

UPDATE TO SUBSTANTIAL WEIGHT REVIEW REQUEST

U.S. EEOC
Los Angeles District Office
255 East Temple Street, 4th Floor
Los Angeles, CA 90012

August 26, 2022

**RE: Notice of Dismissal and Right to Sue in
Scott Goold vs. First Hawaiian Bank
FEPA No. 21994; EEOC No. 37B-2022-00047**

I. New Information

The Hawai'i Civil Rights Commission ("HCRC" or "Commission") provided complainant Scott Goold ("Complainant" or "Mr. Goold") the investigation case files on August 15, 2022.

The Commission withheld this information from Complainant during their secret tribunal. The response from First Hawaiian Bank ("FHB") provides conclusive proof — by a preponderance of evidence — that FHB discriminated and retaliated against Mr. Goold. This behavior continues.

Attorney for FHB, Sarah O. Wang of Marr Jones & Wang, did not write truthfully or completely. ("**Exhibit 5**") Complainant will show her response to the Commission was riddled with misrepresentation and unsubstantiated conclusions. Mr. Goold uses this opportunity to correct the record.

Abstract

Mr. Goold suffers a disability, which requires pain medication outside work hours. When notified by FHB that he qualified as a candidate for DBA II position in July 2021, he requested company medical and drug policy. Candidate Goold wanted to be compliant with FHB rules and regulations. If selected, Candidate Goold's medication could lead FHB to rescind the job offer. FHB denied his request.

FHB states correctly that an employer is prohibited by law from questioning an applicant about a disability or impairment in preliminary rounds of the hiring process. However the law does not restrict an employee from disclosing personal medical information as needed to assist navigating the complex procedure.

By law, FHB must make the policy requested by Candidate Goold available to employees, yet FHB refused to accommodate Candidate Goold. After numerous attempts to persuade FHB to change their position, Candidate Goold filed complaints first with the HCRC and then the U.S. EEOC.

Candidate Goold's persistence created animus with FHB's hiring team. Their behavior suggested FHB was no longer interested in pursuing Candidate Goold after he complained.

Not hearing from FHB for an extended period, Candidate Goold was surprised to be contacted near the end of October. He interviewed with FHB technical recruiter ("TR") Kathy Oyadomari.

The interview was a deception. The hiring decision had been made. Results of Candidate Goold's session would not be counted. FHB had a professional and ethical responsibility to update Candidate Goold about the selection. TR Oyadomari defrauded Candidate Goold, as FHB had no intention of hiring Mr. Goold.

Candidate Goold applied for a second position for which he is highly skilled, ETL III. FHB quickly disqualified him. No explanation. No company wants a problem employee, right?

Candidate Goold's request for information, and action of filing a complaint, ended his career hopes at FHB.

Denying the disabled applicant medical information was not reasonable. FHB unnecessarily delayed and frustrated Candidate Goold's hiring experience; unprofessionally created conflict with Candidate Goold; discriminated in the application of their hiring protocols; and retaliated against Candidate Goold for complaining about FHB's behavior.

II. Standard of Law for Discrimination

Ms. Wang provided an overview of what Complainant must establish to prove FHB committed intentional discrimination based on his disability: [p11]

1. Complainant Cannot Establish a *Prima Facie* Case of Discrimination

To establish a *prima facie* case of disability discrimination, Complainant must show:

- (1) he is an individual with a "disability" within the meaning of the statute;
- (2) that he is otherwise qualified to perform the essential duties of his job with or without reasonable accommodation; and
- (3) he suffered an adverse employment decision because of his disability.

See French v. Haw. Pizza Hut, Inc., 105 Hawai'i 462, 467, 99 P.3d 1046, 1052 (Haw. 2004); *Nunes v. Wal-Mart Stores, Inc.*, 164 F.3d 1243, 1246 (9th Cir. 1999).

1. Mr. Goold is an individual with a disability. Mr. Goold provided this information to the Commission previously in the HECO charge. The Commission did not request Mr. Goold provide this information again.

Ms. Wang slandered and libeled Candidate Goold claiming otherwise. If FHB had questions or concerns, it was the responsibility of FHB to request Candidate Goold provide additional information.

On the one hand, Ms. Wang criticizes Candidate Goold for informing Ms. Oyadomari of his disability and medical needs. Then she disparages Candidate Goold for not providing more information. This behavior shows FHB's pattern of "blaming the victim."

Candidate Goold wanted to disclose only enough information to justify the medical request, but not violate his HIPAA protection rights. By refusing to provide the requested information in a reasonable manner, FHB complicated the process and widened the pool of FHB staff who knew of his situation. All FHB needed to do was provide Candidate Goold with the medical information he requested, which FHB by law must make available to all employees.

Ms. Wang wrote, "The only accommodations Complainant requested were provision of FHB's confidential employment policy and later, an opportunity to speak with a manager." FHB is required by law to provide the "confidential employment policy" to all employees. Candidate Goold appealed to a manager to break this stalemate. [p10]

after FHB asked him to stop doing so. *See Exhibit E* at 17, 19, 27. The only accommodations Complainant requested were provision of FHB's confidential employment policy and later, an opportunity to speak with a manager. *See id.* at 3, 18, 26-27. Neither request qualified as a "reasonable accommodation," which is defined in Haw. Admin. R. § 12-46-182 in the pre-employment context as "*modifications or adjustments to a job application process that enable an applicant with a disability to be considered for the position the applicant desires.*" (Emphasis added.)

Haw. Admin. R. § 12-46-182 allows a "modification or adjustment to a job application process" to enable an applicant with a disability to be considered and compete for the position the applicant desires. Having information that prevents FHB from rescinding a conditional job offer if selected enables Candidate Goold to continue with the hiring process. Therefore, the request is reasonable and permissible under Hawai'i statute.

2. Candidate Goold is otherwise qualified to perform the essential duties of his job with or without reasonable accommodation.

3. Candidate Goold suffered an adverse employment decision because of his disability.

Ms. Wang claimed the hiring manager could not discriminate against Candidate Goold, as FHB did not include him in the various communications about Candidate Goold's request for medical information.

It is not believable that the hiring manager did not know Candidate Goold had “paused” his application process. There were only four (4) applicants. And, it’s not believable the hiring manager did not know “why” Candidate Goold paused the application process.

If Candidate Goold did not have a disability, he would have no reason to request the information. FHB unnecessarily frustrated Candidate Goold’s hiring process due to his disability and created pre-employment tension with the company.

Had FHB immediately complied with Candidate Goold’s reasonable request for medical information related to his disability, there would have been no delay in the hiring process.

Candidate Goold therefore suffered an adverse employment decision because of his disability, because he filed a compliant, and due to FHB’s refusal to reasonably accommodate his request for medical policy. Candidate Goold’s request placed absolutely no burden on FHB. Their refusal, and delay, were inexcusable and discriminatory under the circumstances.

III. Non-Discriminatory Reasons for Not Hiring Candidate Goold

Ms. Wang stated that even if Complainant could establish a prima facie case of discrimination, FHB hired a candidate “with greater qualifications.” [p13]

2. FHB Had a Legitimate, Non-Discriminatory Reason for Not Hiring Complainant and Complainant Cannot Demonstrate Pretext

Even in the unlikely event that Complainant could establish a *prima facie* case of discrimination with respect to his applications, FHB had a legitimate, non-discriminatory reason for not selecting him. For the DA II position, FHB hired a candidate with greater qualifications than Complainant (*i.e.*, the selectee formerly held the Database Administrator I position at FHB and had more than 23 years’ experience in comparable positions). *See* Section II.D, *supra*, and **Exhibits C, F**; *see also Fragante v. City & Cnty. of Honolulu*, 888 F.2d 591, 599 (9th Cir. 1989)

FHB cannot support their selection with evidence nor claim the selectee is superior, or even equal, to Candidate Goold with the information provided. Years of experience is a poor measure, and serving FHB in a lesser position years ago is not a reliable indicator of future success in a more advanced position. See the Peter principle.¹

Ms. Wang stated the Complainant must be “significantly better qualified.” [p14]

Consistent with the rule that discrimination can be inferred only where the complainant is significantly better qualified, courts have refused to second-guess business judgments by employers who best know their own industry:

Side-by-side, Candidate Goold’s profile suggests significantly superior skills and qualifications. The Commission failed to conduct such an analysis in their review.

¹ https://en.wikipedia.org/wiki/Peter_principle

FHB Selectee: DBA Specialist	Candidate Goold: DBA and Data Scientist
BA Degree: University of Hawai'i Manoa	BS Degree Economics: Idaho State University MA Degree Finance: Idaho State University PhD Political Science & Research: University of New Mexico
23 Years Experience in DBA Positions	31 Years Experience in DBA, IT, Statistics, Report Writing, Analysis, Senior Advising, Consulting
Unknown Review History	Outstanding Supervisor and Peer Reviews

IV. Standard of Law for Retaliation

Ms. Wang claimed Complainant's retaliation charge is without merit. As documented herein, Mr. Goold has shown numerous reasons his complaint is valid. [p15]

C. Complainant's Retaliation Claim Has No Merit

Finally, in response to Complainant's retaliation claim, the Hawaii Supreme Court has adopted the three part burden-shifting framework to analyze retaliation claims under Haw. Rev. Stat. § 378-2(2). *Lales v. Wholesale Motors Co.*, 133 Hawai'i 332, 357, 328 P.3d 341, 366 (Haw. 2014) (citing *Schefke v. Reliable Collection Agency, Ltd.*, 96 Hawai'i 408, 426, 32 P.3d, 52, 70 (Haw. 2001)). Under this framework, first, Complainant would need to establish a *prima facie* case of retaliation by demonstrating that:

- (1) he engaged in protected activity by opposing discrimination or harassment forbidden by Haw. Rev. Stat. Chapter 378, or by filing a complaint, testifying, or assisting in any proceeding relating to such discrimination or harassment;
- (2) he suffered an adverse employment action; and
- (3) a causal link exists between his protected activity and the adverse employment action.

1. Candidate Goold engaged in protected activity by filing a complaint relating to discrimination.
2. Candidate Goold suffered an adverse employment action.
3. There exists a causal link between his protected activity and the adverse employment action.

Candidate Goold inquired about FHB's policy related to the medication prescribed for his disability. FHB refused to reasonably accommodate Candidate Goold, which forced him to pause

his application process, file a complaint, and FHB frustrated Candidate Goold's opportunity to discuss his qualifications fully.

The delay led FHB to select another candidate even before interviewing Candidate Goold. Candidate Goold wanted to interview. Candidate Goold simply wanted to prepare fully for the interview.

Had FHB cooperated, no delay would have occurred. Candidate Goold would have interviewed in timely fashion, while assured he would qualify to be hired if selected conditionally.

In addition, FHB cannot justify the rapid disqualification of Applicant Goold for the ETL III position.[p12] Ms. Wang claimed "he was not qualified." FHB provided no evidentiary support for the slanderous and libelous disparagement.

While it is possible that Complainant may have met the minimum qualifications for the DA II position, he was not qualified for the ETL III position. **See Exhibit D.** Complainant's failure-to-hire claim with respect to the ETL III position therefore fails for the additional independent reason that he cannot establish the second element of his *prima facie* case. *See Rodrigo v. Carle Found. Hosp.*, 879 F.3d 236, 242-43 (7th Cir. 2018) (finding plaintiff

FHB made an outrageous claim that an inadvertent error caused corruption in the Taleo Oracle human capital management system. Their excuse is not believable.[p7]

Exhibit H, E-mail to Complainant upon receipt of application. Due to an inadvertent oversight, the usual automated scoring of the eligibility and banking experience/qualification questions on the application did not occur for any applicants for the ETL III position, including Complainant. **See Exhibit D** at 1, Application History.

Information about the 24 applicants, representing 24 rows of transactional records in the application database, could easily be corrected and repaired if corrupted. Analysis could be re-run. The unsupported elimination demonstrates a causal link between Candidate Goold's protected activity and the adverse employment action.

V. Brief History

In early July 2021, Mr. Goold applied for a DBA II position with FHB. When FHB first contacted Mr. Goold, TR Kathy Oyadomari asked to conduct a phone interview with Candidate Goold.

On Jul 13, 2021, at 6:39 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

Thank you for your interest in employment at First Hawaiian Bank. We received your application for the Database Administrator II. I was contacting you to coordinate a phone interview for the position. Please respond to this email or return my call at 525-8192.

Thank you,

Kathy

Kathy Oyadomari | Technical Recruiter

999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

(808)525-5798 | koyadomari@fhb.com

Candidate Goold responded by email that same night. Mr. Goold had a negative experience with Hawaiian Electric (“HECO”) due to confusion over his disability and medication. In deliberations with HECO, management claimed he should have inquired earlier or asked someone else about the permissibility of the medication. Common corporate tactic: blame the victim.

As Candidate Goold didn’t want to be traumatized again, he inquired immediately:

From: Scott Goold [REDACTED]

Sent: Tuesday, July 13, 2021 11:49 PM

To: Kathy Oyadomari <koyadomari@fhb.com>

Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

Aloha e Kathy,

Appreciate hearing from you. I suffer some injuries and have a minor disability getting around (mobility issue). Doesn’t impact or negatively effect work performance; no accommodation requested. My doctors prescribe opioid pain relievers or medical cannabis sometimes in the evening to reduce pain so I can sleep. Never medicate before or during work hours. What is FHB’s policy on medical cannabis?

Thank you for getting back to me!

A. Promise of Reasonable Accommodation

FHB promised “reasonable accommodations to allow you to participate in the hiring process.” Candidate Goold only requested their policy. FHB is a financial institution and considered a federal contractor. They are regulated by the Drug-Free Workplace Act of 1988 (41 U.S.C. 81). By law, FHB must provide **every employee** with their drug-free workplace policy.

FHB denied Candidate Goold’s request. FHB refused all Candidate Goold’s requests for the substance abuse policy (“SAP”). Hiring process stalled. Candidate Goold notified FHB that he contacted HCRC and the EEOC. FHB still refused to provide the SAP. This delayed the interview of Candidate Goold until October 26, 2021 — three months from initial contact.

On Oct 26, 2021, at 8:18 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

Scott,

As I have previously shared with you, First Hawaiian Bank will provide reasonable accommodations to allow you to participate in the hiring process (for example, an assistive device to allow you to participate in the initial telephone interview), but other than that, First Hawaiian Bank does not discuss applicants’ health conditions or need for accommodations at any pre-conditional offer step in the hiring process. We intend to treat your application consistently with our policy and practice.

You have applied for the Database Administrator II position, and we would like to schedule an initial telephone interview for that position at one of the following dates and times:

- *Friday, 10/29 at 3:00pm*
- *Tuesday, 11/2 at 2:00pm*
- *Wednesday, 11/3 at 12:00pm*

Candidate Goold identified two, and allowed Ms. Oyadomari make the final decision:

Aloha e Kathy,

Yesterday, you gave me an ultimatum. This opening is important to me and I see again today the position remains unfilled. I would LOVE to assist First Hawaiian Bank. I'm sad your team will not provide me information that would help me evaluate if I can quality for this opportunity. As a person suffering a disability, the world is not always accommodating. We must do many things that are uncomfortable or difficult just to meet the demands of others. I want to be as graciously accommodating to you and FHB as possible. As such, I will make myself available for an interview session on two dates/times:

- *Tuesday, 11/2 at 2:00pm*
- *Wednesday, 11/3 at 12:00pm*

You select the one best for you. Let me know and I'll look forward to speaking with you. Thank you!

Scott

Ms. Oyadomari selected Wednesday, November 3, 2021. The session lasted 12-minutes. Candidate Goold recorded the interview. The next week, Ms. Oyadomari informed Candidate Goold FHB had selected another candidate.

B. Retaliatory Causal Events

FHB made the hiring decision prior to Ms. Oyadomari interviewing Candidate Goold. The interview was not in good faith and constitutes a fraud and deception per Hawai'i statute.

About November 29, 2021, Mr. Goold applied for a second position, ETL III. On December 14, 2021, Ms. Oyadomari emailed Candidate Goold to inform him that FHB had received his application. Although the two positions remained posted and open on August 23, 2022 — nearly nine months later — FHB still refuses to interview Candidate Goold.



Screenshot 8.23.22

All this trouble, confusion, dispute and disagreement, along with callous corporate behavior simply because Candidate Goold requested the FHB SAP. Why would a company refuse? Candidate Goold was only trying to be a responsible potential employee. He wanted to

abide by and follow their company rules and policy. As a non-safety-sensitive employee, regulations are confusing. The policy by law must be made available to all employees.

VI. Will First Hawaiian Bank Provide Reasonable Accommodation (MAYBE)

Ms. Oyadomari wrote to Candidate Goold, “As I have previously shared with you, First Hawaiian Bank will provide reasonable accommodations to allow you to participate in the hiring process ...”

That statement was a deceptive, contradictory and confusing pledge. On July 22, 2021, Ms. Oyadomari stated differently:

FHB treats its employment policies as confidential within the bank and generally does not provide such policies to candidates prior to hire.

*If you should be a successful candidate and hired by FHB, FHB provides reasonable accommodations to employees with disabilities, **provided the accommodations do not impose an undue hardship.*** (Emphasis mine)

“... provided the accommodations do not impose an undue hardship.”

Candidate Goold is prescribed opioid medications or medical cannabis. If FHB selected Mr. Goold as the conditional hire by FHB, FHB may request a pre-employment drug screen. Are Candidate Goold’s medications permitted? Any restrictions?

Similar to the negative experience Candidate Goold suffered at HECO, he could lose this job opportunity. Denying Candidate Goold a review of FHB’s SAP therefore jeopardizes his equal employment opportunity. Other candidates may not face this medical obstacle.

VII. Discrimination in the Hiring Process

Why would FHB “treat its employment policies as confidential within the bank”? Candidate Goold was not seeking financial strategies or employee demographics. He requested policy only directly related to his disability and medical treatment plan.

If FHB disclosed to Candidate Goold that if selected, he would be required to submit to a pre-employment drug assessment, Candidate Goold could (1) shift medications, (2) seek a waiver or (3) withdraw his application.

With medical cannabis, a patient requires about 30 days to clear residual THC-COOH (non-intoxicating pharmacological biomarkers) that accumulated in fat stores. An applicant such as Candidate Goold would require time to shift a medical treatment plan.

Candidate Goold inquired as soon as possible so he had sufficient time to consider options and minimize the number of FHB staff who needed to know of his sensitive situation. FHB’s refusal to make accommodation and protracted irrational behavior widened the scope of conflict in what was a relatively minor request.

