

## BF Committee

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**From:** Michael Tex Ritter <tex@hawaii.rr.com>  
**Sent:** Monday, May 02, 2016 12:29 AM  
**To:** BF Committee; Mike White; Riki Hokama  
**Cc:** Marian Feenstra; Colin Yamamoto; Cary & Alisha Kayama; Rick Patrizio; Brad Quinto  
**Subject:** Please Do Not Defer BU14

Aloha Maui County Council,

I urge you to withdraw your decision to defer the new Bargaining Unit 14 contract, and allow it to continue as litigated and agreed. Specifically the section that focuses on Ocean Safety Officers statewide. I implore you to follow suit of the County Councils of our neighboring islands that have all agreed to uphold the contractual decision whereas a third party arbitrator worked out the particulars of this new bargaining unit between HGEA and the State and County representatives present. Arbitration is defined in all HGEA contracts as "Legal and Binding". Attempting to reverse the arbitration decision will set off a chain of events that may include legal proceedings that will bring on unnecessary expense and stress to all parties involved. And will ultimately be an expense that will be reflected and funded by Hawaii's taxpayers.

After many years of meetings and new legislation, HGEA and the State of Hawaii have created a new, unprecedented Bargaining Unit, BU14. The purpose of this was to move certain members out of Bargain Units 3 and 4, which are basically Clerical BU's, and into a BU that is focused on Public Safety. The members in this new Bargaining Unit are Deputy Sheriffs (284), Conservation and Resource Enforcement (84), Harbor Enforcement Officers (16), and Ocean Safety Officers (331). Approximately 60 of these Ocean Safety Officers are in Maui County. These 60 OSO guard 11 Lifeguard Towers, 7 of which are equipped with a motorized rescue crafts (jet skis). These 11 lifeguard towers respond to 90+ miles of the County of Maui coastline. In addition, the County of Maui Ocean Safety Division has been going through a reorganizational transformation. In the past year Ocean Safety has restructured in a way to mirror the Fire Department structure, and by doing so has taken large strides towards the final merger to operate under the jurisdiction of the Fire Department, and out of the Parks and Recreation Department.

The resolutions that are presented in BU14 are the result of a long arbitration. It is a reflection of the respect and professionalism that the Unit 14 members have upheld for many years. Ocean Safety Officers perform a task that is proven to save many lives - that value can have no price tag. Ocean Safety Officers put their lives on the line everyday to unselfishly provide and encourage ocean safety along Maui coastal waters, thereby providing safer beaches for the people of Maui County and its visitors. Deferring this contract is a direct disrespect to the members of BU14. Deferring this contract is a message to its members that their work is not valuable to the Maui County Council or to the State of Hawaii. If the Ocean Safety Officers were not present at the County Of Maui Beaches they protect, many lives would be lost and affected every day.

Please uphold this contract.

Mahalo Aloha,

- Mike

Michael "Tex" Ritter  
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FYI: Sometimes my e-mail ( [tex@ritterdesign.com](mailto:tex@ritterdesign.com) ) does not receive all of us messages. I guess its kind of quirky. If you think I would have normally responded to you right away, it might be that I did not receive your message. Please re-send your message, or you also might want to send it to my alternate e-mail address: [tex@hawaii.rr.com](mailto:tex@hawaii.rr.com) - Mahalo!

## BF Committee

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**From:** James Hernandez <lg14jim@gmail.com>  
**Sent:** Friday, April 29, 2016 8:08 AM  
**To:** BF Committee  
**Subject:** Please honor binding arbitration for unit 14

Aloha Budget Chair Riki Hokama and council members,

I'm writing to strongly urge the council to honor and fund the recent unit 14 binding arbitration decision.

The members of Maui Ocean Safety save many lives every year, make many more first aid responses ranging from the minor to those that end with the victim taken away by ambulance, and are in constant contact with the general public as first line public relations to Maui's residents and many visitors. Most importantly they're finally considered emergency public safety personnel and that is why the public voted to transfer Ocean Safety from Parks and Recreation to Fire and Public Safety in 2012 ( catching up with the state and nationwide practice of placing lifeguard services under Fire and Emergency Services). Prior to the formation of unit 14, Ocean Safety was lumped together with clerical workers in unit 3 (who also deserve raises). The State and Governor Abercrombie realized this is not right, and allowed Ocean Safety to form unit 14 and independent arbitrators were selected to finalize a fair contract for unit 14 and they have.

