an external candidate. Appearance of Favoritism-section 11-104 of the RCH, violation of HPD Standards of Conduct; Article V, Code of Ethics. The HPD Mission Statement of Integrity, Respect, and Fairness. The Goals of CALEA to establish fair and non-dis practices; nepotism.

The current D8 Major Sean Naito, Captain Stephen Gerona, and Secretary Robyn Gonsalves were not fair in their interview and selection process for the D8 Senior Clerk-Typist position. After reviewing the interview tools, it appears pre-planned in scoring the internal candidates low. On May 23, 2017, the CSC requested that the interview panel appear at the next hearing, which was on August 22, 2017.

On August 22, 2017 the Civil Service Commission granted the appeal based on facts. I have attached a copy of the CSC Decision. On August 24, 2017, my supervisor Lieutenant Chad Ikezawa notified me that the D8 Command notified my command (NVD) that I am not allowed in the D8 Admin area. Later, I emailed my entire chain of command to inform them of the CSC Decision. Apparently, Major Tong was not apprised of the decision and rescinded the order not allowing me in the D8 area and to conduct HPD business as usual. Major Tong referred a retaliation complaint for Pat Ah Loo to forward to Ms. Denise Tsukayama of EEO.

Thank you in advance for your time.

Respectfully,

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FRANCINE K. GUZMAN 100221  
Narcotics/Vice Division  
October 19, 2017 1200 hours

\*\*\*Note: Rcvd. call from Major Mann on 10/30/17. Consulted w/HR, will document as things transpire.

\*\*\*Note: On 11/13/17, Emailed Lt. R. Ikehara to check on the status of my To/From being that Major S. Naito is assigned to HR.