Ms. Wang stated the the hiring manager lacked “any animus” toward Candidate Goold. [p13]. However, the technical recruiter, Ms. Oyadomari, was involved in the hiring decision. She

displayed animus toward him. Ms. Oyadomari easily and without burden could have accommodated his simple medical request.

In addition, with respect to the DA II position, the hiring manager identified Complainant as someone who should go through a screening interview, thus demonstrating a lack of any animus by the hiring manager, and it was *Complainant's* delay in proceeding with the screening interview that took Complainant out of further consideration. By the time Complainant finally completed that required initial step, the hiring manager had already identified the selectee for the position. It was Complainant's own dilatory behavior, not any disability, that took him out of consideration for the DA II position.

FHB caused the "dilatory behavior" by denying Candidate Goold information he needed relative to his disability.

Candidate Goold was reasonable and justified to inquire about FHB's SAP. Denying Candidate Goold this information jeopardized Candidate Goold's employment opportunity. Denying Candidate Goold this simple accommodation is therefore discriminatory.

VIII. Deception About Hiring Process

Ms. Wang described the complex hiring process up to the conditional job offer. Her long-winded statement is deceptive. None of this information is relevant to Candidate Goold's request. The statement is a red-herring. As a disabled applicant, Candidate Goold sought information about FHB's policy "after the issuance of a conditional offer." [p4]

For applications received via FHB's website, once an application is submitted, the applicant receives an automated e-mail acknowledging receipt of the application and notifying the applicant that they will be contacted if they meet the appropriate qualifications for the position. The application generally includes questions regarding the applicant's eligibility for hire and banking experience/qualifications (specific to the position at issue), and FHB's applicant tracking system automatically scores each applicant based on their responses to those questions on a scale of 0 to 100, with 100 being the top score. The applicable recruiter and hiring manager are notified when an application has been received and typically, the hiring manager reviews the applications and selects applicant(s) for an initial telephone screening interview conducted by the recruiter. The purpose of the telephone screening interview is to discuss the applicant's employment experience and skills as they relate to the specific position. Feedback from the telephone screening interview is then provided to the hiring manager who decides whether or not to go forward with the hiring process for the applicant. If the hiring manager decides to move forward with an applicant, an interview is scheduled with the hiring manager. Once the hiring manager identifies his or her selection for the position, that candidate undergoes a final interview with the recruiter, who evaluates the candidate's alignment with FHB's core values (caring, character, collaboration), interpersonal skills, approach to teamwork and problem solving, and similar attributes. If the recruiter endorses the hiring manager's selection, the applicant receives a conditional offer of employment. If the recruiter disagrees with the hiring manager's selection, the recruiter provides feedback to the hiring manager, but it is ultimately up to the hiring manager to decide who will be issued the conditional offer of employment.

A. Post-Conditional Offer

The hiring manager and recruiter decided who will be selected for the “conditional offer of employment.” Ms. Wang left out steps that occur after the offer is extended, which likely includes a pre-employment drug screen. If FHB selected Candidate Goold, would he pass the assessment? Does it matter for a non-safety-sensitive employee? Very confusing!

Candidate Goold hoped to be selected. He planned and prepared to be issued a conditional offer of employment. He asked upfront what FHB would expect from him. FHB refused to disclose this policy. Failing to include information about this part of the hiring process to the Commission therefore is deceptive, a partial truth or misrepresentation — a lie.

B. Missing Phrase “Do Not Impose an Undue Hardship” [p5]

• On July 21, 2021, Complainant requested that FHB “accommodate my disability and provide the related policy information so that we can move forward.” *See Exhibit E* at 2-3. Ms. Oyadomari responded the following day, explaining that FHB treats its employment policies as confidential and generally does not provide copies to candidates prior to hire. She also explained that should he be hired, FHB provides reasonable accommodations to employees with disabilities. Ms. Oyadomari also sought clarification from Complainant as to whether he needed a reasonable accommodation to participate in the initial telephone interview. *See Exhibit E* at 2.

Ms. Wang wrote deceptively again. “She also explained that should he be hired, FHB provides reasonable accommodation to employees with disabilities.” As documented previously, her statement is incomplete, a partial truth or misrepresentation — a lie. There is a corollary: “... provided the accommodations do not impose an undue hardship.”

Candidate Goold might have been selected, required to submit to a pre-employment drug assessment, and suffered withdrawal of the conditional offer, as occurred with HECO.

C. FHB Causes Unnecessary Delay

Ms. Wang summarized the hiring timeline for the DBA II position. FHB’s refusal to accommodate Candidate Goold excluded him from the process: [p6]

Meanwhile, during the period when Complainant declined to participate in the screening interview, other applicants for the DA II position continued through the process – *i.e.*, other applicants identified by the hiring manager were screened, some were scheduled for interviews with the hiring manager, and, by late October 2021, the hiring manager had identified his top choice for the DA II position. That candidate went through the final interview with the recruiter on October 29, 2021, and the recruiter agreed with the selection. FHB’s internal process to offer the position to this candidate was completed on November 4, 2021, which is when the offer was conveyed to that candidate. Since the offer had not formally been issued by November 3, 2021, the recruiter held the screening interview with Complainant, but given the stage of the process with the already selected candidate, Complainant was not passed on to the hiring manager for further consideration.

Had FHB accommodated Candidate Goold's reasonable request, there would have been no delay. Why would FHB refuse? The SAP isn't top secret information. Appears FHB had no interest in hiring Candidate Goold. They offered no accommodation to this applicant at all.

However, "by late October 2021, the hiring manager had identified his top choice for the DA [sic] II position. That candidate went through the final interview with [Ms. Oyadomari] on October 29, 2021, and [Ms. Oyadomari] agreed with the selection."

The hiring manager made his hiring decision prior to October 29, 2021, yet Ms. Oyadomari offered Candidate Goold three opportunities to interview:

- *Friday, 10/29 at 3:00pm*
- *Tuesday, 11/2 at 2:00pm*
- *Wednesday, 11/3 at 12:00pm*

Ms. Oyadomari interviewed the preferred candidate on October 29, 2021, and supported the hiring manager's decision. FHB wasn't considering Candidate Goold. He had been a trouble maker.

In violation of good faith, Ms. Oyadomari proceeded to interview Candidate Goold after the hiring selection had been made. She withheld this information from Candidate Goold. Egregiously, she did not forward Candidate Goold results "to the hiring manager for further consideration."

FHB's action was deceptive. As there were only four (4) applicants, Ms. Oyadomari possibly conducted the interview to meet an internal affirmative action quota or close the open employee file to protect FHB from a claim of discrimination or retaliation.

The interview with Candidate Goold was deceptive and fraudulent, a partial truth or misrepresentation — a lie.

FHB claimed they were justified in their behavior as Candidate Goold "declined to participate." The counter argument argues FHB unreasonably denied Candidate Goold the medical information he needed to move forward with the hiring process. FHB caused the delay, discriminated against a disabled candidate, and retaliated by failing to interview him in good faith.

Generally precise, Ms. Wang was vague about the hiring timeline. She wrote, "by late October 2021, the hiring manager had identified his top choice for the DA [sic] II position."

The last communication Candidate Goold received from Ms. Oyadomari was September 27, 2021. He was surprised to hear from her on October 26, 2021. Why that day in particular?

The hiring manager likely identified his selection for the DBA II position on October 26, 2021. Ms. Oyadomari reached out to Candidate Goold not to consider his application, but as a pretense of fairness in their hiring process or to fulfill an internal quota. Ms. Oyadomari defrauded Candidate Goold.

Under Hawai'i law, elements of fraud include:

- (1) false representations made by the defendant;

- (2) with knowledge of their falsity (or without knowledge of their truth or falsity);
- (3) in contemplation of plaintiff's reliance upon them; and
- (4) plaintiff's detrimental reliance.

Larsen v. Pacesetter Systems, Inc., 74 Haw. 1, 30, 837 P.2d 1273 (1992).

The offer to interview Candidate Goold was not in good faith. It was deceptive, a partial truth or misrepresentation — a lie and a fraud. Candidate Goold relied upon and trusted Ms. Oyadomari. This incident demonstrates a causal link to an adverse event, which is the final criteria establishing retaliation.

IX. Spurious and Discriminatory Evaluation Process

Ms. Wang explained FHB's algorithmic candidate selection process, claiming the selectee scored over 20 points higher than Candidate Goold, and that the selectee "was more qualified for the DA [sic] II position than Complainant." Her assessment is factually spurious, potentially discriminatory, and insupportable with the information available to FHB. [p7]

The candidate who was offered the DA II position on November 4, 2021, accepted the offer the same day. This candidate was more qualified for the DA II position than Complainant, having received a preliminary application score over 20 points higher than Complainant's score, having formerly held the Database Administrator I position at FHB, and having more than 23 years' experience in comparable positions, compared with Complainant's most recent experience of less than one year in a comparable Database Administrator position and his prior experience from self-employment. See **Exhibit F**, Application of Selectee. Complainant was notified by e-mail dated November 9, 2021 of his non-selection for the DA II position. See **Exhibit G**, November 9, 2021 E-mail to Complainant.

Evaluation systems must be both valid and reliable. Validity means the system accurately assesses subjects; reliability means the processes are consistent over time and across subject participants.

A. Selectee "received a preliminary application score over 20 points higher than Complainant's score."

Harvard Business Review (2016) pointed out it is well-established that:

"Man-made algorithms are fallible and may inadvertently reinforce discrimination in hiring practices. Any HR manager using such a system needs to be aware of its limitations and have a plan for dealing with them.

...

One way to avoid algorithmic bias is to stop making hard screening decisions based solely on an algorithm. Encourage a human review that will ask experienced people who have been through bias training to oversee selection and

evaluation. Let decisions be guided by an algorithm-informed individual, rather than by an algorithm alone.”²

There can be many reasons for the selectee’s higher score that do not reflect superior skills or potential. Examining the application packet of selectee (Exhibit F, p5-10) compared to Candidate Goold (Exhibit C, p5), Candidate Goold wasn’t as detailed.

In Candidate Goold’s opinion, the selectee “spammed” the application assessment by including as many “keywords” as possible. Candidate Goold provided a summary of information. The selectee’s strategy focused on writing for the machine-based algorithm.

Candidate Goold prefers more information in his resume for the human reader, and prefers to speak with a hiring manager where they can discuss his technical qualifications.

FHB cannot claim the selectee is superior based on this algorithmic assessment. The evaluation processes must be validated. FHB did not provide any information as to the accuracy of the assessment.

For example, Asian Americans believe they suffer from flawed application assessment in higher education.

“Michael Wang has closely followed the trial over admissions at Harvard University, hoping it will change the college application process for future generations of Asian-American students. Wang, the son of Chinese immigrants, had an SAT score of 2230 (out of a possible 2400) and a 4.67 weighted GPA when he was waitlisted, and then rejected, by Harvard and other Ivy League schools in 2013. He believes that was because of his race.”

...

“Harvard has defended the importance of an admissions process that considers more than test scores and grades and has emphasized that the rate of admission for Asian-American students has grown 29% in the last 10 years.”³

We all want fairness. And equal opportunity is now being challenged by calls for equitable opportunity. Asians Americans feel cheated when it happens to them. FHB engaged in the same behavior with Candidate Goold.

B. Selectee has “more than 23 years’ [sic] experience in comparable positions.”

Extensive research proves that, statistically, years of experience is only the 14th best predictor of future job performance. If you want better hiring results, look for the context of a candidate's achievement, not the years they have been working.⁴

As Maxwell Wessel outlined in a brilliant post in the Harvard Business Review:

² <https://hbr.org/2016/12/hiring-algorithms-are-not-neutral>

³ <https://time.com/5546463/harvard-admissions-trial-asian-american-students/>

⁴ <https://blog.staffingadvisors.com/2011/09/12/years-of-experience-or-accumulated-wisdom>

“.. it is more effective to evaluate managers by looking at the situations they have been in than their track record of success. By looking at past success without considering the situation in which the manager was successful, we neglect to account for the wisdom accrued over time when a manager faces a specific set of problems.”⁵

Candidate Goold must also be concerned about age discrimination. As a male over the age of 40, he is aware many IT groups seek younger employees. If he lists all his work history, or includes graduation dates, he reveals his more senior age. For such reasons, Candidate Goold understates details about his person and professional history on his resume.

C. Selectee “formerly held the Database Administrator I position at FHB.”

Asian Americans form the dominant demographic plurality in Hawai’i. The individuals reviewing Candidate Goold’s information are primarily Asian American. [Exhibit D, p2]

11/9/21 1:04 PM	Oyadomari, Kathy	Status Change: Requisition Specific Status changed from NEW to Not Selected for Database Administrator II - [1754].	Automatic
7/21/21 11:54 AM	Bourgeois, James	Email message to kbourgeois@fhb.com. Scott Goold updated application info sent	View
7/21/21 11:54 AM	Ono, Carol	Email message to cono@fhb.com. Scott Goold updated application info sent	View
7/21/21 11:54 AM	Oyadomari, Kathy	Email message to koyadomari@fhb.com. Scott Goold updated application info sent	View
7/21/21 11:54 AM	Kawatachi, Keri	Email message to kkawatachi@fhb.com. Scott Goold updated application info sent	View

Reviewing the selectee’s resume, one assumes the selectee is male. The selectee reported graduating from University of Hawai’i Manoa. Statistically, it is highly probable the selectee is Asian American.

It is established in Hawai’i culture that outsiders suffer headwinds and unfair discrimination. The selectee is a local Asian American male with a history of island employment. Candidate Goold’s resume portrays him as an outsider.

Lee Cataluna, local columnist, who has been telling Hawai’i stories for 25 years, worked in local radio, television and newspapers, wrote in Civil Beat about the local v. outsider debate:

“In terms of assets, a local candidate is seen as someone who can hit the ground running because they understand all the intricacies of island culture, even though some of those conventions are outdated and frankly, regressive. (Do you really need to know why “What school you grad?” is a coded way to quickly assess social status to be an effective manager of a project or department? Um, not really. Other skills are more important.)

⁵ Ibid.

The selling point for a candidate from out-of-state is that person comes in with no encumbrances or potential conflicts of interest. An outsider won't have cousins who work in the organization or long-held grudges within the department. An outsider comes with a clean slate, and no favors owed to anyone.

(Oh, but in Hawaii, we love favors. We love having a friend on the inside. It is how so much business is transacted.)

On the downside, an insider has been part of the problematic system that needs to be fixed. Maybe that person has new ideas, but old habits and calcified routines are hard to break. Friends and cousins might be offended.”⁶

FHB used a potentially discriminatory algorithmic assessment to evaluate the two candidates, focused extensively on years of experience (although unaware all Candidate Goold's history), and didn't include interview results for Candidate Goold. Candidate Goold required a technical interview with the hiring manager to discuss his experience and background.

FHB had identified a former employee, an Asian American male from UH Manoa. They contrasted him with Candidate Goold, who was bogged down requesting the SAP. This action delayed Candidate Goold's application process. FHB effectively eliminated Candidate Goold from consideration and selected the local, Asian American favorite.

The preponderance of evidence shows FHB unreasonably denied Candidate Goold's request for information related to his disability, which constituted a discrimination against disabled Candidate Goold, and retaliated by not interviewing Candidate Goold prior to the hiring decision being made.

Ms. Wang deceptively claimed FHB would have engaged in an interactive process with Candidate Goold to determine what, if any reasonable accommodation were available to him, to perform the essential functions of the position in accordance with ADA policy, if Candidate Goold received an offer of employment. [p11]

FHB was fully prepared to provide Complainant with an assistive device or other such equipment, if needed as a reasonable accommodation, to allow him to participate in the telephone screening interview. Additionally, had Complainant received an offer of employment, at that point FHB would have engaged in the interactive process with him to determine what, if any reasonable accommodations were available to allow him to perform the essential functions of the position in accordance with its Americans with Disabilities Policy. *See Exhibit B.*

What if FHB decided there were no reasonable available accommodations? Would FHB withdraw the offer? Would FHB repost the position and start over? Candidate Goold would be humiliated. FHB would lose valuable time and waste money. Smart managers do not wait until the end of the process to discuss such sensitive — and potentially job ending — issues.

⁶ <https://www.civilbeat.org/2021/05/lee-cataluna-the-local-versus-outsider-leadership-debate-continues/>

This explains why Candidate Goold wanted to be clear about FHB’s SAP. Consider the fear and uncertainty Candidate Goold suffered due to the cruel treatment he received from FHB. There is no reasonable justification for FHB denying Candidate Goold this information.

D. ETL III Score of Zero

The most outrageous deception by FHB is their claim Candidate Goold and others received a “0” (zero) score on the ETL III algorithmic assessment. [p7]

E. Complainant’s Application for the ETL Developer III Vacancy

On November 29, 2021, Complainant submitted an application for an ETL Developer III (“ETL III”) vacancy. *See Exhibit C* at 2-3. In accordance with its normal application process, Complainant received an auto-generated e-mail advising that if he met the appropriate qualifications for the position, he would be contacted for more information. *See Exhibit H*, E-mail to Complainant upon receipt of application. Due to an inadvertent oversight, the usual automated scoring of the eligibility and banking experience/qualification questions on the application did not occur for any applicants for the ETL III position, including Complainant. *See Exhibit D* at 1, Application History.

Ms. Wang wrote, “Due to an inadvertent oversight, the usual automated scoring of the eligibility and banking experience/qualification questions on the application did not occur for any applicants for the ETL III position, including Complainant.”

There were 24 applicants or records in FHB’s Taleo Oracle talent assessment application. Oracles advertises about their product:

“Leverage a complete set of tools for sourcing, recruiting, and onboarding. Oracle Taleo is the most robust standalone talent acquisition suite for finding and hiring the best candidates.”⁷

The Taleo application would allow a DBA, such as Candidate Goold, to manually correct and repair corruption in their relational database and numerous tables that contain the applicant information. The automatic scoring system could be re-run.

The EEOC must assume the excuse of an “inadvertent oversight” is too coincidental and suspect to be believable.

While such assessments should not serve as the primary heuristic for employee selection, FHB still has not explained why they disqualified Candidate Goold. HCRC did not ask. [p7]

Despite receiving the confirmation e-mail upon submission of his application, Complainant sent an e-mail to Ms. Oyadomari on December 10, 2021, inquiring whether his application for the ETL III position was received. In response, Ms. Oyadomari confirmed that his application had been received and advised that he would be contacted for more information if he met the appropriate qualifications. *See Exhibit I*, December 10 to December 14, 2021 E-mails between Complainant and Ms. Oyadomari. Because Complainant did not meet the qualifications of the ETL III position, he was not contacted.