Please honor this process and fund the necessary legislation. Ocean Safety has not let our county down. They have volunteered for the community on the 911 system since 2002 responding outside their established beach park areas. They have volunteered through tough times when county employees all got furloughed even as other emergency public safety personnel got raises. They volunteered through pay freezes and step freezes and never asked for recognition. Now after following all the legal processes that were agreed upon by both sides, for the County Council to not fund the binding arbitration award is shocking and shameful. Please do the right thing - pay Ocean Safety what has been decided is fair through a legal and transparent process and fund the binding arbitration award and give them the front line staff needed to continue to both watching our beaches and respond to 911 calls. Keep Maui the number one island and keep the tourists and residents safe.

Mahalo

Jim Hernandez  
Kihei  
808 -344-3713

## BF Committee

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**From:** Tamara Paltin <tampaltin@gmail.com>  
**Sent:** Wednesday, April 13, 2016 8:43 PM  
**To:** BF Committee  
**Subject:** Budget Testimony

Aloha Councilmembers,

I'm writing in regards to our Ocean Safety Program which falls under the Department of Fire and Public Safety in this years budget. For many years our front line staff who man the towers at our county's designated beach parks have been short staffed (it has been very bad since the time when furloughs were ongoing). They have had to do their best to watch not only our designated beach parks but also through a pilot program (which began in July of 2002, was never funded, nor a goal in the budget) respond to all 911 ocean rescue while on duty, almost always with 2-3 guards covering entire coastlines of 8+ miles. At DT Fleming, in order to adapt to both responsibilities, no swim zones in rip current areas were created and the general policy is to not let anyone without fins or good ocean knowledge swim in rip current areas. This has cut down significantly on even the chance that someone could get in trouble, but there are those who don't listen, don't pay attention and/or can't resist the pull of the rip current in to a no swim zone/rip current - in general the enhanced public address and the creation of no swim areas at DT Flemings has allowed us to juggle both responsibilities. I have worked in the field of Ocean Safety for over 15 years and the general trend is our beaches are getting more crowded, new ocean activities have been created and popularized (Stand up paddling, kitesurfing, one-man paddling, etc) and our weather is becoming more extreme and yet the Maui Visitors Bureau continues to ask for more funds to bring in ever more visitors. These visitors often try activities such as snorkeling or Stand up paddling for the first time and so the reality is we need more resources to watch over and safeguard these additional folks who come to visit Maui often with no idea of the inherent dangers of ocean recreation - the safety video put out never even shows what dangerous conditions look like, it's more of an advertisement to come recreate in our oceans than anything else.

Lifeguard towers with jet ski should have a minimum standard of 2 operators and 2 tower guards so Ocean Safety Officers aren't forced to choose between providing high quality lifeguard service at their designated beach or providing high quality 911 response. Ocean Safety Officers are trained to give CPR as a team, do spinal management as a team, retrieve injured/unconscious/deceased victims as a team (with a jet ski operator and grabber). Ocean Safety has suffered from poor management and not having a Department where we belong for many years and is not being given the resources needed to do a high quality job. Many Officers get injured, need to take earned leave and so it would make a tremendous positive difference that in addition to the 7 front line expansion positions to include either 7 half time workers who could bump up to full time hours as needed or an additional 7 contract workers to work on an on-call basis when we are short staffed or get busy. We all realize the strain of increased visitors during spring break, winter break and during summer when our kids are out of school

we are running junior lifeguard programs in the districts of North Shore, South Shore, West Side, Hana, Molokai and Lanai. All other jurisdictions, including Maui's own swimming pools contract seasonal or on-call hires and it's time for Maui County's Ocean Safety to be able to be fully staffed during our most busy times of the year if we want to call our services high quality. This would be a more efficient use of taxpayer funds than paying overtime when there isn't the manpower to take lunch breaks (which happens a lot) or calling back captains on their days off (some captains regularly work 6 day weeks making a killing on overtime).

I also want to emphasize the \$143,080 for operator pay per unit 14 binding arbitration - the differential for certified operators is \$3.50/hr for 2 operators for 7 jet ski, 365 days a year. This is a great deal for the county especially considering Maui has gotten the service for free for fourteen years when other jurisdictions have been paying for it. It is also a good deal because instead of creating a "jet ski operator" position it is an assignment or differential meaning if the operator is on vacation, comp time or sick, they won't get the pay and overtime costs also do not apply. Two operators are needed to cover training and lunch breaks daily as well as the cases where a grabber is needed, the grabber would be the second operator in case anything should happen to the primary operator, the grabber can then step up and operate. Please note that we go out in all types of strong wind and high surf conditions with no hazard pay.