⁷ <https://www.oracle.com/human-capital-management/taleo/>

In addition, there is a non-zero probability Candidate Goold scored high or was the highest scoring candidate on the assessment. Possibly FHB had to erase the scores to justify eliminating Candidate Goold.

Ms. Wang also demonstrated the hostility FHB holds toward Candidate Goold by complaining that he emailed Ms. Oyadomari to inquire about this application.

Candidate Goold does not remember if he received a “confirmation e-mail [sic] upon submission of his application” when he applied around November 29, 2021. Candidate Goold was following up about his application. Candidate Goold’s comments to Ms. Oyadomari were polite and professional. He also included a screen shot of the two open positions.

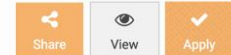
Aloha Friday Kathy,

Hope you had a wonderful week. I applied for the ETL Developer III position around November 29th. I see the two positions remain open. Thought I would follow up today to see if you received my application. Would love to join your excellent team.

Thank you for your professional courtesy and consideration!

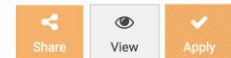
ETL Developer III

Kamehameha Industrial Center (00002)
Data Development Dept (0030624)



ETL Developer III

Kamehameha Industrial Center (00002)
Data Development Dept (0030624)



Conventionally, job applicants should follow up with the company recruiter about a week or so after applying. Why was FHB hostile toward him? Candidate Goold complained to government officials. This demonstrates the retaliatory and hostile environment.

In response, Ms. Oyadomari emailed a confirmation:

Scott,

This is to confirm we received your job application for the ETL Developer III position.

Your application is currently being reviewed and if you meet the appropriate qualifications for the position, we will contact you for more information.

Thank you again for your interest.

Thank you,

Kathy


Mr. Goold contacted Ms. Oyadomari numerous times over the next six weeks or so [12.21.21, 12.22.21, 1.3.22, 1.23.22, 1.26.22, 2.9.22], as two ETL III positions remained open and posted on the career page.

FHB never informed Applicant Goold that he did not meet the qualifications for the position. Ms. Oyadomari refused to respond to Applicant Goold during this time. Mr. Goold had filed formal complaints with HCRC and EEOC. FHB was retaliating by refusing to communicate with him.

As of August 23, 2022, the two positions were still posted on FHB’s career page. Only one remains at this time. FHB denies Applicant Goold an opportunity to work for the company due to his complaints to officials. Applicant Goold is highly skilled in ETL processes.

FHB cannot justify why they did not allow Applicant Goold to move forward with the ETL III position. Their behavior indisputably — beyond a preponderance of evidence — is retaliatory.

Mr. Goold only learned FHB decided long ago not to consider him (January 31, 2022) when he received the case files from the Commission. [Exhibit D, p1]

**First Hawaiian Bank**
Candidate: Scott Goold

Date/Time	User	Content
1/31/22 1:55 PM	Kawatachi, Keri	Requisition-Specific Status changed to Not Selected for requisition ETL Developer III - [3403] : Automation Process
1/31/22 1:55 PM	Kawatachi, Keri	Status Change: Requisition Specific Status changed from NEW to Not Selected for ETL Developer III - [3403].

The response from First Hawaiian Bank provides conclusive proof — by a preponderance of evidence — that the company discriminated and retaliated against Mr. Goold in their hiring practices and decision. This behavior continues.

In conclusion, Mr. Goold requests the EEOC review the discriminatory and retaliatory practices by both FHB and HCRC in this charge.

Sincerely,

/s/ Scott Goold

[Redacted signature]

Honolulu, HI 96815

[Redacted address]

Exhibit 5: First Hawaiian Bank Response, May 25, 2022 (82 pages)

MARR JONES & WANG

A LIMITED LIABILITY LAW PARTNERSHIP

Labor and Employment Law

May 25, 2022

Via E-mail and Mail (Stephen.K.Chang@hawaii.gov)

Mr. Stephen K. Chang
Investigator Supervisor
Hawaii Civil Rights Commission
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813-5095

**Re: S. Goold v. First Hawaiian Bank
FEPA No. 21994; EEOC No. 37B-2022-00047**

Dear Mr. Chang:

First Hawaiian Bank (“FHB” or “Respondent”) respectfully submits this position statement in response to the above-referenced charge filed on February 24, 2022 (“Charge”) by S. Goold (“Complainant”). To the extent that Complainant subsequently raises factual allegations not identified in the Charge, FHB requests an opportunity to respond to those allegations.¹

Complainant asserts a discriminatory failure-to-hire claim against FHB based on an undisclosed disability and a retaliatory failure-to-hire claim based on his statement that he would be contacting civil rights agencies. As described below, Complainant’s allegations are without merit and, as such, the Charge should be dismissed with a finding of “no cause” to believe that discrimination and retaliation have occurred.

I. RESPONSE TO A COMPLAINT OF DISCRIMINATION

A. Legal Name of Business:

First Hawaiian Bank

¹ Because this response is provided solely in cooperation with the agency’s fact-finding process, FHB respectfully requests that the response (and all attached exhibits) not be disclosed without FHB’s prior written consent. FHB reserves the right to supplement its response and/or to provide additional information, as appropriate.

EXHIBIT 5

B. Any other name(s) which Business has operated under in Hawaii:

None

C. Total number of persons employed in Hawaii, the United States and territories:

As of March 31, 2022, FHB employed a total of 2,046 employees in Hawaii, Guam, Saipan and the U.S. mainland

D. Does your company have a current contract(s) for the provisions of goods, services or public works with the State of Hawaii? If so, name the awarding agency(ies):

FHB has multiple banking relationships with the State of Hawaii and individual state agencies, including but not limited to the Budget and Finance Department, that cover such services as commercial online services, merchant services, banking services, and card services. If you need additional information about specific state agencies and/or specific service agreements, please let us know.

II. FACTUAL BACKGROUND

A. First Hawaiian Bank

First Hawaiian Bank is Hawaii's oldest and largest bank and is consistently ranked in the top tier of all U.S. Banks. FHB has 46 branches throughout Hawaii, three in Guam, and two in Saipan. It offers a diversified range of banking services to consumer and commercial customers, including deposit products, lending services, wealth management, insurance, private banking, and trust services.

B. First Hawaiian Bank's Employment Policies

FHB maintains a strong equal employment opportunity policy, which states in relevant part:

To promote equal employment opportunity for all employees and applicants, First Hawaiian Bank has an Affirmative Action Program, the aims of which are:

- To maintain recruitment, selection, compensation, benefits, and training programs that consider qualifications and potential without regard to race, sex (including pregnancy), gender identity or expression, sexual orientation, genetic information, age, religion, color, national origin, ancestry, disability, marital status, civil union

status, arrest and court record (except in limited circumstances), domestic or sexual violence victim status, military/veteran's status, citizenship, reproductive health decision, or other status protected under federal or state law;

....

- To promote a work atmosphere free of bias or harassment related to race, sex (including pregnancy), gender identity or expression, sexual orientation, genetic information, age, religion, color, national origin, ancestry, disability, marital status, civil union status, arrest and court record (except in limited circumstances), domestic or sexual violence victim status, military/veteran's status, citizenship, reproductive health decision, or other status protected under federal or state law;

....

See **Exhibit A**, Equal Employment Opportunity Policy Statement.

FHB also has a comprehensive Americans with Disabilities Policy, which states in relevant part:

1. Purpose

To ensure equal employment opportunity for all qualified individuals with disabilities and comply with federal and state disability laws, including the Americans with Disabilities Act ("ADA") and effective January 1, 2009 the Americans with Disabilities Act Amendments Act ("ADAAA").

2. Statement of Policy

1. The Company will provide reasonable accommodations for qualified individuals with disabilities, unless doing so would cause undue hardship

....

3. The Company will not discriminate against qualified individuals on the basis of a disability with regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

See **Exhibit B**, Americans with Disabilities Policy.

C. First Hawaiian Bank's Application and Recruitment Process

FHB's hiring process is intended to find, select and hire the most qualified candidates. To facilitate the application process for job applicants with disabilities, FHB has established a dedicated e-mail address for accommodation requests. In accordance with federal and state laws, applicants who require an accommodation to participate in the application process are instructed that they are not to include any medical or other private information in their e-mail message.

For applications received via FHB's website, once an application is submitted, the applicant receives an automated e-mail acknowledging receipt of the application and notifying the applicant that they will be contacted if they meet the appropriate qualifications for the position. The application generally includes questions regarding the applicant's eligibility for hire and banking experience/qualifications (specific to the position at issue), and FHB's applicant tracking system automatically scores each applicant based on their responses to those questions on a scale of 0 to 100, with 100 being the top score. The applicable recruiter and hiring manager are notified when an application has been received and typically, the hiring manager reviews the applications and selects applicant(s) for an initial telephone screening interview conducted by the recruiter. The purpose of the telephone screening interview is to discuss the applicant's employment experience and skills as they relate to the specific position. Feedback from the telephone screening interview is then provided to the hiring manager who decides whether or not to go forward with the hiring process for the applicant. If the hiring manager decides to move forward with an applicant, an interview is scheduled with the hiring manager. Once the hiring manager identifies his or her selection for the position, that candidate undergoes a final interview with the recruiter, who evaluates the candidate's alignment with FHB's core values (caring, character, collaboration), interpersonal skills, approach to teamwork and problem solving, and similar attributes. If the recruiter endorses the hiring manager's selection, the applicant receives a conditional offer of employment. If the recruiter disagrees with the hiring manager's selection, the recruiter provides feedback to the hiring manager, but it is ultimately up to the hiring manager to decide who will be issued the conditional offer of employment.

D. Complainant's Application for the Database Administrator II Vacancy

On June 30, 2021 Complainant submitted an application for a Database Administrator II ("DA II") vacancy. Complainant's resume included less than one year as a SQL Server Database Administrator for Hawaiian Electric Company and eight years of self-employment. See **Exhibit C**, Application and Resume. Complainant's application received a score of 54 based on Complainant's answers to the eligibility and banking experience/qualification questions for the DA II position. See **Exhibit D** at 3, Application

History. On July 8, 2021, Technical Recruiter Kathy Oyadomari was instructed by the DA II hiring manager to conduct the telephone screening interview with Complainant. Ms. Oyadomari called and left a message for Complainant that same day, and again on July 13, 2021 when she did not hear back from Complainant. Instead of returning Ms. Oyadomari's calls, Complainant insisted on communicating only by e-mail and refused over a period of several months to participate in FHB's application process, as follows:

- On July 13, 2021, Complainant sent an e-mail to Ms. Oyadomari stating that he had a "minor disability" that "doesn't impact or negatively effect [sic] work performance; no accommodation requested," and he requested a copy of FHB's written medical cannabis policy. Ms. Oyadomari asked Complainant to call her to discuss his request. As stated above, the purpose of the initial phone interview is to focus on the applicant's employment experience and skills and FHB had no intention of discussing Complainant's claimed disability with him prior to extending an offer of employment. *See Exhibit E* at 4-6, E-mails exchanged between Complainant and Ms. Oyadomari. Complainant did not call Ms. Oyadomari, as requested in her e-mail.

- On July 21, 2021, Complainant requested that FHB "accommodate my disability and provide the related policy information so that we can move forward." *See Exhibit E* at 2-3. Ms. Oyadomari responded the following day, explaining that FHB treats its employment policies as confidential and generally does not provide copies to candidates prior to hire. She also explained that should he be hired, FHB provides reasonable accommodations to employees with disabilities. Ms. Oyadomari also sought clarification from Complainant as to whether he needed a reasonable accommodation to participate in the initial telephone interview. *See Exhibit E* at 2.

- On July 26, 2021 Complainant sent an e-mail to Ms. Oyadomari in which he advised Ms. Oyadomari that he would be "pausing" the application process and that he had filed a complaint with the HCRC and EEOC. Mr. William Hoshijo and Mr. Stephen Chang of the HCRC were copied on the e-mail, wherein Complainant continued to insist that he needed a copy of FHB's internal policy as an accommodation for a purported disability. *See Exhibit E* at 1-2.

- On September 16, 2021, Ms. Oyadomari received an e-mail from Complainant advising her that he would be filing a complainant with the EEOC after being advised by the HCRC that they did not have jurisdiction over his complaint. In addition to again copying Messrs. Hoshijo and Chang on the e-mail, Complainant also copied Hawaii State Senators Mike Gabbard and Rosalyn Baker. *See Exhibit E* at 8-9. Because Complainant closed the e-mail by saying "thank you for continuing to consider me for this position," Ms. Oyadomari sought clarification from Complainant as to whether he was interested in proceeding given his earlier request to "pause" his application. She again noted that if he remained interested, the first step was to schedule the telephone screening interview and that FHB provides reasonable accommodations to applicants if necessary to allow them to participate in the application process. Complainant responded once again with a request that FHB provide its substance use

policy as an accommodation for his disability, which he said “does not impair my mental or professional capacities.” He further stated that he remained “interested and paused.” *See Exhibit E* at 17-19.

In response to Complainant’s multiple e-mails to FHB containing unsolicited information concerning his medical status, on September 23, 2021, Ms. Oyadomari sent an e-mail to Complainant advising him that FHB has not asked that he provide information about his medical conditions and requested that he refrain from sharing such information except to the limited extent he may need an accommodation in order to participate in the hiring process. She also once again explained that during the initial telephone interview the focus would be on his qualifications and experience for the DA II position and if he were to be hired, he would be provided with reasonable accommodations to allow him to perform the essential functions of the position. *See Exhibit E* at 17. However, Complainant ignored Ms. Oyadomari’s request to not discuss his disability and continued to do so in e-mails sent to Ms. Oyadomari (and a growing list of third party recipients) on September 23, 27, and 28, and October 15 and 16. *See Exhibit E* at 14-17 and 28-29.

On October 26, 2021, Ms. Oyadomari again explained to Complainant that FHB would provide a reasonable accommodation to allow him to engage in the application process, but FHB would otherwise not discuss his medical status or need for accommodation at the pre-hire stage, consistent with its existing recruitment policies. *See Exhibit E* at 27. Complainant was provided with three dates and times for the telephone screening interview and advised to let Ms. Oyadomari know if he required an accommodation to participate in the interview. In response Complainant requested the following “accommodations”: (1) FHB’s medical, drug and substance use policy in writing, and (2) the ability to speak with a manager. *See Exhibit E* at 26-27.

However, the next day, October 27, 2021, nearly four months after Ms. Oyadomari first contacted him to set up the telephone screening interview, Complainant finally provided Ms. Oyadomari with his availability for the initial telephone interview and after some back and forth related to the purpose of the call (which Ms. Oyadomari had already explained multiple times), the call was held on November 3, 2021. *See Exhibit E* at 23-26.

Meanwhile, during the period when Complainant declined to participate in the screening interview, other applicants for the DA II position continued through the process – *i.e.*, other applicants identified by the hiring manager were screened, some were scheduled for interviews with the hiring manager, and, by late October 2021, the hiring manager had identified his top choice for the DA II position. That candidate went through the final interview with the recruiter on October 29, 2021, and the recruiter agreed with the selection. FHB’s internal process to offer the position to this candidate was completed on November 4, 2021, which is when the offer was conveyed to that candidate. Since the offer had not formally been issued by November 3, 2021, the recruiter held the screening interview with Complainant, but given the stage of the process with the already selected candidate, Complainant was not passed on to the hiring manager for further consideration.

The candidate who was offered the DA II position on November 4, 2021, accepted the offer the same day. This candidate was more qualified for the DA II position than Complainant, having received a preliminary application score over 20 points higher than Complainant's score, having formerly held the Database Administrator I position at FHB, and having more than 23 years' experience in comparable positions, compared with Complainant's most recent experience of less than one year in a comparable Database Administrator position and his prior experience from self-employment. See **Exhibit F**, Application of Selectee. Complainant was notified by e-mail dated November 9, 2021 of his non-selection for the DA II position. See **Exhibit G**, November 9, 2021 E-mail to Complainant.

E. Complainant's Application for the ETL Developer III Vacancy

On November 29, 2021, Complainant submitted an application for an ETL Developer III ("ETL III") vacancy. See **Exhibit C** at 2-3. In accordance with its normal application process, Complainant received an auto-generated e-mail advising that if he met the appropriate qualifications for the position, he would be contacted for more information. See **Exhibit H**, E-mail to Complainant upon receipt of application. Due to an inadvertent oversight, the usual automated scoring of the eligibility and banking experience/qualification questions on the application did not occur for any applicants for the ETL III position, including Complainant. See **Exhibit D** at 1, Application History.

Despite receiving the confirmation e-mail upon submission of his application, Complainant sent an e-mail to Ms. Oyadomari on December 10, 2021, inquiring whether his application for the ETL III position was received. In response, Ms. Oyadomari confirmed that his application had been received and advised that he would be contacted for more information if he met the appropriate qualifications. See **Exhibit I**, December 10 to December 14, 2021 E-mails between Complainant and Ms. Oyadomari. Because Complainant did not meet the qualifications of the ETL III position, he was not contacted.

III. COMPLAINANT'S ALLEGATIONS

Complainant asserts claims of discriminatory and retaliatory failure to hire against FHB based on a purported disability and based on his statement to FHB's recruiter that he would be contacting civil rights agencies. FHB denies Complainant's claims and responds to his specific allegations as set forth below:

- A. I submitted an application for employment with First Hawaiian Bank ("FHB") as a Database Administrator II. Based on 20 years of experience in database administration, I was highly qualified for the position.

Response: FHB confirms that Complainant submitted an application for employment as a Database Administrator II. FHB does not know whether Complainant has 20 years of experience in database administration, but such

extensive experience is not reflected on the application and resume he submitted, see Exhibit C, and FHB denies that Complainant was highly qualified – or the most qualified applicant -- for the position.

- B. On July 13, 2021, I was contacted by email by a Technical Recruiter (“TR”) who acknowledged receipt of my application and asked to schedule an initial phone screen. In response, I disclosed that I had a minor disability involving a mobility issue and my doctor prescribed opioid pain relievers or medical cannabis sometimes in the evening to reduce pain so I can sleep, and that I never medicate before or during work hours. I asked to know FHB’s written policy on medical cannabis. In my prior employment, confusion over such policies led to loss of my job, which was humiliating to me, and caused embarrassment to me and my family.

Response: FHB confirms that its recruiter sent Complainant an e-mail on July 13, 2021 regarding scheduling a telephone screening interview after her attempts to contact him by telephone were unsuccessful. FHB confirms that Complainant’s e-mail in response contained unsolicited information relating to his alleged medical condition and that he asked for a copy of FHB’s policy on medical cannabis. See Exhibit E at 4-6. FHB has no knowledge of the impact of Complainant’s prior employment on him and his family.