In closing I would like to share some statistics from DT Flemings for March 2016.

- 23 - Victims were brought to shore with jet ski (this is outside of our designated beach park - our area of coverage runs from Pohaku (S-turns) park to Kahakuloa village)
- 4 - 911 calls were cancelled due to victims making it to shore prior to our arrival
- 2 - Disabled boats assisted
- 4 - Rip current rescues at DT Flemings
- 3 - Miscellaneous injury (dislocated shoulder, head injury, leg injury)
- 1 - Police assistance
- 1 - Brown Water Advisory
- 5 - Days with only two guards (No lunch break)
- 2 - Times when both beaches in the West District had simultaneous 911 ocean rescues

Mahalo for your consideration and your commitment to making Maui County a safe place for ocean recreation, Tamara Paltin

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808-870-0052

Feel free to contact me with any questions

## BF Committee

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**From:** Tamara Paltin <tampaltin@gmail.com>  
**Sent:** Sunday, April 24, 2016 7:25 AM  
**To:** BF Committee; Riki Hokama; Mike White  
**Cc:** mike.victorino@mauicounty.us; Donald S. Guzman; Don Couch; Stacy S. Crivello; Elle Cochran; Gladys Baisa; Robert Carroll  
**Subject:** Budget testimony in favor of binding arbitration

Aloha Budget Chair Riki Hokama, Council Chair Mike White and Council members Mike Victorino, Gladys Baisa, Don Guzman, Stacy Crivello, Don Couch, Robert Carroll and Elle Cochran,

How much is a human life worth to you? On Friday, April 22, 2016 at 1:07pm a minor male, and his two friends, all from upcountry were jumping off the cliffs on the Oneloa (Ironwood Estates) side of Makaluapuna Point (not visible from DT Flemings because it's the next bay over) and got caught in a rip current. There was a 911 call and DT Flemings lifeguards used their rescue ski to go and rescue the youth who in his own words was, "so scared he thought he was going to die" and never even knew that a jet ski could come and get him. This was the 2<sup>nd</sup> 911 call that day the first occurring at 12:22pm for 3 kayaks in distress outside of Kapalua bay; in between these two 911 calls a surfer dislocated his shoulder in the rip current at DT Flemings beach park and was helped by lifeguards.

How much is human life worth to you? On Saturday, April 23, 2016 there were three spinal incidents at Makena State beach park. The second one occurring at 12:25pm the 57 year old was knocked out with lacerations to his face and although he initially had a pulse, while lifeguards on scene took spinal precautions, he lost his pulse at which point lifeguards performed CPR and within 10 minutes the victim regained his pulse and all of this occurred many minutes before fire and medic crews arrived on scene.

Ocean Safety Officers have struggled through furloughs in 2009/2010 and continued to volunteer on the 911 system doing a job that essentially belongs to Maui Fire Department because they were leaving designated beach parks and it has never been a budgetary goal to operate the jet ski on 911 outside of designated beach parks. During this time MFD was not furloughed and even received raises. Ocean Safety Officers struggled through pay freezes and step freezes in the following years and were only put on their appropriate step this past year and yet officers continue to volunteer to respond to ocean rescues on the 911 system with no compensation (Hotel chefs and security guards make more than a starting lifeguard). Maui County the richest county per capita is the only county that does not compensate its rescue craft operators to this day. Ocean Safety has provided this service to the detriment of providing high quality lifeguard service at designated beach parks. (Leaving one lifeguard at a beach park is not high quality as we have been trained to do CPR/Spinal/etc as a team. If the transfer to fire occurs, the Battalion Chief has directed that Ocean Safety leave designated beaches unattended and 911 calls take priority – this is not high quality lifeguard services at designated beach parks).

Ocean Safety realized long ago the problem was they were lumped together in a miscellaneous union HGEA unit 3 and even if their unit chose to strike they would be unable to participate because lives were at stake. Thus began the long process of forming unit 14 and coming up with a contract and then going through binding arbitration to come up with our historic first ever contract where an independent panel reviewed both labor and the employers case and handed down an award or decision. Now, Maui County is the only county, the richest county, not honoring the process and not moving the legislation forward. This has been very hurtful to Maui County Ocean Safety Officers, morale is low and many feel disrespected and as though their work is not being valued by our County. If this binding arbitration is not honored and not awarded on July 1, 2016,

Ocean Safety Officers do not feel like continuing to volunteer after 14 years of free, good faith service that one day we will eventually be paid. Realistically, I am asking how can you begrudge \$143,080/year for 911 jet ski services? How can you begrudge raises handed down through the legal binding arbitration process? It will ultimately cost taxpayers more money to fight union lawyers as binding arbitration is tough to defeat.

In talking to the aides of some Council members it seems there may be some confusion between BF-6/CC 16-50. Council members think it is in regards to the transfer of Ocean Safety from Parks and Recreation to Fire and Public Safety and are concerned with the overall cost. In my opinion, that is a reasonable concern and I don't know of anyone who doesn't share that concern but these are two different issues. It is unfortunate that the transfer was put to the people on the 2012 ballot with so little information of what it would mean. The lack of serious information about what the costs would be and what it would ultimately entail was one of the main reasons I was not an advocate for passing the charter amendment. As a council, now that the costs are realized you could put it to the 2016 ballot again with more information – say something like knowing that the transfer will cost over \$2M should the charter remain with Ocean Safety in Fire and Public Safety or should we amend it back to parks?

This is just one suggestion. It may eliminate the need for an “Ocean Safety” Battalion Chief and some of the clerical staff. However, more and more is being expected of Ocean Safety. There are more tourist arriving annually, there are more ocean recreation activities, shark sightings and extreme weather conditions and if the council does want the 911 service, they will need to give the resources for that service which include additional front line staff, additional pay for the service and equipment. If you do not want the 911 service from Ocean Safety please know that it will end up costing more in the long run and undoubtedly people will die. It takes longer for MFD to launch the rescue boat or the air1 helicopter and it is costlier. Eventually MFD would probably evolve to have skis at all boat ramps ready to go for ocean rescues but that would also be costlier than having Ocean Safety who are standing by for rescues at our ‘designated beach parks’ respond. The thing is Ocean Safety needs the resources to respond to 911 ocean rescues and guard our designated beach parks at a high quality. It is not right to force them to choose which life saving actions they will take, give them the resources that enable them to do both. It seems like a lot of money but ultimately I believe it is more cost effective than having MFD do the job.

If there are still doubts contact Ocean Safety Services in other counties throughout the state and compare their budgets over the past 15 years to ours that will tell the full story, how cost effective Maui County has been and how much Maui County has saved by expecting free labor at the expense of its employees. Please do the right thing keep Maui No Ka ‘Oi, the ‘number one island’ don't let this get ugly there are consequences for each decision and public safety is not an area that should be short changed ever much less for over fourteen years.

Mahalo,

Tamara Paltin

## BF Committee

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**From:** Stankos, Edward C <edward.c.stankos@hawaii.gov>  
**Sent:** Tuesday, April 26, 2016 11:30 AM  
**To:** BF Committee  
**Subject:** SUPPORT UNIT 14

Councilmember's,

I was surprised and VERY DISAPPOINTED to hear that the Maui County Council decided to defer measure CC 16-50 to approve funding of the Unit 14 arbitration decision for Maui county Ocean Safety Officers. This decision to defer is clearly a stand against labor and against a final and binding decision made by an arbitrator that both the employer and union agreed to. It is upsetting that the Council would take such a stand against a group of public employees that risk their lives on a daily basis for the safety of the public and visitors to Hawaii.

I strongly urge that the Council IMMEDIATELY schedule and SUPPORT measure CC 16-50.

Mahalo

Respectfully,

Sgt. Edward C. Stankos, #1003  
Administrative Sergeant  
Airport Sheriff Detail  
Honolulu International Airport  
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Honolulu, HI 96819  
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HGEA Unit 14  
Oahu Island Board Member & Steward



*"All that is necessary for evil to triumph is for good men to  
-Edmund Burke*

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## BF Committee

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**From:** Jonathan Likeke Scheuer <scheuerj001@hawaii.rr.com>  
**Sent:** Monday, April 25, 2016 3:27 PM  
**To:** BF Committee  
**Subject:** Letter in support of budgetary funds for the binding arbitration agreement for Ocean Safety officers

Aloha Budget Chair Hokama and members,

I would like to respectfully submit my support for re-inclusion into the proposed County budget funding for the binding arbitration award for HGEA Unit 14 (Ocean Safety Officers). I very much appreciate the multiple conflicting demands that you face in proposing a budget for the County, and the very real issue that not everything desired can be funded.