- C. On July 18, 2021, I emailed the TR, advising her of my need to be clear regarding expectations related to my medical situation and disability. On July 22, 2021, the TR told me that FHB’s employment policies were confidential within the bank and generally not provided to candidates prior to hire. The TR noted if I should be a successful candidate and was hired by FHB, FHB provides reasonable accommodations to employees with disabilities, as long as the accommodations do not impose an undue hardship. The TR did not explain what would be considered an undue hardship.

Response: See Exhibit E at 2-4.

- D. On July 27, 2021 [sic], I emailed the TR, asking to pause my application. I stated that because FHB had not provided the medical information requested, I had contacted the Hawaii Civil Rights Commission and the Equal Employment Opportunity Commission.

Response: See Exhibit E at 1-2. The e-mail in which Complainant expressed the need to “pause” his application was received on July 26, 2021, not July 27, 2021.

- E. On October 26, 2021, FHB gave me the ultimatum of agreeing to an initial phone screen, which is the first step in the company’s hiring process or being dropped

from consideration for employment. On November 3, 2021, I was interviewed by the TR. The phone screen lasted only 13 minutes.

Response: FHB confirms that the initial telephone screening interview is part of its application process and that the initial telephone screening interview with Complainant was held on November 3, 2021. FHB did not time the interview with Complainant, but notes that in general the telephone screening interviews do not exceed 15 minutes.

- F. I was not asked to do a second interview, as might be expected, and on November 9, 2021, I was notified that another candidate had been selected.

*Response: FHB confirms that Complainant was not scheduled for an interview with the hiring manager because by the time Complainant finally agreed to participate in the initial screening interview (a necessary precursor to any further interviews), a better qualified applicant had already been identified as the selectee for the DA II position. FHB also confirms that it notified Complainant by e-mail on November 9, 2021 that another candidate had been selected. See **Exhibit F**.*

- G. On or about November 29, 2021, I submitted an application for an ETL Developer III position, for which I was also highly qualified. On December 14, 2021, the same TR emailed me that my application had been received and I would be contacted if I met the appropriate qualifications.

*Response: FHB confirms that Complainant submitted an application for the ETL Developer III position on November 29, 2021, but denies that Complainant was highly qualified for the position. See **Exhibits C, D**. FHB confirms that Complainant was sent an e-mail on December 14, 2021 acknowledging receipt of his application and notifying him that he would be contacted if he met the appropriate qualifications. See **Exhibit H**.*

- H. I heard no further from FHB about my application. On February 22, 2022, I noted that the ETL Developer III position was still being advertised.

Response: FHB confirms that the December 14, 2021 e-mail to Complainant was its last communication with him related to the ETL Developer III position given his lack of required qualifications.

- I. I believe that I was not hired for employment for either of the two positions based on my disability and/or in retaliation for my reporting that I was contacting civil rights agencies.

Response: FHB flatly denies that Complainant's non-hire was due to his purported disability or was in retaliation for his statement to the FHB recruiter that he was contacting civil rights agencies.

IV. LEGAL DISCUSSION

Complainant asserts a discriminatory failure-to-hire claim based on a purported disability and a retaliatory failure-to-hire claim based on his opposition to the alleged discrimination, in violation of Haw. Rev. Stat. ch. 378, pt. I. As set forth below, Complainant's claims are completely without merit.

A. FHB Did Not Improperly Inquire about Complainant's Health Condition

Under the American's with Disabilities Act, an employer may ask disability-related questions only after the applicant has been given a conditional job offer. *See* 29 C.F.R. § 1630.13(a); "Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations" (available at <https://www.eeoc.gov/laws/guidance/enforcement-guidance-preemployment-disability-related-questions-and-medical>). Pre-employment inquiries about an applicant's disability are generally prohibited to ensure the employer does not screen out a qualified candidate because of a disability, prior to evaluating the individual's ability to perform the essential functions of the job.

Similarly, the HCRC prohibits pre-employment inquiries as to whether an applicant is a person with a disability or as to the nature or severity of such disability. *See* Haw. Admin. R. § 12-46-190(2); *see also* HCRC, "Guideline for Pre-Employment Inquiries (Application Forms and Job Interviews)" (dated Nov. 6, 2020) (asking whether an applicant has a physical or mental disability as an "unlawful inquiry").

Accordingly, FHB had no intention of asking Complainant for information about his medical condition during the application process, FHB did not initiate any such conversations, and FHB specifically requested that Complainant *not* share such information. *See Exhibit E* at 17. However, it was appropriate to inquire whether Complainant needed an accommodation to participate in FHB's application process because of his disability, *see* 29 C.F.R. § 1630.13(a); Haw. Admin. R. § 12-46-190(2), and FHB attempted multiple times to clarify whether that was the case when Complainant continued to bring up his alleged disability after FHB asked him to stop doing so. *See Exhibit E* at 17, 19, 27. The only accommodations Complainant requested were provision of FHB's confidential employment policy and later, an opportunity to speak with a manager. *See id.* at 3, 18, 26-27. Neither request qualified as a "reasonable accommodation," which is defined in Haw. Admin. R. § 12-46-182 in the pre-employment context as "*modifications or adjustments to a job application process that enable an applicant with a disability to be considered for the position the applicant desires.*" (Emphasis added.)

FHB was fully prepared to provide Complainant with an assistive device or other such equipment, if needed as a reasonable accommodation, to allow him to participate in the telephone screening interview. Additionally, had Complainant received an offer of employment, at that point FHB would have engaged in the interactive process with him to determine what, if any reasonable accommodations were available to allow him to perform the essential functions of the position in accordance with its Americans with Disabilities Policy. *See Exhibit B.*

B. Complainant's Discriminatory Failure to Hire Claim Lacks Merit

To prevail on his discriminatory failure to hire claim, Complainant must establish that FHB committed intentional discrimination based on his disability.

1. Complainant Cannot Establish a *Prima Facie* Case of Discrimination

To establish a *prima facie* case of disability discrimination, Complainant must show:

- (1) he is an individual with a “disability” within the meaning of the statute;
- (2) that he is otherwise qualified to perform the essential duties of his job with or without reasonable accommodation; and
- (3) he suffered an adverse employment decision because of his disability.

See French v. Haw. Pizza Hut, Inc., 105 Hawai`i 462, 467, 99 P.3d 1046, 1052 (Haw. 2004); *Nunes v. Wal-Mart Stores, Inc.*, 164 F.3d 1243, 1246 (9th Cir. 1999).

Complainant cannot establish the first prong of the *prima facie* case, *i.e.*, that he had a disability. In order to demonstrate that Complainant has a “disability,” he must show that he has a physical or mental impairment that substantially limits one or more major life activities, has a record of having such an impairment, or is regarded as having such an impairment. Haw. Admin. R. § 12-46-182; *see also* 42 U.S.C. § 12102(2); *Chan v. Wells Fargo Advisors, LLC*, 124 F. Supp. 3d 1045, 1062 (D. Haw. 2015) (“Hawai`i courts have recognized that the ADA and Hawai`i disability discrimination laws are similar and the Hawai`i Supreme Court has expressly adopted the ADA elements of a *prima facie* case as the elements of a *prima facie* H.R.S. § 378-2 case.”) (citation omitted). Complainant’s Charge provides no evidence of a physical or mental impairment that substantially limits one or more major life activities. All that is contained in the Charge are conclusory assertions that Complainant has a “disability” involving a mobility issue.

Complainant’s bare assertions of having a disability are wholly insufficient for establishing a claim under Haw. Rev. Stat. § 378-2. *See Lambdin v. Marriott Resorts Hospitality Corp.*, Civ. No. 14-00345 SOM/KSC, 2015 U.S. Dist. LEXIS 6631, at *6-*7 (D. Haw. Jan. 21, 2015) (dismissing plaintiff’s disability discrimination claim, explaining that “[i]t is not enough for [the plaintiff] to state, in conclusory fashion, that he has a disability” because merely “[h]aving been injured or living with an impairment does not necessarily guarantee that one is

protected by the ADA”; “[m]ore is required of [the plaintiff] to sufficiently allege disability under the ADA.”); *Allen v. SouthCrest Hosp.*, Civ. No. 11-5016, 2011 U.S. App. LEXIS 25488, at *13 (10th Cir. Dec. 21, 2011) (an individual must make “more than a conclusory showing that she was substantially limited in [a] major life activity”) (unpublished); *Johnson v. Lehigh Cty.*, Civ. No. 00-1670, 2000 U.S. Dist. LEXIS 9871 (E.D. Pa. July 12, 2000) (dismissing plaintiff’s disability discrimination complaint where plaintiff provided no facts indicating she had a disability under the ADA, but simply made bald conclusory allegations that she had a disability and was refused reasonable accommodation); *Rodriguez v. John Muir Med. Ctr.*, Civ. No. 09-0731, 2010 U.S. Dist. LEXIS 25589, 2010 WL 1002641, at *2 (N.D. Cal. Mar. 18, 2010) (finding factual allegation that plaintiff had a back disability that impacted her ability to lift insufficient because plaintiff failed to say how she was substantially impaired by her purported disability); *Standard v. A.B.E.L. Servs., Inc.*, 161 F.3d 1318, 1328 (11th Cir. 1998) (employee’s mere assertion that he had “a disability, without any grounds for the conclusion,” was insufficient to support disability retaliation claim).

Moreover, by Complainant’s own admission, he had a “minor disability” that did not impair his mental or professional capabilities. See **Exhibit E** at 5, 18, 26; Charge ¶ “B” in Particulars section. At no point, either in communications with FHB or in his Charge, did Complainant even allege – let alone offer evidence to prove -- that his disability substantially limited one or more major life activities. Absent such an allegation and evidence to support it, Complainant’s disability discrimination claim fails on this ground alone.

With regard to the second prong of the *prima facie* case, to be “qualified” under the ADA and Hawaii law, an individual must (1) have the requisite skills, experience, education, licenses, etc., and (2) be able to perform the essential functions of the job with or without reasonable accommodation. See 42 U.S.C. § 12111(8); 29 C.F.R. § 1630.2(m); Haw. Admin. R. § 12-46-182. In a discriminatory failure to hire context, a *prima facie* case requires that the individual apply for a position for which he was qualified. See generally *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

While it is possible that Complainant may have met the minimum qualifications for the DA II position, he was not qualified for the ETL III position. See **Exhibit D**. Complainant’s failure-to-hire claim with respect to the ETL III position therefore fails for the additional independent reason that he cannot establish the second element of his *prima facie* case. See *Rodrigo v. Carle Found. Hosp.*, 879 F.3d 236, 242-43 (7th Cir. 2018) (finding plaintiff medical resident who could not pass core qualification for third program year was not a qualified individual); *Leisen v. City of Shelbyville*, 153 F.3d 805, 808 (7th Cir. 1998) (fire department was entitled to require paramedic certification as a core qualification for the job of fire-fighter, and an employee who was unable to obtain certification within allotted time was not a “qualified individual” for purposes of the ADA); *Teehee v. Bd. of Educ.*, No. 96-15072, 1997 WL 312222, at *2 (9th Cir. June 10, 1997) (finding that plaintiff failed to establish a *McDonnell Douglas* *prima facie* discrimination case where he did not demonstrate to the selection committee in either his application or during the interview that he possessed equivalent work experience) (unpublished).

With respect to the third prong of the *prima facie* case, Complainant cannot establish that his non-selection for either position was because of his disability. First, none of Complainant's communications with Human Resources personnel were provided to or discussed with the respective hiring managers. As such, the hiring managers were unaware that Complainant claimed to have a disability, and their respective decisions could not have been based on something about which they had no awareness. *See, e.g., Floyd v. County of Maricopa*, No. 16-15450, 2017 WL 2480738, at *2 (9th Cir. June 8, 2017) (*prima facie* case of disability discrimination not established where plaintiff failed to show that decisionmaker was aware of plaintiff's disability); *Hedberg v. Ind. Bell Tel. Co.*, 47 F.3d 928, 932 (7th Cir. 1995) (adverse action cannot be “because of” a disability unless [the employer] knows of the disability”; if the employer “does not know of the disability, the employer is [taking adverse action against] the employee ‘because of’ some other reason”).

In addition, with respect to the DA II position, the hiring manager identified Complainant as someone who should go through a screening interview, thus demonstrating a lack of any animus by the hiring manager, and it was Complainant's delay in proceeding with the screening interview that took Complainant out of further consideration. By the time Complainant finally completed that required initial step, the hiring manager had already identified the selectee for the position. It was Complainant's own dilatory behavior, not any disability, that took him out of consideration for the DA II position.

2. **FHB Had a Legitimate, Non-Discriminatory Reason for Not Hiring Complainant and Complainant Cannot Demonstrate Pretext**

Even in the unlikely event that Complainant could establish a *prima facie* case of discrimination with respect to his applications, FHB had a legitimate, non-discriminatory reason for not selecting him. For the DA II position, FHB hired a candidate with greater qualifications than Complainant (*i.e.*, the selectee formerly held the Database Administrator I position at FHB and had more than 23 years' experience in comparable positions). *See* Section II.D, *supra*, and Exhibits C, F; *see also Fragante v. City & Cnty. of Honolulu*, 888 F.2d 591, 599 (9th Cir. 1989) (employers are not barred from going beyond the minimum qualifications and selecting an employee with superior qualifications); *Wells v. Unisource Worldwide, Inc.* 289 F.3d 1001, 1007 (7th Cir. 2002) (“It is well established that a desire to hire a more experienced or better qualified applicant is a valid non-discriminatory reason on which to base a hiring decision.”); *Kitaguchi v. County of Ventura Dep't of Airports*, Civ. No. 08-6839 ODW (SSx), 2009 U.S. Dist. LEXIS 111300, at *11 (C.D. Cal. Nov. 30, 2009) (defendant that chose the person it believed to be the more qualified applicant presented a legitimate, non-discriminatory reason as for plaintiff's non-selection). In the case of the ETL III position, Complainant's lack of qualifications was similarly a legitimate, non-discriminatory reason for FHB's decision to not move forward with his application. *See Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324, 358 (1977) (relative lack of qualifications is a legitimate basis for an employment decision).

In the face of FHB's legitimate reasons, Complainant must demonstrate that the reasons are really a pretext for discrimination, and he cannot do so. There is no inference of discrimination where an employer hires an applicant who is better qualified than the complainant. *See Parsons v. County of Del Norte*, 728 F.2d 1234, 1239 (9th Cir. 1984) (“Here, the County demonstrated that [the male applicant] was much better qualified for the position than [the female plaintiff]. That was a legitimate reason for not hiring [the plaintiff].”).

Moreover, even assuming that Complainant's qualifications were comparable to the selectee for the DA II position (which they in fact were not), this still would not support a finding of discrimination. As the United States Supreme Court and Ninth Circuit have stated, there is no inference of discrimination even if the complainant is similarly qualified to the person ultimately hired. *See Tex. Dep't of Cmty. Affairs v. Burdine*, 450 U.S. 248, 261 (1981) (“The employer has discretion to choose among equally qualified candidates”); *Wingate v. Gage County Sch. Dist.*, 528 F.3d 1074, 1080 (8th Cir. 2008) (“If the comparison reveals that the plaintiff was only similarly qualified or not as qualified as the selected candidate, then no inference of...discrimination would arise”). On the contrary, an inference of discrimination arises only where the complainant's qualifications are *clearly superior* to those of the person hired. *See Millbrook v. IBP, Inc.*, 280 F.3d 1169, 1180 (7th Cir. 2002) (“where an employer's proffered non-discriminatory reason for its employment decision is that it selected the most qualified candidate, evidence of the applicants' competing qualifications does not constitute evidence of pretext unless those differences are so favorable to the plaintiff that there can be *no dispute* among reasonable persons of impartial judgment *that the plaintiff was clearly better qualified* for the position at issue”) (emphasis added; citation omitted); *Raad v. Fairbanks North Star Borough School Dist.*, 323 F.3d 1185, 1194 (9th Cir. 2003); *Odima v. Westin Tucson Hotel*, 53 F.3d 1484, 1492 (9th Cir. 1995). In short, Complainant cannot satisfy the demanding standard that his qualifications were clearly superior to the selectee.

Consistent with the rule that discrimination can be inferred only where the complainant is significantly better qualified, courts have refused to second-guess business judgments by employers who best know their own industry:

The courts do not sit as a super-personnel department or determine whether the employer exercised prudent business judgment. Review of job applications necessarily involves relative comparisons of objective and subjective qualifications, but such review is the domain of employers and not the courts.

Heerdink v. Amoco Oil Co., 919 F.2d 1256, 1260-61 (7th Cir. 1990) (affirming dismissal of sex discrimination claim where, although female plaintiff met the minimum qualifications for the position in question, employer still had the right to hire individuals it deemed most qualified); *see also Gu v. Boston Police Dep't*, 312 F.3d 6, 13 (1st Cir. 2002) (“Our role is not to second-guess the business decisions of an employer, imposing our subjective judgments of which person would best fulfill the responsibilities of a certain job”) (citation omitted).

Here, Complainant has proffered no evidence to suggest that FHB considered his disability in its hiring decision or did anything other than exercise its business judgment in selecting the candidate believed to be best qualified for the position. Complainant's mere speculation that his non-selection for the two vacancies was due to his alleged disability is legally insufficient. *See, e.g., Little v. Repub. Refining Co.*, 924 F.2d 93, 96 (5th Cir. 1991) (court is "not prepared to hold that a subjective belief of discrimination, however genuine, can be the basis of judicial relief"); *Branson v. Price River Coal Co.*, 853 F.2d 768, 772 (10th Cir. 1988) (employee's mere conjecture that her employer engaged in discrimination is insufficient); *Freitas v. Kyo-Ya Hotels & Resorts, LP*, Civ. No. 12-00358 SOM/KSC, 2013 U.S. Dist. LEXIS 163938, at *20 (D. Haw. Nov. 18, 2013) ("Mere assertions that [an employer] had discriminatory motivation and intent ... [are] inadequate, without substantial factual evidence, to raise ... a genuine issue of material fact as to pretext") (quoting *Collings v. Longview Fibre Co.*, 63 F.3d 828, 834 (9th Cir. 1995)).

C. Complainant's Retaliation Claim Has No Merit

Finally, in response to Complainant's retaliation claim, the Hawaii Supreme Court has adopted the three part burden-shifting framework to analyze retaliation claims under Haw. Rev. Stat. § 378-2(2). *Lales v. Wholesale Motors Co.*, 133 Hawai'i 332, 357, 328 P.3d 341, 366 (Haw. 2014) (citing *Schefke v. Reliable Collection Agency, Ltd.*, 96 Hawai'i 408, 426, 32 P.3d, 52, 70 (Haw. 2001)). Under this framework, first, Complainant would need to establish a *prima facie* case of retaliation by demonstrating that:

- (1) he engaged in protected activity by opposing discrimination or harassment forbidden by Haw. Rev. Stat. Chapter 378, or by filing a complaint, testifying, or assisting in any proceeding relating to such discrimination or harassment;
- (2) he suffered an adverse employment action; and
- (3) a causal link exists between his protected activity and the adverse employment action.

Schefke, 96 Hawai'i at 426, 32 P.3d at 70.

If Complainant establishes a *prima facie* case of retaliation, then the burden shifts to FHB to articulate a legitimate, nondiscriminatory reason for the adverse action. If FHB articulates such a reason, Complainant could prevail only upon a showing that FHB's reason is a mere pretext to mask discriminatory motive.

Complainant is unable to establish a *prima facie* case of retaliation because there is no causal connection between his non-selection for either position and the protected activity. With regard to both positions, although Human Resources personnel were aware that Complainant had contacted the HCRC and EEOC, the respective hiring managers for the DA II

and ETL III positions were not. In neither case were Complainant's e-mails to Ms. Oyadomari that referenced the HCRC and EEOC forwarded to or discussed with the hiring managers. Where the decisionmaker has no knowledge of the protected activity, there is no causal connection. *See Noga v. Costco Wholesale Corp.*, 583 F. Supp. 2d 1245, 1262-63 (D. Or. Oct. 9, 2008) (no causal connection established where there was no evidence decisionmaker knew of alleged protected activity); *Cohen v. Fred Meyer, Inc.*, 686 F.2d 793, 796 (9th Cir. 1982) ("Essential to a causal link is evidence that the employer was aware that the plaintiff had engaged in the protected activity.").

Furthermore, with respect to the DA II position, the hiring manager made his selection decision *prior to* being notified whether or not Complainant passed the initial telephone screening interview (*i.e.*, whether Complainant was a qualified candidate), and the delay in scheduling Complainant's screening interview was caused entirely by Complainant.

For the foregoing reasons, Complainant cannot establish his *prima facie* case, and his retaliation claim fails.

Even assuming, *arguendo*, that Complainant could establish a *prima facie* case of retaliation, as with his discriminatory non-selection claim, FHB has set forth a legitimate, non-retaliatory reason for its decisions to not hire Complainant and Complainant has presented no evidence of pretext. Where, as in this case, Complainant lacks direct evidence of retaliatory motive, he would need to produce specific and substantial evidence of retaliation to establish pretext, and he is unable to do so. *Anjo v. State*, No. 30235, 2011 Haw. App. LEXIS 337, at *5 (Haw. Ct. App. Apr. 7, 2011) (plaintiff "failed to present either direct or specific and substantial circumstantial evidence of retaliation, which is required to survive summary judgment"); *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1281 (9th Cir. 2000) (in response to the offer of a legitimate nondiscriminatory reason for an adverse employment action, the plaintiff must produce specific and substantial evidence of pretext).

In light of the foregoing, Complainant cannot establish his retaliation claim against FHB.

V. **SUPPLEMENT TO NOTICE OF FILING EMPLOYMENT DISCRIMINATION COMPLAINT**

1. State the reasons why Complainant was not hired for the Database Administrator II position. Provide copies of any and all documents which relate to his non-selection.

See Section II.D, supra, and Exhibits C-F.

2. State the reasons why Complainant was not hired for the ETL Developer II (sic) position. Provide copies of any and all documents which relate to his non-selection.

Mr. Stephen K. Chang
May 25, 2022
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See Section II.E, supra, and Exhibit C-D.

VI. CONCLUSION

For all the foregoing reasons, FHB respectfully requests that the Charge be dismissed with a finding of “no cause” to believe that any discrimination or retaliation occurred. If you have any questions or need any additional information in order to process this Charge, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ Sarah O. Wang

Sarah O. Wang

SW/sra 1410759
Enclosures: Exhibits A - 1



EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

September 2021

First Hawaiian Bank affirms its long-standing commitment to equality of opportunity as one of the basic goals of society, and as a key part of all personnel actions in accord with the laws of the United States and of Hawaii. We pledge our good faith efforts to continue this commitment.

To promote equal employment opportunity for all employees and applicants, First Hawaiian Bank has an Affirmative Action Compliance Program, the aims of which are:

- To maintain recruitment, selection, compensation, benefits, and training programs that consider qualifications and potential without regard to race, sex (including pregnancy), gender identity or expression, sexual orientation, genetic information, age, religion, color, national origin, ancestry, disability, marital status, civil union status, arrest and court record (except in limited circumstances), domestic or sexual violence victim status, military/veteran's status, citizenship, reproductive health decision, or other status protected under federal or state law;
- To promote employees based upon qualifications, interest in the position being filled, and the best use of our human resources;
- To administer all terms, conditions and privileges of employment in a manner which does not discriminate;
- To promote a work atmosphere free of bias or harassment related to race, sex (including pregnancy), gender identity or expression, sexual orientation, genetic information, age, religion, color, national origin, ancestry, disability, marital status, civil union status, arrest and court record (except in limited circumstances), domestic or sexual violence victim status, military/veteran's status, citizenship, reproductive health decision, or other status protected under federal or state law;
- To implement, where appropriate, positive programs that will ensure the strengthening and success of this policy;
- To measure our success in avoiding discrimination through a continuing process of monitoring, reporting, and remedying any substantial deficiencies.

While the management of our Affirmative Action Compliance Program is assigned to [REDACTED] of Human Resources Group, all employees share in the responsibility for our success. We expect all employees to demonstrate by word and deed, sensitivity to, and respect for, all other employees and to demonstrate that they support our Equal Opportunity and Affirmative Action policies. Employees and applicants are protected from coercion, intimidation, interference, retaliation and discrimination for filing a complaint or assisting in any investigation relating to EEO matters.

First Hawaiian Bank's Affirmative Action Program is available for review via BancNet and in the Human Resources Group.

A handwritten signature in black ink, appearing to read "Robert S. Harrison".

Robert S. Harrison
Chairman, President & Chief Executive Officer

Exhibit A

AMERICANS WITH DISABILITIES POLICY

Last updated: March 6, 2012

1. Purpose	1
2. Statement of Policy	1

Bank Policy Table of Contents

1. Purpose

To ensure equal employment opportunity for all qualified individuals with disabilities and comply with federal and state disability laws, including the Americans With Disabilities Act ("ADA") and effective January 1, 2009 the Americans with Disabilities Act Amendments Act ("ADAAA").

2. Statement of Policy

1. The Company will provide reasonable accommodations for qualified individuals with disabilities, unless doing so would cause undue hardship, as defined in paragraph 5e below.
2. If a disability is a direct threat to the safety and health of other employees, the Company may not be able to provide any reasonable accommodation.
3. The Company will not discriminate against qualified individuals on the basis of a disability with regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment
4. All employees are required to comply with safety standards.
5. Definitions:
 - a. "Disability" is defined as a physical or mental impairment that substantially limits one or more "major life activities" or "major bodily functions" of an individual, or if there is a record of such an impairment.

Under the ADAAA, an individual may be "regarded as" having a disability if he or she has been subjected to an action prohibited because of an actual or perceived impairment. However, they would not be entitled to a reasonable accommodation unless they met the "actual" or "record of" definition of what a disability is.

A disability includes any impairment that is episodic or in remission if it would substantially limit a major life activity when active.

Mitigating measures may not be considered in determining if impairment substantially limits a major life activity, except for use of "ordinary eyeglasses or contact lenses,"

Exhibit B

"Temporary Impairments" are also protected under the ADA and include: deafness, blindness, autism, cancer, diabetes, HIV, multiple sclerosis, partially or completely missing limbs, and serious mental disorders such as bipolar disorder, obsessive-compulsive disorder, and post-traumatic stress disorder.

- b. "Direct threat to safety" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
- c. A "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- d. "Reasonable accommodation" may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

Managers are reminded of the requirement to engage in an interactive process when informed by the employee or applicant of the need for an accommodation.

- e. "Undue hardship" means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the Company; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire Company; and (8) the relationship of the particular facility to the Company. These are not all of the factors but merely examples.
 - f. "Essential job functions" refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.
6. Human Resources is responsible for determining resolution of reasonable accommodation, safety and undue hardship issues.

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Candidate: Scott Goold

Requisition Summary							
Title	Candidates	Status	Req. Based Status	Req. Rejection Reason	ACE	Req Rank	
Database Administrator II	4	Filled	Not Selected			54%	
ETL Developer III	24	Open	Not Selected				
External / Internal / Technology Career Center							

Requisition Details:

Database Administrator II

Title: **Database Administrator II** Resume:

Req Rank: **54%** Requisition-specific Date Applied: **6/30/21**

Req. Based Status: **Not Selected** eSignature: **Scott Goold**

Source: **Employee Referral** eDate: **6/30/21**

Online Questions: **Requisition: Database Administrator II - [1754]**

Question: Are you a U.S. Citizen or legally authorized to work in the United States?
Answer: Yes

Question: To your knowledge, has any company ever refused to issue a fidelity bond for you?
Answer: No

Question: Do you have a High School Diploma or equivalent?
Answer: Yes

Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?
Answer: No, I will not require sponsorship for employment

Question: How many years of banking experience do you have?
Answer: 2 years - 5 years

Question: How many employers have you worked for in the past five (5) years?

Exhibit C

Answer: 1 - 2 Employers

Question: Are you able to meet the requirements of the job, as stated in the job description?

Answer: Yes

Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information.


Answer: Yes, part of a RIF - reduction in force - as IT DBA in 2017

Question: In the last year, how many times have you called out sick?

Answer: 0

ETL Developer III

Title: ETL Developer III

Resume: 

Req Rank:

Requisition-specific Date Applied: 11/29/21

Req. Based Status: Not Selected

eSignature: Scott Goold

Source: Employee Referral

eDate: 11/29/21

Online Questions: **Requisition: ETL Developer III - [3403]**

Question: Are you a U.S. Citizen or legally authorized to work in the United States?

Answer: Yes

Question: To your knowledge, has any company ever refused to issue a fidelity bond for you?

Answer: No

Question: Do you have a High School Diploma or equivalent?

Answer: Yes

Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?

Answer: No, I will not require sponsorship for employment

Question: How many years of banking experience do you have?

Answer: 3

Question: How many employers have you worked for in the past five (5) years?
Answer: 5

Question: Are you able to meet the requirements of the job, as stated in the job description?
Answer: Yes

Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information.
Answer: Yes. I was badly injured, suffered a disability. Doctors recommended opioid medication. Fearful of addiction and impact to my job performance, I used an alternative medication. Hawaiian Electric initially told me I would be fine. Then they fired me. Left me extremely sad and depressed. We had a perfect fit. My manager and coworkers respected and loved me. Strange way to treat an honest, ethical employee. Loved my job and coworkers. Still brings me to tears when I think about this lost opportunity for all of us.

Main Status Details:

Main status: Available	Details:
Hired date:	Test Date:
Start date:	Result:
Description:	Previous Results:

Candidate Information:

Name Prefix: Mr.	Email:
First name:	Pref. Method of Contact: Email
Middle: Scott	Street/P.O. Box:
Last name: Goold	Apt/Bldg:
Name Suffix:	City: Honolulu
Primary Phone #(10 Digit)	State/Territory: Hawaii
Secondary Phone #	ZIP/Postal code: 96815

Preferences	
Desired Start Date: 1/3/22	Salary Expectations: 100,000.00
Willing to Relocate?: No	Bonus Expectations:
Willing to Travel?: Yes	Pay Frequency: Monthly
Travel Percentage: 25%	Currency Code:
Regular/Temporary: Regular	Desired Hours Per Week: 40
Desired Work Days: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday	Geographic 1st Choice:
Full/Part-Time: Full-Time	Geographic 2nd Choice:
Desired Shift: Morning	Comments/Additional Info.:

Referral Information	
Source: Employee Referral	Former Employee?: No
Specific Referral Source:	

All Requisition Questions
<p>Online Questions: Requisition: ETL Developer III - [3403]</p> <p>Question: Are you a U.S. Citizen or legally authorized to work in the United States? Answer: Yes</p> <p>Question: To your knowledge, has any company ever refused to issue a fidelity bond for you? Answer: No</p> <p>Question: Do you have a High School Diploma or equivalent? Answer: Yes</p> <p>Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank? Answer: No, I will not require sponsorship for employment</p> <p>Question: How many years of banking experience do you have? Answer: 3</p> <p>Question: How many employers have you worked for in the past five (5) years? Answer: 5</p> <p>Question: Are you able to meet the requirements of the job, as stated in the job description? Answer: Yes</p> <p>Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information. Answer: Yes. I was badly injured, suffered a disability. Doctors recommended opioid medication. Fearful of addiction and impact to my job performance, I used an alternative medication. Hawaiian Electric initially told me I would be fine. Then they fired me. Left me extremely sad and depressed. We had a perfect fit. My manager and coworkers respected and loved me. Strange way to treat an honest, ethical employee. Loved my job and coworkers. Still brings me to tears when I think about this lost opportunity for all of us.</p> <p>Requisition: Database Administrator II - [1754]</p> <p>Question: Are you a U.S. Citizen or legally authorized to work in the United States? Answer: Yes</p> <p>Question: To your knowledge, has any company ever refused to issue a fidelity bond for you? Answer: No</p> <p>Question: Do you have a High School Diploma or equivalent? Answer: Yes</p> <p>Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank? Answer: No, I will not require sponsorship for employment</p> <p>Question: How many years of banking experience do you have? Answer: 2 years - 5 years</p> <p>Question: How many employers have you worked for in the past five (5) years? Answer: 1 - 2 Employers</p> <p>Question: Are you able to meet the requirements of the job, as stated in the job description?</p>

Answer: Yes
Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information.
Answer: Yes, part of a RIF – reduction in force – as IT DBA in 2017
Question: In the last year, how many times have you called out sick?
Answer: 0

Resume and Cover Letter:
 Attach resume: 
 Cover Letter:

Work History Summary

Date From	Date To	Position Title	Company Name	Reason For Leaving	Ok To Contact
January 2013	To Present	Director	Infomagination	Voluntary	✓

Employment History:

Employed

Position Title: **Director** Ok To Contact:

Company Name: **Infomagination** Country: **United States**

Date From: **January 2013** Explanation for Leaving: Initially started this consulting company in 1998. Seeking more permanent income and employment. Strong interest in financial services.

Date To: **To Present** Company Zip Code: **96815**

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: Visionary problem solver. Serve in DBA, data manager and analyst, business intelligence consultant roles. Extensive data warehouse development using applications such as SQL Server and Informatica. Expertise in ETL processes. Solid SQL programmer and relational database proficiency.

Education History:

Date From: **January 1991** State/Territory: **New Mexico**

Date To: **December 2000** Country of Education: **United States**

School Name: **University of New Mexico** Graduated?:

Degree or Certificate: **Doctorate** GPA: **3.8**

City: **Albuquerque**

[Empty rectangular box]

Tracking:	
Added to system: 6/30/21 10:19 AM	ID: 35167
Last updated: 1/31/22 1:55 PM	

Scott Goold

Honolulu, Hawai'i

Brief Summary

Provide Solutions to Complex Challenges

★ Helping employers and professional colleagues *Be the Best You Can Be.*

Skills

Polling and Survey Research

- PhD work in advanced public opinion data collection for marketing, political and corporate needs
- Sampling/over-sampling expertise
- Response Rate Improvement
- Survey Questionnaire Design

Analytics and eCommerce

- Advanced expertise in Tableau, PowerBI, Google and Adobe Analytics, Oracle, Shopify and Square packages
- SSRS Microsoft reporting expertise
- Database development
- Statistical analysis using SPSS, SAS and various packages

SR Database Administrator

- SQL Server Administration: 2017, 2016, 2012, 2008R2
- PowerShell scripting experience
- Database maintenance, indexing, and fine-tuning
- Create SQL Server jobs and automated tasks
- Design T-SQL queries and oversee execution
- Establish Database Replication between servers
- Create Tables, Stored Procedures and Views
- Provide database backup and restore functions
- Oversee security and login privileges
- Troubleshoot query issues, reporting malfunctions and system-wide challenges using SQL SentryOne, Spotlight, Activity Monitor, PerfMon tools
- Microsoft Azure SQL Server Cloud Computing manager
- Experience with Microsoft Windows Server and IIS administration

SR Business Intelligence Specialist

- Develop Microsoft SSRS SQL Reports
- Design SPSS Advanced Statistics and Analytical Modeling
- Perform data mining and analysis
- Conduct Business Intelligence analysis, graphing, illustration and reporting with PowerBI
- OLAP: Tableau, Google and Adobe Analytics Proficiency

SR Data Warehouse Analyst

- Develop relational and multi-dimensional data model designs, including star, snowflake and cube schema.
- Expertise with SSAS functions to create fact and dimension tables, as well as cube structures.
- Experienced analyst guiding development of OLTP normalized databases; optimizing data for denormalized (or partially denormalized) OLAP designs.
- Agile Specialist and scrum leader guiding policy and reporting teams in the Data Warehouse and Data Marts design process.
- SSIS, ETL Techniques, including Extracting, Cleaning, Conforming and Package Development
- Migration design and implementation
- Provide Easy-Assess Data to Stakeholders

Recent Certifications

COVID-19 Contact Tracing

Certification May 13, 2020 – Certificate/4CQST3N55JV2

Administering a SQL Database Infrastructure

Certification Jan 2017 – Present License 20764

Microsoft SQL Server 2016 Essential Training

Certification Dec 2016 – Present License 6ED412

Mastering Data for Analytics

Certification Oct 2016 – Present License 60EC95

Microsoft Business Intelligence Stack Fundamentals

Certification Sep 2016 – Present License 7BD785

Bootstrap 3 Essential Training

Certification Aug 2016 – Present License 518796

Creating Responsive Website Designs

Certification Dec 2015 – Present License UC-632TSFB8

JavaScript, AJAX, PHP, MySQL for Dynamic Forms

Certification Aug 2015 – Present License UC-84SLYHNG

Introduction to Transact-SQL

Certification Nov 2016 – Present License 553149

Community Addictions Recovery Specialist (CARS)

University of New Mexico, Health Sciences Center, Project ECHO: June 2011.

Completed Suboxone training: July 2012.

Mediation and Counseling Professional. Interest-Based Problem Solving Certification

U.S. Federal Government: May 2007.