However, I would like to humbly suggest that it is in the long term interests of the County and its residents that this labor agreement be funded. These Ocean Safety Officers perform critical, life saving duties that not only impact residents but also the safety of visitors and the desirability of the island as a destination for future visitors. The critical role of lifeguards and our challenging history of ocean safety has already been a topic of public discussion this year (e.g.

<http://www.civilbeat.com/2016/01/hawaii-leaders-must-do-more-to-prevent-tourist-deaths-in-2016/>).

I am hopeful that Maui will join the other counties in working toward one critical step in addressing our ocean safety needs - ensuring these officers are fairly compensated, as was determined in binding arbitration.

Sincerely,

Jonathan Likeke Scheuer

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Jonathan Likeke Scheuer, Ph.D.  
Managing Environmental Conflict  
<http://www.linkedin.com/in/likeke>

## **BF Committee**

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**From:** Ed <estankos808@gmail.com>  
**Sent:** Thursday, April 21, 2016 10:11 AM  
**To:** BF Committee  
**Subject:** BF-6/Unit 14

Council Members,

I urge you to please schedule and support the funding of the Unit 14 arbitration decision.

We have worked long and hard and in my case 20 years along with others to have our own bargaining unit that represents our unique professions and recognizes the sacrifices we have made for this great State of Hawaii, please do not be the elected roadblock that we will always remember as the one who stood in our way, instead be the one who helps the hardworking members of our public safety professions.

Sgt. Ed Stankos  
Unit 14  
State Sheriff Division

## BF Committee

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**From:** Christopher Day <christopher.l.day@gmail.com>  
**Sent:** Wednesday, April 20, 2016 3:44 PM  
**To:** Riki Hokama  
**Cc:** BF Committee  
**Subject:** Hawai'i State Law Enforcement and Water Safety Officers

Mr. Hokama,

My name is Christopher Day, I am a Deputy Sheriff for the State of Hawai'i, Honolulu District Court Patrol section. It has come to my attention, and to the attention of my fellow deputies, that the Maui County Council Budget and Finance Committee has deferred BF-6 to approve pay increases/other costs of the unit 14 arbitration decision for Maui County Ocean Safety Officers.

As you may know, as the Budget and Finance Committee chairman, deferring this measure for the Maui County Ocean Safety Officers could potentially interfere with the salary/cost item increases for all Law Enforcement/Water Safety officers for the entire state.

Before becoming a Deputy Sheriff for the State, I was employed as a lifeguard for multiple private companies. I know first hand what both law enforcement/water safety officers have to deal with every day regarding their job responsibilities. One of the best and worst aspects of our respective careers is that every day is different. In my experience within Law Enforcement/Water safety I have been exposed to multiple hazards including, but not limited to, hands on apprehension of suspects to being used as a human flotation buoy by individuals in 30+ feet of water off the shores of O'ahu.

Our Water Safety Officers in the State of Hawai'i react and risk their lives daily to save people from some of the most dangerous shore line water conditions on the planet including Banzai Pipeline (O'ahu), Waimea Bay (O'ahu), and Jaws (Maui). We wake up daily every morning before our respective shifts not knowing what is going to happen when we are in uniform. Our duties as Water Safety/Law Enforcement Officers extend past our normal working hours and into our lives outside of the work place. It is our responsibility to keep people safe at all times both in and out of the water and whether or not we are "on duty".

With my experience within the professions of Law Enforcement and Water Safety, I know first hand that the pay increases HGEA fought hard for helps get us close to competitive salaries of other Law Enforcement/Water Safety officers around the country. Given the nature of our jobs and how the people of the State of Hawaii are being "Priced out of Paradise" due to the high cost of living through out the state, I believe deferring BF-6 would be incredibly detrimental to families of Unit 14 members throughout the state.

From what I have read on Maui County's website (<http://mauicounty.us/hokama/>), the Maui County Budget and Finance Committee meets on the 1st and 3rd of Thursday of every month. Seeing as though tomorrow, April 21st 2016, is the third Thursday of this month I strongly urge you and your committee to schedule and support the funding of the Unit 14 arbitration decision to not only support competitive wages for the employees of Unit 14 members Maui County, but of the entire state.

Aloha from O'ahu.

Respectfully,

Christopher Day, Deputy Sheriff II  
State of Hawai'i- Department of Public Safety, Sheriff's Division

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Regards,

Christopher Day  
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