Employment History

SQL Server DBA, Hawaiian Electric, Aug 2018 — March 2019

Contractor position short-term to end of 2018. Extended to March 2019. Hired to migrate SQL Server 2008/2008R2 systems to SQL Server 2016 or appropriate version. Respond to HelpDesk ticketing system. Monitor DB performance using SentryOne and Spotlight. Perform restore/refresh DBs from production to development environments. Create login, user accounts and manage permissions. Oversee database security issues. Update server and SQL Server software including security patches. Query optimization and database tuning specialty. Work with developers on SSIS and ETL packages. Evaluate and collaborate on redundant and mirrored fault-tolerant systems for SQL Server operations in RAID platforms.

Business Intelligence Project Manager, InfoImagination: 2013 — present

Project manager and Database Administrator (DBA) for Microsoft Azure cloud computing eCommerce projects. Manage multiple servers and dozens of databases. Evaluate and create efficient database replication designs, such as push v. pull publication options; select and modify replication articles; and trouble-shoot replication failures. Author scripts and queries for automated processes to be used as stand-alone objects or included in Stored Procedures. Establish trigger methodologies for scripts/queries/Stored Procedures to automate data flow and data manipulation. Design SQL Server Agent jobs to perform automated tasks: such as DB backup; cleanup and removal of outdated files, old backups, and miscellaneous system information; data transfer and updates; various ETL functions.

Developing SQL databases for healthcare, legal and online eCommerce clients for research and reporting services. Advised clients on strategic marketing campaigns, brand development, product or business positioning. Design company websites, press kits, print and magazine advertisements, including photography, videography and graphic design. Direct PR events, public speaking opportunities, sponsorships, promotional efforts, and social media activity.

- Micro- and macro-economic analysis increased profits for numerous small businesses.
- Development of SSRS and Tableau analysis systems allowed company executives to provide accurate and user-friendly data solutions and reports to stakeholders.
- Analysis of company's ERP software led to the immediate migration to an updated system, which saved the company hundreds of thousands of dollars in wasted "bridge to nowhere" efforts.
- Market research analysis led to expanded operations into new markets and greater product awareness.
- Analysis of internal operations uncovered more efficient, effective processes that reduced cost.

- Provided guidance on database development, data engineering and data mining.
- Developed online applications that save money and increase efficiency.

Advanced Economist, Workers' Compensation Administration: 2006 – 2013

Mission Critical responsibilities managing insurance company reporting; providing annual financial analysis of medical and provider performance. DBA duties developing database-driven agency websites and PHP/MySQL apps. Managed public information campaigns and maintained Medical Fee Schedules for New Mexico workers' compensation. Primary accomplishment: made government more efficient and SAVED taxpayers money.

- SQL/SPSS analysis led the State of New Mexico to change policy in 2010 regarding Farm & Ranch workers. These employees were not protected previously. Changed history for hard working families and improved conditions in New Mexico.
- SQL/SPSS analysis of claims data examining Billed Charges v. Actual Paid Amounts for Medical Cost Containment bureau uncovered numerous anomalies in billing and procedure charges. Identified outliers in costs, possible fraudulent activity, and suspect medical behavior. This information led Compliance and Investigation departments to review hundreds of provider services.
- SQL/SPSS eight-state regional analysis of compensation charges and procedure uncovered statutory violations in the Agency's formulaic methodology for computing the annual Medical Fee Schedule. Provided a "politically acceptable" solution to repair and fix this inaccurate process.
- Internal analysis of the Agency's regulatory and reporting system discovered systemic inefficiencies that cost insurers and taxpayers hundreds of thousands of dollars. The Agency implemented my recommended policy changes.

Education

PhD Political Science/Research – University of New Mexico (ABD): 3.8GPA
 M.A. Financial Administration – Idaho State University: 3.8GPA
 B.S. Economics – Idaho State University: 3.5GPA, Academic Athlete All-American Honors

Recent Customer Feedback

Thank you Scott for your very kind words. I am still very new to supervising, I started managing this team in May 2017. I just treat everyone as I like to be managed.

But...YOU have been a great asset to our team and it is your personality and humble nature that makes all of us so comfortable working together. We have had contractors on the DBA team before, but never with the synergy and positive energy that you bring with you. I believe you have had the greatest influence in our success and glad that we selected the right contractor. You have definitely made your mark here at HECO and have set the bar very high for future contractors!

Thank you for being you...keep doing what you do...keep that good karma flowing!

Lori Yafuso
 Project Manager

Hawaiian Electric

Thank you for the quick turnaround on this request. A+ for execution and customer friendly style! Just wanted you to know a lot of folks, including myself, think very highly of you and the quality work that you do.

Greg Sasaki
Database Analyst
Hawaiian Electric

Subject: FW: KUDOS to Scott Goold

Scott,
Thank you so much for a job well done. Just want you to know that our IT customers appreciate you and the work that you are doing! Please continue doing what you do!

Mucho Mahalos!!

Lori

Hi Lori,
I just wanted to drop a note to say how much I appreciated Scott's help with a current project we're in the middle of (ProjectWise). He was only supposed to be Greg's backup but since Greg was out for the day I asked him a simple question to which he took time and care in giving me a complete picture of not only answering my question, but also performing the work that I was going to wait until when Greg got back to perform. He then took it even further when Greg got back as he helped us during the days of the preparation and took ownership on the issues we were facing and provided expert knowledge in overcoming the issues.

I really enjoyed working with Scott as he was courteous, professional, knowledgeable, and helpful all throughout the engagement. I am impressed that you have such an outstanding individual as a part of your team.

Thanks,
LANCE ICHISHITA
IT Program Manager
Hawaiian Electric

Subject: FW: ITSM - Survey Results for RITM0069XXX

From: Yafuso, Lori
Sent: Thursday, November 15, 2018 11:07 AM
To: Goold, Scott

FYI – Great job!!

Lori

From: ITS Service Desk
Sent: Thursday, November 15, 2018 10:23 AM

To: Yafuso, Lori
Subject: ITSM - Survey Results for RITM0069XXX

ITSM System Notification

Survey results for Requested Item: RITM0069XXX
Short description: Database Maintenance: eGIS
Assigned to: Scott Goold

Survey completed by: Sean Nakasone

Summary of Survey Responses:

Q1. Meet your needs?
Rated: 5. Very Good

Q2. Treat with courtesy and professionalism?
Rated: 5. Very Good

Q3. Received timely communication from us?
Rated: 5. Very Good

Q4. Overall Rating
Rated: 5. Very Good

Q5. Comments (optional) - If you would like to mention particular individuals who the above rating is based on, please include their names in the comments.

Rated: Scott Goold was fast and professional.

List of Tasks for Request Item

Task Description: Task for Developer: Database - Maintenance (eGIS)
Owner: Chuck Atoa

Task Description: Task for DBA: Database - Maintenance (eGIS)
Owner: Scott Goold



Candidate: Scott Goold

Date/Time	User	Content	Method	View
1/31/22 1:55 PM	Kawatachi, Keri	Requisition-Specific Status changed to Not Selected for requisition ETL Developer III - [3403] : Automation Process		
1/31/22 1:55 PM	Kawatachi, Keri	Status Change: Requisition Specific Status changed from NEW to Not Selected for ETL Developer III - [3403].	Automatic	
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: No for the question: To your knowledge, has any company ever refused to issue a fidelity bond for you?.		
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: Yes for the question: Do you have a High School Diploma or equivalent?.		
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: No, I will not require sponsorship for employment for the question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?.		
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: Yes for the question: Are you a U.S. Citizen or legally authorized to work in the United States?.		
11/29/21 9:51 AM		Email message First Hawaiian Bank Employment Application Received for ETL Developer III sent to kauai@infoimagination.org.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to kbourgeois@fhb.com.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to dribilla@fhb.com.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to knakamura@fhb.com.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to cono@fhb.com.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to koyadomari@fhb.com.		View
11/29/21 9:51 AM		Email message Application Received - Scott Goold submitted for ETL Developer III sent to kkawatachi@fhb.com.		View
11/29/21 9:51 AM		Candidate Scott Goold has been evaluated against requisition ETL Developer III - [3403] for a score of: 0.		
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: No for the question: To your knowledge, has any company ever refused to issue a fidelity bond for you?.		
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: Yes for the question: Do you have a High School Diploma or equivalent?.		

Exhibit D

11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: No, I will not require sponsorship for employment for the question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?.	
11/29/21 9:51 AM		Candidate has been flagged as an ace candidate for requisition ETL Developer III - [3403] . Candidate answered: Yes for the question: Are you a U.S. Citizen or legally authorized to work in the United States?.	
11/29/21 9:51 AM		Candidate requisition link updated	
11/29/21 9:51 AM		Candidate submitted External Application Workflow for ETL Developer III - [3403] from External	
11/29/21 9:51 AM		Candidate requisition link updated	
11/29/21 9:51 AM		Submitted for requisition ETL Developer III - [3403] with Requisition-Specific Status = NEW	
11/29/21 9:51 AM		Candidate data updated	Manual
11/9/21 1:04 PM	Oyadomari, Kathy	Status Change: Candidate Status changed from NEW to Available for Goold, Automation Process	Automatic
11/9/21 1:04 PM	Oyadomari, Kathy	Requisition-Specific Status changed to Not Selected for requisition Database Administrator II - [1754] : Automation Process	
11/9/21 1:04 PM	Oyadomari, Kathy	Status Change: Requisition Specific Status changed from NEW to Not Selected for Database Administrator II - [1754].	Automatic
7/21/21 11:54 AM	Bourgeois, James	Email message Scott Goold updated application info sent to kbourgeois@fhb.com.	View
7/21/21 11:54 AM	Ono, Carol	Email message Scott Goold updated application info sent to cono@fhb.com.	View
7/21/21 11:54 AM	Oyadomari, Kathy	Email message Scott Goold updated application info sent to koyadomari@fhb.com.	View
7/21/21 11:54 AM	Kawatachi, Keri	Email message Scott Goold updated application info sent to kkawatachi@fhb.com.	View
7/21/21 11:54 AM		Candidate data updated	Manual
7/20/21 3:19 PM	Oyadomari, Kathy	Comment added	
7/13/21 6:36 PM	Oyadomari, Kathy	Comment added	
7/8/21 3:48 PM	Oyadomari, Kathy	Comment added	
6/30/21 10:22 AM		Attachment uploaded: CC305	
6/30/21 10:22 AM		Candidate submitted Voluntary Information for Database Administrator II - [1754] from External	
6/30/21 10:22 AM		Candidate requisition link updated	
		Candidate data updated	Manual

6/30/21 10:22 AM		
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: No, I will not require sponsorship for employment for the question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: No for the question: To your knowledge, has any company ever refused to issue a fidelity bond for you?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: Yes for the question: Are you a U.S. Citizen or legally authorized to work in the United States?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: Yes for the question: Do you have a High School Diploma or equivalent?.	
6/30/21 10:19 AM	Email message First Hawaiian Bank Employment Application Received for Database Administrator II sent to	View
6/30/21 10:19 AM	Email message Application Received - Goold submitted for Database Administrator II sent to kbourgeois@fhb.com.	View
6/30/21 10:19 AM	Email message Application Received - Goold submitted for Database Administrator II sent to knakamura@fhb.com.	View
6/30/21 10:19 AM	Email message Application Received - Goold submitted for Database Administrator II sent to cono@fhb.com.	View
6/30/21 10:19 AM	Email message Application Received - Goold submitted for Database Administrator II sent to koyadomari@fhb.com.	View
6/30/21 10:19 AM	Email message Application Received - Goold submitted for Database Administrator II sent to kkawatachi@fhb.com.	View
6/30/21 10:19 AM	Candidate Jeffrey Goold has been evaluated against requisition Database Administrator II - [1754] for a score of: 54.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: No, I will not require sponsorship for employment for the question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: No for the question: To your knowledge, has any company ever refused to issue a fidelity bond for you?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: Yes for the question: Are you a U.S. Citizen or legally authorized to work in the United States?.	
6/30/21 10:19 AM	Candidate has been flagged as an ace candidate for requisition Database Administrator II - [1754] . Candidate answered: Yes for the question: Do you have a High School Diploma or equivalent?.	
6/30/21 10:19 AM	Candidate requisition link updated	
6/30/21 10:19 AM	Candidate submitted External Application Workflow for Database Administrator II - [1754] from External	

6/30/21 10:19
AM

Candidate requisition link updated

6/30/21 10:19
AM

Submitted for requisition Database Administrator II - [1754] with
Requisition-Specific Status = NEW

6/30/21 10:19
AM

Candidate created with **Status = NEW**

From: Scott Goold
Sent: Monday, July 26, 2021 8:58 AM
To: Kathy Oyadomari <koyadomari@fhb.com>
Cc: Scott Goold ; HOSHIJO, WILLIAM D <william.d.hoshijo@hawaii.gov>;
CHANG, STEPHEN K <Stephen.K.Chang@Hawaii.gov>; DLIR.HCRC.INFOR
<DLIR.HCRC.INFOR@hawaii.gov>
Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

Kathy Oyadomari | Technical Recruiter
999 Bishop Street, Honolulu, HI 96813

Cc: William Hoshijo, HCRC director
Stephen K. Chang, HCRC investigator supervisor

Aloha e Kathy,
Hope you had a fun, restful weekend! Wanted to update you. Need to pause my application process at this time. I see the position remains open and listed on your corporate website this morning, July 26, 2021.

Database Administrator II
Kamehameha Industrial Center (00002)
Data Management Department (0030616)

Thank you for the response below. I again reviewed the job posting. This summary does not include the policy information I need. Thank you for letting me know FHB "provides reasonable accommodations to applicants if the accommodation is necessary to allow the applicant to go through the hiring process." This is why I, as a disabled applicant, sought the medical information prior to interviewing. An applicant like me needs to know rules and policies before engaging in an official conversation.

As you decided not to provide this information, I filed a complaint with the Hawai'i Civil Rights Commission and EEOC. Due to the sensitive nature of my HIPAA situation, I believe it's best for you and me to have a neutral party review this matter.

Under 41 U.S.C. 81, related to Drug Free Workplace Act of 1988, the intent of this national legislation was to keep workplaces safe and reduce substance abuse. Such policies are not effective if a company keeps their policies and procedures "confidential." Therefore, companies are required to "make available" this policy to both applicants and employees.

Thanks again for your response to my reasonable request. Wish you a productive week!
Scott

Exhibit E

Dear Mr. Goold,

I am writing to acknowledge receipt of your email submission of the attached HCRC Pre-Complaint Questionnaire (PCQ) relating to your employment application with First Hawaiian Bank.

Investigator Supervisor Stephen Chang or an assigned investigator will contact you to schedule an intake interview, to initiate the intake process that leads to the filing of a complaint with the HCRC.

Mr. Chang is currently out of the HCRC office, and is scheduled to return next week.

William D. Hoshijo

Executive Director

Hawai'i Civil Rights Commission

> On Jul 22, 2021, at 3:18 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>

> Hi Scott,

>

> It would be good to review the Database Administrator II job posting in order to have a better idea of what the job requires.

>

> FHB treats its employment policies as confidential within the bank and generally does not provide such policies to candidates prior to hire.

>

> If you should be a successful candidate and hired by FHB, FHB provides reasonable accommodations to employees with disabilities, provided the accommodations do not impose an undue hardship.

>

> FHB also provides reasonable accommodations to applicants if the accommodation is necessary to allow the applicant to go through the hiring process, the first step of which is a telephone interview; please confirm whether an accommodation is needed to participate in a telephone interview (e.g., an assistive device, phone relay service, etc.).

>

> Thank you,

> Kathy

>

> Kathy Oyadomari | Technical Recruiter

> 999 Bishop Street, Honolulu, HI 96813

> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>

> -----Original Message-----

> From: Scott Goold

> Sent: Wednesday, July 21, 2021 9:42 AM

> To: Kathy Oyadomari <koyadomari@fhb.com>

> Cc: Scott Goold

> Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

>

> Aloha e Kathy,

> Thank you for responding. I would love to interview for this position with FHB, but do not feel comfortable having a phone conversation until I know company rules and policies. How would I answer questions without knowing expectations?

>

> To be frank, I find it both strange and unprofessional that you deny to provide the information I requested related to my disability. As a seasoned employee, I've never had a company refuse to provide details about the job or company prior to moving forward.

>

> Prior to speaking with you, I want to do my research about FHB, the position, and company culture so I can be prepared to have an informed and productive interview with you. I'm sure you don't walk into an important meeting without being prepared. I value FHB and believe this is a highly-professional company. I want to represent myself properly.

>

> You seem to be kind, compassionate and skilled. I would like to start off on the "right foot." Please accommodate my disability and provide the related policy information so we can move forward.

>

> Thank you again for your time. Much appreciated!

> Scott

>

>> On Jul 21, 2021, at 9:32 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>

>> Hi Scott,

>>

>> Thank you for your email. Our first step in our hiring process is to complete an interview over the phone.

>>

>> If you are unable to complete the interview as the first step, we will not be able to move forward with the hiring process.

>>

>> We appreciate your time and interest in First Hawaiian Bank.

>>

>> Thank you,

>> Kathy

>>

>> Kathy Oyadomari | Technical Recruiter
>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F
>> (808)525-5798 | koyadomari@fhb.com

>>

>> -----Original Message-----

>> From: Scott Goold

>> Sent: Sunday, July 18, 2021 8:37 AM

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold

>> Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

>>

>> Aloha e Kathy,

>> I was able to locate you on LinkedIn. Sent a request to connect. My account uses Scott Goold, as I informally go by Scott rather than Jeffrey.

>>

>> FHB is a prestigious financial institution. Great honor to be considered. Prior to moving forward, I need to be clear about expectations related to my medical situation and disability. This is a confusing area for employees. Companies have different policies. Sometimes internally, companies might have different policies for employees based on their assigned duties and roles.

>>

>> As this is a HIPAA-sensitive area, I would prefer not to have a verbal conversation. Person A might have a different opinion than Person B. In addition, this topic can also create negative stigma and professional bias. Frankly, it's scary for employees. We're not sure how we'll be received when making such requests. Therefore, can you please send me your applicable policy in writing so I can review in private before moving forward to discuss needs of FHB and this position?

>>

>> Thank you again for your kindness and cooperation!

>> Scott

>>

>>> On Jul 14, 2021, at 4:33 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>>

>>>

>>>

>>> I would be happy to discuss further. Please call me at your earliest convenience at 525-8192.

>>>

>>> Thank you,

>>> Kathy

>>>

>>> Kathy Oyadomari | Technical Recruiter

>>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

>>> (808)525-5798 | koyadomari@fhb.com

>>>

>>> -----Original Message-----

>>> From: Scott Goold

>>> Sent: Wednesday, July 14, 2021 11:47 AM

>>> To: Kathy Oyadomari <koyadomari@fhb.com>

>>> Cc: Scott Goold

>>> Subject: Re: EXT: Re: First Hawaiian Bank - Database Administrator

>>> II

>>>

>>> Aloha e Kathy,

>>> I've had negative experience with my disability in Hawai'i previously. Can you please provide FHB's policy in writing before I consider moving forward? Verbal conversations got me in trouble — humiliating me, embarrassing me and my family.

>>>

>>> Thank you so much for getting back to me! Much appreciated.

>>>

>>>

>>>> On Jul 14, 2021, at 11:35 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>>>

>>>>

>>>>

>>>> Thank you for your email. Please call me at 525-8192 at your earliest convenience.

>>>>

>>>> Thank you,

>>>> Kathy

>>>>

>>>> Kathy Oyadomari | Technical Recruiter

>>>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

>>>> (808)525-5798 | koyadomari@fhb.com

>>>>

>>>> -----Original Message-----

>>>> From: Scott Goold

>>>> Sent: Tuesday, July 13, 2021 11:49 PM

>>>> To: Kathy Oyadomari <koyadomari@fhb.com>

>>>> Cc: Scott Goold

>>>> Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

>>>>

>>>>

>>>> *** This message originated outside of First Hawaiian Bank's email

>>>> system. Please verify the sender before opening attachments,

>>>> clicking on links, or providing information. For suspicious email

>>>> please contact Information Security. ***

>>>>

>>>>

>>>> Aloha e Kathy,

>>>> Appreciate hearing from you. I suffer some injuries and have a minor disability getting around (mobility issue). Doesn't impact or negatively effect work performance; no accommodation requested. My doctors prescribe opioid pain relievers or medical cannabis sometimes in the evening to reduce pain so I can sleep. Never medicate before or during work hours. What is FHB's policy on medical cannabis?

>>>>

>>>> Thank you for getting back to me!

>>>>

>>>>

>>>>> On Jul 13, 2021, at 6:39 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>>>>

>>>>>

>>>>>

>>>> Thank you for your interest in employment at First Hawaiian Bank. We received your application for the Database Administrator II. I was contacting you to coordinate a phone interview for the position. Please respond to this email or return my call at 525-8192.

>>>>

>>>> Thank you,

>>>> Kathy

>>>>

>>>> Kathy Oyadomari | Technical Recruiter

>>>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

>>>> (808)525-5798 | koyadomari@fhb.com

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>>>> <Picture (Device Independent Bitmap) 1.jpg>

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>>>> "I Believe We Can"

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>> Scott Goold

>> "I Believe We Can"

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> Scott Goold

> "I Believe We Can"

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Scott Goold

"I Believe We Can"

From: Scott Goold
Sent: Thursday, September 16, 2021 10:24 AM
To: Kathy Oyadomari <koyadomari@fhb.com>
Cc: Scott Goold ; CHANG, STEPHEN K <Stephen.K.Chang@Hawaii.gov>; HOSHIJO, WILLIAM D <william.d.hoshijo@hawaii.gov>; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker <rozhbaker@gmail.com>
Subject: EXT: Medical Discrimination Concern: First Hawaiian Bank - Database Administrator II

*** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***

Cc: William Hoshijo, Hawai'i Civil Rights Commission director
Stephen Chang, Hawai'i Civil Rights Commission investigator supervisor
State Senator Mike Gabbard
State Senator Roz Baker

Aloha e Kathy,
After your July 21st email below, I filed a Pre-Complaint Questionnaire with the Hawai'i Civil Rights Commission. I suffer a disability and need information regarding to corporate substance use policies prior to a formal interview. As you were unable to provide this to me, I paused our efforts. Have attached the Pre-Complaint Questionnaire.

Speaking with Mr. Chang today, intake supervisor, he informed me the State of Hawai'i does not have jurisdiction over this matter. He advised me to file with the EEOC. I'll work on this now.

Thank you for continuing to consider me for this position. Hope we can resolve this matter. As of today, my attached screenshot shows the Database Administrator II position remains open.

**Cybersecurity Risk Analytics
Officer**
Kamehameha Industrial Center (00002)
Cybersecurity Risk Management
(0041220)

Database Administrator II
Kamehameha Industrial Center (00002)
Data Management Department
(0030616)

Data Security Engineer
Kamehameha Industrial Center (00002)
Cybersecurity Operations (0030628)

DevOps Engineer
First Hawaiian Center (00001)
Emerging Technologies Division

> On Jul 21, 2021, at 9:42 AM, Scott Goold

wrote:

>

> Aloha e Kathy,

> Thank you for responding. I would love to interview for this position with FHB, but do not feel comfortable having a phone conversation until I know company rules and policies. How would I answer questions without knowing expectations?

>

> To be frank, I find it both strange and unprofessional that you deny to provide the information I requested related to my disability. As a seasoned employee, I've never had a company refuse to provide details about the job or company prior to moving forward.

>

> Prior to speaking with you, I want to do my research about FHB, the position, and company culture so I can be prepared to have an informed and productive interview with you. I'm sure you don't walk into an important meeting without being prepared. I value FHB and believe this is a highly-professional company. I want to represent myself properly.

>

> You seem to be kind, compassionate and skilled. I would like to start off on the "right foot." Please accommodate my disability and provide the related policy information so we can move forward.

>

> Thank you again for your time. Much appreciated!

> Scott

>

>> On Jul 21, 2021, at 9:32 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>

>> Hi Scott,

>>

>> Thank you for your email. Our first step in our hiring process is to complete an interview over the phone.

>>

>> If you are unable to complete the interview as the first step, we will not be able to move forward with the hiring process.

>>

>> We appreciate your time and interest in First Hawaiian Bank.

>>

>> Thank you,

>> Kathy

>>

>> Kathy Oyadomari | Technical Recruiter

>> 999 Bishop Street, Honolulu, HI 96813

>> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>>

>> -----Original Message-----

>> From: Scott Goold

>> Sent: Sunday, July 18, 2021 8:37 AM

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold

>> Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

>>

>> Aloha e Kathy,

>> I was able to locate you on LinkedIn. Sent a request to connect. My account uses Scott Goold, as I informally go by Scott

>>

>> FHB is a prestigious financial institution. Great honor to be considered. Prior to moving forward, I need to be clear about expectations related to my medical situation and disability. This is a confusing area for employees. Companies have different policies. Sometimes internally, companies might have different policies for employees based on their assigned

duties and roles.

>>

>> As this is a HIPAA-sensitive area, I would prefer not to have a verbal conversation. Person A might have a different opinion than Person B. In addition, this topic can also create negative stigma and professional bias. Frankly, it's scary for employees. We're not sure how we'll be received when making such requests. Therefore, can you please send me your applicable policy in writing so I can review in private before moving forward to discuss needs of FHB and this position?

>>

>> Thank you again for your kindness and cooperation!

>> Scott

>>

>>> On Jul 14, 2021, at 4:33 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>>

>>>

>>>

>>> I would be happy to discuss further. Please call me at your earliest convenience at 525-8192.

>>>

>>> Thank you,

>>> Kathy

>>>

>>> Kathy Oyadomari | Technical Recruiter

>>> 999 Bishop Street, Honolulu, HI 96813

>>> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>>>

>>> -----Original Message-----

>>> From: Scott Goold

>>> Sent: Wednesday, July 14, 2021 11:47 AM

>>> To: Kathy Oyadomari <koyadomari@fhb.com>

>>> Cc: Scott Goold

>>> Subject: Re: EXT: Re: First Hawaiian Bank - Database Administrator II

>>>

>>> Aloha e Kathy,

>>> I've had negative experience with my disability in Hawai'i previously. Can you please provide FHB's policy in writing before I consider moving forward? Verbal conversations got me in trouble — humiliating me, embarrassing me and my family.

>>>

>>> Thank you so much for getting back to me! Much appreciated.

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>>>> Thank you for your email. Please call me at 525-8192 at your earliest convenience.

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>>>> Thank you,

>>>> Kathy

>>>>

>>>> Kathy Oyadomari | Technical Recruiter

>>>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

>>>> (808)525-5798 | koyadomari@fhb.com

>>>>

>>>> -----Original Message-----

>>>> From: Scott Goold

>>>> Sent: Tuesday, July 13, 2021 11:49 PM

>>>> To: Kathy Oyadomari <koyadomari@fhb.com>
>>>> Cc: Scott Goold
>>>> Subject: EXT: Re: First Hawaiian Bank - Database Administrator II

>>>>
>>>>

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>>>> system. Please verify the sender before opening attachments, clicking
>>>> on links, or providing information. For suspicious email please
>>>> contact Information Security. ***

>>>>
>>>>

>>>> Aloha e Kathy,
>>>> Appreciate hearing from you. I suffer some injuries and have a minor disability getting around (mobility issue). Doesn't
>>>> impact or negatively effect work performance; no accommodation requested. My doctors prescribe opioid pain relievers or
>>>> medical cannabis sometimes in the evening to reduce pain so I can sleep. Never medicate before or during work hours.
>>>> What is FHB's policy on medical cannabis?

>>>>

>>>> Thank you for getting back to me!

>>>>
>>>>

>>>>> On Jul 13, 2021, at 6:39 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>>>>
>>>>>
>>>>>

>>>>> Thank you for your interest in employment at First Hawaiian Bank. We received your application for the Database
>>>>> Administrator II. I was contacting you to coordinate a phone interview for the position. Please respond to this email or
>>>>> return my call at 525-8192.

>>>>>

>>>>> Thank you,
>>>>> Kathy

>>>>>

>>>>> Kathy Oyadomari | Technical Recruiter
>>>>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F
>>>>> (808)525-5798 | koyadomari@fhb.com

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>>>>> <Picture (Device Independent Bitmap) 1.jpg>

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>>>>> "I Believe We Can"

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Scott Goold
"I Believe We Can"

From: Scott Goold
Sent: Monday, September 27, 2021 2:51 PM
To: Kathy Oyadomari <koyadomari@fhb.com>
Cc: Raymond Griffin (RAYMOND.GRIFFIN@EEOC.GOV) <RAYMOND.GRIFFIN@EEOC.GOV>; HOSHIJO, WILLIAM D <william.d.hoshijo@hawaii.gov>; Ernst, Joseph A. <jae@torkildson.com>; Randall C. Whattoff <rwhattoff@cfhawaii.com>; Scott Goold ; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker <rozhbaker@gmail.com>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>
Subject: EXT: Re: Database Administration II Application [2]

Raymond Griffin, EEOC director
William Hoshijo, HCRC director
Josh Green, Lt Governor
State Senator Mike Gabbard
State Senator Roz Baker
Joseph Ernst, attorney for Hawaiian Electric

Randall Whattoff, attorney for Hawaiian Electric

Aloha e Kathy,

Appreciate hearing from you. As you might be a coworker, want to avoid conflict or any negativity. Seems we're going in circles. I'm aware you're bright and talented; believe you know what I'm seeking at this time.

I'm a pro athlete. First step is to know the rules of the game. This opportunity is important to me and our family. See the position remains open. I can make money for FHB. I'm certain the IT team is frustrated due to a shortage of necessary personnel. I can fill that hole and begin off-loading some of their burden immediately.

**Cybersecurity Risk Analytics
Officer**

Kamehameha Industrial Center (00002)
Cybersecurity Risk Management
(0041220)

Database Administrator II

Kamehameha Industrial Center (00002)
Data Management Department
(0030616)

Data Security Engineer

Kamehameha Industrial Center (00002)
Cybersecurity Operations (0030628)

I'm copying a number of officials. There are labor shortages throughout the islands. We need policy leadership and this concern is above both our pay grades. I come from Kaua'i. Didn't have any issues with my disability on the Garden Isle; no concerns on mainland. Only here on O'ahu have I been frustrated by this confusion.

For some reason, the Asian-dominant population has concerns. Local culture seems to trend behind most of the nation. I don't know or understand the history of this issue area. However, was fooled once; shame on them. Don't want to be fooled a second time; shame on me, right?

You have my resume. I've got 20 years of experience and can help FHB when your team is ready to meet. Look forward to having a warm, thoughtful and inspiring conversation whenever FHB is ready.

Mahalo nui loa for your time,
Scott

On Sep 27, 2021, at 9:13 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

Scott,

I am not sure I understand your latest e-mail. Would you please clarify whether:

- You wish to schedule an initial telephone interview for the Database Administrator II position?
- If yes, do you need an accommodation in order to participate in the hiring process (for example, an assistive device to allow you to participate in the telephone interview)?

Thank you,

Kathy

Kathy Oyadomari | Technical Recruiter
999 Bishop Street, Honolulu, HI 96813
P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

-----Original Message-----

From: Scott Goold
Sent: Thursday, September 23, 2021 4:53 PM
To: Kathy Oyadomari <koyadomari@fhb.com>
Cc: Raymond Griffin (RAYMOND.GRIFFIN@EEOC.GOV) <RAYMOND.GRIFFIN@EEOC.GOV>; HOSHIJO, WILLIAM D <william.d.hoshijo@hawaii.gov>; Ernst, Joseph A. <jae@torkildson.com>; Randall C. Whattoff <rwhattoff@cfhawaii.com>; Scott Goold ; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker <rozhbaker@gmail.com>
Subject: EXT: Re: Database Administration II Application

Raymond Griffin, EEOC director
William Hoshijo, HCRC director
State Senator Mike Gabbard
State Senator Roz Baker
Joseph Ernst, attorney for Hawaiian Electric Randall Whattoff, attorney for Hawaiian Electric

Aloha e Kathy,

Thanks for getting back to me. Apologies for the email confusion. Let me summarize, as I've copied a number of related officials. FHB asks me to invest time, research and study, do my best to be my best in interviews, answer questions competently, be hopeful and optimistic and positive ... take all the steps to make it to the top of the selection list — then possibly tell me I'm disqualified and denied the position because my medical disability and/or medication.

Why would I take this risk? Why should I be interested in a company that isn't willing to be upfront and honest with me Day 1? I'm a serious professional. This is a serious position. I accepted a similar offer with Hawaiian Electric. Another great honor! Worked hard for the company; gave 100% at all times. Loved my team and manager; they loved me. Totally perfect fit. Asked about my medical disability when they offered me a lateral move; HR said I would be fine. They lied. They deceived me. I was not fine. The company fired me 10 days later.

This is my 90-day review from my manager. Not to boast or brag, but how many of your applicants have such glowing accommodation?

YOU have been a great asset to our team and it is your personality and humble nature that makes all of us so comfortable working together. We have had contractors on the DBA team before, but never with the synergy and positive energy that you bring with you. I believe you have had the greatest influence in our success and glad that we selected the right contractor. You have definitely made your mark here at HECO and have set the bar very high for future contractors!

Thank you for being you...keep doing what you do...keep that good karma flowing!

Hawaiian Electric embarrassed, humiliated and shamed me. They destroyed my professional reputation. This cruel treatment pierced my soul; left me in a deep, dark funk and depression for a long time ... still today I'm hollow and lost. This company "raped" me ... do you understand? They violated me. I'm a professional. I gave them 100%; just as I will give FHB 100%.

I did everything they asked; was willing to do anything they asked. Same with FHB. I will follow ALL your

policies. I come to work to solve problems, not be a problem. However, similar to HECO, you refuse to provide your standards when I ask. This behavior frightens me. Seems like you have something to hide or that FHB policies might change based on whom I know, whom are my friends or family or my demographic background. Such behavior is not uncommon here. I've been in the islands a long time.

HECO attorneys said I should have asked sooner; should have asked someone else; should have, should have, should have ... anything except that they were sorry for treating an honest and ethical person this way. I'm a human being. Their executive management treated me like pond scum. Totally disposable!

I was 100% honest with HECO — just as I am honest now with you and FHB. I have a disability. I require various forms of prescription medication. If FHB would be willing to accommodate the request from a person who suffers a disability, I would appreciate it greatly. You hope to learn more about my qualifications for the position. My disability factors into my qualification.

Thank you for your professional courtesy and understanding, Scott

> On Sep 23, 2021, at 3:14 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>

> Scott,

>

> First Hawaiian Bank has not asked you to provide information about your medical condition(s) and during the interview process you will not be asked about your medical condition(s) – and we request that you not share such information – except to the limited extent that you may need an accommodation in order to participate in the hiring process (for example, an assistive device to allow you to participate in the telephone interview). If you do need an accommodation in order to participate in the hiring process, please let me know. The interview itself, if you would like to proceed with scheduling one, will focus on your qualifications and experience for the Database Administrator II position.

>

> First Hawaiian Bank is an equal opportunity employer. If you were to be hired, you would be provided with reasonable accommodations to allow you to perform the essential functions of the job and to allow you to enjoy the benefits and privileges of employment.

>

> Thank you,

> Kathy

>

> Kathy Oyadomari | Technical Recruiter

> 999 Bishop Street, Honolulu, HI 96813

> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>

> -----Original Message-----

> From: Scott Goold

> Sent: Wednesday, September 22, 2021 8:05 AM

> To: Kathy Oyadomari <koyadomari@fhb.com>

> Cc: Scott Goold

> Subject: EXT: Re: Database Administration II Application

>

>

> *** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***

>

>

> Morning Kathy,

> Received an alert that you may not have received my email. Resending.
>
> This message was created automatically by mail delivery software.
> A message that you sent has not yet been delivered to one or more of its recipients after more than 8 hours on the queue on walmailout01.yourhostingaccount.com.
>
> The message identifier is: 1mSqQV-000792-4N
> The subject of the message is: Re: Database Administration II Application
> The date of the message is: Tue, 21 Sep 2021 14:47:47 -1000
>
> The address to which the message has not yet been delivered is:
> koyadomari@fhb.com
> *****
>
> Aloha e Kathy,
> Wonderful as always to hear from you. Thank you for reaching out. I suffer a number of injuries — a disability — and I apologize in advance for my weaknesses and limited condition. FHB appears to be an first rate company and it's a tremendous honor to be considered for this position.
>
> As you might imagine, I take this opportunity to speak with you, be considered for this stellar company, very seriously. I want to be fully prepared for any interview session — just as I would approach my professional duties each day if FHB selects me. Due to my physical condition, doctors prescribe a number of pain relievers. My condition does not impair my mental or professional capabilities ... simply my ability to move around. I must also rely on various implements, such as a cane or crutches, even shoe implants, as needed.
>
> To prepare professionally for an interview with you, I am requesting FHB corporate information on your medication and substance use policy. This request makes me somewhat uncomfortable, as I am forced to delve more deeply into my HIPAA-protected medical history than I prefer at this early point in our conversation.
>
> If FHB can make reasonable accommodation at this time to share this information, I certainly would appreciate the professional courtesy. In my 9.16 email, I disclosed I had filed a questionnaire with HCRC hoping to get some clarity for you and I about professional expectations in this sometimes confusing and certainly complex area. Unfortunately, it seems Mr. Chang punted on my request. I have submitted a request now to speak with EEOC.
>
> I am highly interested in this position and opportunity to join the talented, accomplished FHB team. To be frank, I guess if I didn't really care, I wouldn't seek this accommodation. I do care. You seem to be a remarkable person and everything I read about FHB dazzles me. Great honor! Thank you!
>
> Therefore, I again with deep and sincere apologies request accommodation and corporate information I need to feel competent to have an informed and intelligent conversation with you. I remain interested and paused hoping your team will compromise with me on this matter.
>
> Many thanks for your continued interest and for reaching out. Hope we can soon speak further about the needs of FHB and your awesome team!
> Scott
>
>
>> On Sep 21, 2021, at 2:14 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:
>>
>> Scott,
>>

>> Thank you for indicating your continued interest in the Database Administrator II position in your September 16, 2021 email. Your July 26, 2021 email requested to pause your application process, therefore can you please clarify if you are still interested or if you are not interested in proceeding with your application for the Database Administrator II position?

>>

>> If you are interested in proceeding with your application, the first step in the application process is scheduling an initial telephone interview. FHB provides reasonable accommodations to applicants if the accommodation is necessary to allow the applicant to go through the hiring process.

>>

>> Thank you,

>> Kathy

>>

>> Kathy Oyadomari | Technical Recruiter

>> 999 Bishop Street, Honolulu, HI 96813 P (808)525-8192 | F

>> (808)525-5798 | koyadomari@fhb.com

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>> <Picture (Device Independent Bitmap) 1.jpg>

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> Scott Goold

> "I Believe We Can"

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Scott Goold

"I Believe We Can"

Scott Goold

"I Believe We Can"

From: Scott Goold
Sent: Tuesday, September 28, 2021 2:55 PM
To: rani.molla@recode.net; emily.stewart@vox.com
Cc: Kathy Oyadomari <koyadomari@fhb.com>; Scott Goold
Subject: EXT: Why everybody's hiring but nobody's getting hired

*** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***

Rani Molla
Emily Steward

Aloha Rani and Emily,
Wonderful and brilliant article about America's broken hiring system. Just turned 64. I'm a former pro athlete with some military service. The combination left my body quite broken. I'm considered bright, talented and capable, but my physical disability requires some minor mobility assistance and pain medication. After a stellar beginning at Hawaiian Electric (HECO) serving as an IT DBA and database analysis, the company fired me due to confusion over my medication. I never medicated before or during work hours, just at night prior bed per the direction of my physician to reduce pain so I could sleep. None questioned my competence or fitness for duty. The termination was simply related to my medication.

My HECO manager's review:

YOU have been a great asset to our team and it is your personality and humble nature that makes all of us so comfortable working together. We have had contractors on the DBA team before, but never with the synergy and positive energy that you bring with you. I believe you have had the greatest influence in our success and glad that we selected the right contractor. You have definitely made your mark here at HECO and have set the bar very high for future contractors!

Thank you for being you...keep doing what you do...keep that good karma flowing!

For some time, First Hawaiian Bank (FHB) has advertised a similar position. I'm ready, willing, able and highly qualified for the position. I applied. Company technical recruiter, Kathy Oyadomari, reached out. Professional, kind, bright and competent ... I was excited to hear from her and their team. This opportunity could be an excellent fit for all of us. I know they need help. Staffing shortages plague the islands.

Kathy Oyadomari LinkedIn Profile: Smart, talented and competent



Kathy Oyadomari, SHRM-CP · 2nd
Technical Recruiter at First Hawaiian Bank
Honolulu, Hawaii, United States · [Contact info](#)



However, FHB is part of the U.S. financial industry. They have some of the most stringent personnel requirements in the nation. The termination at HECO rocked me to my core. HR had told me I would be fine when I asked specifically about my disability. The company informed me they had approved a lateral promotion; congratulated me and allowed me to inform coworkers, family and friends. Then they fired me at work in front of my peers. I feel into a deep, dark depression. I felt violated. I was humiliated, shamed and embarrassed. We had a critical mission. I had let down the entire team. Battled suicide for months.

FHB Database Administrator II. Open for months. I'm available and willing

**Cybersecurity Risk Analytics
Officer**
Kamehameha Industrial Center (00002)
Cybersecurity Risk Management
(0041220)

Database Administrator II
Kamehameha Industrial Center (00002)
Data Management Department
(0030616)

Data Security Engineer
Kamehameha Industrial Center (00002)
Cybersecurity Operations (0030628)

Therefore, before moving forward with FHB, I asked Ms. Oyadomari for specifics about their personnel policy. No need for me to research, prepare and become highly invested in this opportunity if FHB was going to disqualify me later in the process. I simply wanted to clear this disability hurdle before we started "to date."

FHB refuses to disclose to me their related medical policies. We've been at impasse for about a month. They claim to need employees. I'm qualified professionally. They won't allow me to know if I'm qualified medically. We cannot move forward. Their team is likely frustrated not being fully staffed. This inefficiency costs the company money. Their internal policy prevents me from becoming gainfully employed.

I'm a trained federal mediator. I've assisted in labor-management negotiations and employment disputes for years. My overarching skill set is Business Intelligence. I work closely with senior directors and executive management. I have no explanation for this confusion.

Today, when I hear employers whine that they cannot find workers, I wonder how many engage in similar behavior. A small business is generally sufficiently nimble to adjust and navigate a complex conundrum such as this. Is our corporate environment simply too bureaucratic and rigid to provide the flexibility our modern labor pool requires?

Ms. Oyadomari is a wonderful, kind human being with much aloha. Such policy difficulties are above both our pay grades. What is happening in America? We don't seem to be able to walk and chew gum at the same time. Our nation and families are losing. How do we get back on track?

Thank you for your excellent article. Important questions for a confused nation to consider.
Scott

SOURCE

<https://www.vox.com/recode/22673353/unemployment-job-search-linkedin-indeed-algorithm>

Scott Goold
"I Believe We Can"

From: Scott Goold

Sent: Tuesday, November 02, 2021 10:47 AM

To: Kathy Oyadomari <koyadomari@fhb.com>

Cc: Green, Josh B <josh.green@Hawaii.gov>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker <rozhbaker@gmail.com>; Scott Goold

Subject: EXT: [3] ULTIMATUM: Database Administration II Application

*** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***

Lt Gov Josh Green
Senator Mike Gabbard
Senator Roz Baker

Good morning Kathy,

Appreciate hearing from you. My concern is YOU are screening me for some reason. What are those reason(s)? You have my application and CV. I'm happy to discuss and focus on my qualifications and experience. However, you offer me only 15 minutes. Seems you will, or might, decide whether I can move forward with additional steps in the interview process, but do not allow me sufficient time. I cannot professionally or competently discuss my experience and qualifications in 15 minutes.

What do you need from me at this time so I can move to later steps in the hiring process? Can you provide this information to me PRIOR to our session so I can properly prepare?

I checked FHB website again today. The DBA position remain unfilled. I am confident I can help FHB and their customers. I'm asking to have an Equal Opportunity to present my talents and qualifications. After a 20+ year career, I can't do this in 15 minutes. I hope you understand.

**Cybersecurity Controls
Assurance Officer**

Kamehameha Industrial Center (00002)
Cybersecurity Risk Management
(0041220)

Database Administrator II

Kamehameha Industrial Center (00002)
Data Management Department
(0030616)

I've attached my CV/resume below. What additional information do you seek at this time?

Thank you!
Scott

> On Nov 2, 2021, at 9:53 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:
>
> Scott,
>
> Thank you for your interest. The initial phone screen is the first step in our hiring process and is consistent with our practice. The interview will focus on your qualifications and experience for the Database Administrator II position.
>
> Thank you,
> Kathy
>
> Kathy Oyadomari | Technical Recruiter
> 999 Bishop Street, Honolulu, HI 96813
> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com
>
> -----Original Message-----
> From: Scott Goold
> Sent: Sunday, October 31, 2021 11:25 AM
> To: Kathy Oyadomari <koyadomari@fhb.com>
> Cc: Green, Josh B <josh.green@Hawaii.gov>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>; Rosalyn Baker <rozhbaker@gmail.com>; Senator Mike Gabbard <mike@mikegabbard.com>; Scott Goold
> Subject: EXT: [2] ULTIMATUM: Database Administration II Application
>
> Lt Gov Josh Green
> Senator Mike Gabbard
> Senator Roz Baker
>

> Aloha e Kathy,

> Happy Halloween! Hope you, family and friends are having a fun, frightful weekend! 🎃

>

> I'm a bit confused. Hopefully you can clarify.

>

> You said we would have a "15 minute phone screen." You have my application and resume. As I would LOVE to serve First Hawaiian Bank and want to do my very best on what appears to be some sort of test, can you explain PRIOR to our conversation the legitimate, business-related purpose of the "15 minute phone screen"? I have some 20+ years of experience. Not clear I can pass FHB's test in such a brief amount time.

>

> Aside from my resume and history provided on the application, what additional information are you seeking to learn about me?

>

> Thank you very much for your time,

> Scott

>

>

>> On Oct 29, 2021, at 4:19 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>

>> Scott,

>>

>> This email confirms your phone screen with me on Wednesday, 11/3 at 12:00pm. The 15 minute phone screen will focus on your qualifications and experience for the Database Administrator II position.

>>

>> Please respond to this email with your best contact number for the interview.

>>

>> Thank you,

>> Kathy

>>

>> Kathy Oyadomari | Technical Recruiter

>> 999 Bishop Street, Honolulu, HI 96813

>> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>>

>> <image001.png>

>>

>> From: Scott Goold

>> Sent: Wednesday, October 27, 2021 1:50 PM

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold ; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker

>> <rozhbaker@gmail.com>; Green, Josh B <josh.green@Hawaii.gov>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>

>> Subject: EXT: ULTIMATUM: Database Administration II Application

>>

>> Lt Gov Josh Green

>> Senator Mike Gabbard

>> Senator Roz Baker

>>

>> Aloha e Kathy,

>> Yesterday, you gave me an ultimatum. This opening is important to me and I see again today the position remains unfilled. I would LOVE to assist First Hawaiian Bank. I'm sad your team will not provide me information that would help me evaluate if I can quality for this opportunity. As a person suffering a disability, the world is not always accommodating. We must do many things that are uncomfortable or difficult just to meet the demands of others. I want to be as graciously accommodating to you and FHB as possible. As such, I will make myself available for an interview session on two dates/times:

>>

- >> • Tuesday, 11/2 at 2:00pm
- >> • Wednesday, 11/3 at 12:00pm

>> You select the one best for you. Let me know and I'll look forward to speaking with you. Thank you!

>> Scott

>>

>>

>> <image002.jpg>

>>

>>

>> Begin forwarded message:

>>

>> From: Scott Goold

>> Subject: Re: Database Administration II Application

>> Date: October 26, 2021 at 9:59:44 AM HST

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold, Senator Mike Gabbard <mike@mikegabbard.com>, Rosalyn Baker <rozhbaker@gmail.com>, "Green, Josh B" <josh.green@Hawaii.gov>, "Lakin, Jeremy" <jeremy.lakin@hawaii.gov>

>>

>> Lt Gov Josh Green

>> Senator Mike Gabbard

>> Senator Roz Baker

>>

>> Aloha e Kathy,

>> I copied the Lt Governor and two distinguished state senators, as Hawai'i employers consistently claim they cannot find workers. I would LOVE to work for First Hawaiian Bank. Do you realize I applied for this open position around July 21, 2021? We're still unable to move forward. The position remains open after more than 90 days. Think of the cost to FHB; consider the frustration to your customers!

>>

>> Discussing with you, it appears you're extremely bright, capable and talented. You seem kind and compassionate. I would LOVE to be your coworker and colleague. I believe I could immediately be a positive and valued addition to the FHB team. However, we're stranded on first base and can't get to second. Why?

>>

>> Let me provide an example. As a younger man, I spent time in the US military. Now, I would love to serve our community, the State of Hawai'i and residents, by serving in the Guard — like my role model, Tulsie Gabbard. She's a hero to me!

>>

>> In general, one must be between 17 and 42 in age. As I'm not in this range, I would check with recruiters BEFORE APPLYING to see if I can qualify. There are some exceptions made based on branch and assignment. Why would I waste the time of the recruiter (YOU) or suffer disappointment emotionally (ME) by not checking first. It would be both illogical and unreasonable to move forward without full disclosure and discussion. And, in some cases, employees who do not check initially are later criticized. Therefore, I'm checking first thing.

>>

>> In our situation, I have an established and documented disability. This limitation does not prevent me from performing my duties and tasks professionally or competently for FHB. However, some companies do not allow accommodation. The financial industry has some of the most stringent requirements. It is therefore prudent and expected of me — as well as you — to clear this obstacle before putting the cart before the horse, as the saying goes.

>>

>> So, yes, in answer to your comment, I am SEEKING reasonable accommodation at this time. I have simply asked for FHB's medical, drug and substance use policy in writing so there is no confusion. I am ASKING to speak with a manager or your supervisor, as my request seems to cause you difficulty. I do not wish to argue or have conflict with you. This confusion is a senior management policy issue. Neither you nor I make these decisions. I am PLEADING with you to allow me to speak with a compliance officer or someone at the senior level.

>>

>> I am responding prior to your imposed deadline of October 28, 2021, and again REQUESTING reasonable accommodation so I can participate further in FHB's hiring process. Tuesday, 11.2 at 2 PM could work; Wednesday, 11.3 at 12 PM could work also. Will you allow me an opportunity to speak with compliance or a related manager?

>>

>> Checked FHB's website again today. There are 188 open positions; some 15 in Technology. I can fill one — Database Administrator II (0030616). In the time we have struggled over my request, FHB could have selected me, onboarded me, and I would be producing for this Great Company!

>>

>> Finally, as an incentive, if you're a coffee drinker, I'll bring you a coffee to my first in-person interview. Can't we work this out? You're compassionate and kind. Can't you convince FHB to extend me reasonable accommodation at this time?

>>

>> Thank you so much!

>> Scott

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>> <image003.jpg>

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>> On Oct 26, 2021, at 8:18 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>

>> Scott,

>>

>> As I have previously shared with you, First Hawaiian Bank will provide reasonable accommodations to allow you to participate in the hiring process (for example, an assistive device to allow you to participate in the initial telephone interview), but other than that, First Hawaiian Bank does not discuss applicants' health conditions or need for accommodations at any pre-conditional offer step in the hiring process. We intend to treat your application consistently with our policy and practice.

>>

>> You have applied for the Database Administrator II position, and we would like to schedule an initial telephone interview for that position at one of the following dates and times:

>>

- Friday, 10/29 at 3:00pm

>>

- Tuesday, 11/2 at 2:00pm

>>

- Wednesday, 11/3 at 12:00pm

>>

>> If you would like to proceed with an initial telephone interview, please let me know the date/time option above when you are available. Please also let me know if you need a reasonable accommodation in order to participate in the telephone interview. If you do not respond by October 28, 2021 and specify one of the date/time options above for an initial telephone interview, I will consider that you are no longer interested in the position.

>>

>> Thank you,

>> Kathy

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>> From: Scott Goold
>> Sent: Monday, October 25, 2021 12:02 PM
>> To: Kathy Oyadomari <koyadomari@fhb.com>
>> Cc: Scott Goold ; Senator Mike Gabbard <mike@mikegabbard.com>; Rosalyn Baker <rozhbaker@gmail.com>; Green, Josh B <josh.green@Hawaii.gov>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>
>> Subject: EXT: RE: Database Administration II Application
>>
>> Lt Gov Josh Green
>> Senator Mike Gabbard
>> Senator Roz Baker
>>
>> Aloha e Kathy,
>> Hope you had a wonderful weekend. I see the Database Administration II position remains open. How do I convey to you how frightened and scared I am about applying for a position with FHB? I would love to work for this outstanding company. I'm certain I can begin adding value immediately. However, I am seeking information in writing to ensure I qualify and will be treated respectfully. Can you please pass my request to your supervisor or a manager? Please let me discuss my concerns with someone.
>>
>> I continue to copy political representatives, as I have asked all three to modify state regulations on this matter. This confusion hurts both employers and employees in Hawai'i. I am willing to take whatever steps FHB needs to allow me to serve this community.
>>
>> Thank you as always for your patience and anticipated cooperation.
>> Scott
>>
>> Screenshot 10.25.2021
>>
>> <image002.jpg>
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>>
>> Begin forwarded message:
>>
>> From: Scott Goold
>> Subject: RE: Database Administration II Application
>> Date: October 16, 2021 at 2:47:03 PM HST
>> To: Kathy Oyadomari <koyadomari@fhb.com>
>> Cc: Scott Goold , Senator Mike Gabbard <mike@mikegabbard.com>, Rosalyn Baker <rozhbaker@gmail.com>, "Green, Josh B" <josh.green@Hawaii.gov>, "Lakin, Jeremy" <jeremy.lakin@hawaii.gov>
>>
>> Lt Gov Josh Green
>> Senator Mike Gabbard
>> Senator Roz Baker
>>
>> Aloha e Kathy,
>> The Great Resignation is overwhelming America and Hawai'i. I would love to work for First Hawaiian Bank. However, I cannot be treated as other companies in our islands treated me. Please no more humiliation, shaming and embarrassment. We are human beings and deserve dignity. I'll work very hard for FHB. I pledge to be a model employee. I just need to know if my disability will cause me issues. Can you please forward my request for information to a supervisor?
>>
>>

>> Thank you so much!!! Have a wonderful weekend.

>>

>> <image003.jpg>

>>

>>

>> Begin forwarded message:

>>

>> From: Scott Goold

>> Subject: Re: Database Administration II Application

>> Date: October 15, 2021 at 11:27:45 AM HST

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold

>>

>> Aloha Friday Kathy,

>> Hope you had a fantastic week. See the position I seek remains open. Believe I can immediately help FHB ... hit the ground running and assist your team. Would you please do me a favor and forward my request to a supervisor or manager? Due to the complexity of my disability, I need something in writing before I am comfortable moving forward. Would love to speak with you in greater detail and also want to avoid any unnecessary unpleasanties between us. Believe my concerns can be addressed by someone higher up the corporate ladder.

>>

>> Thank you again for your time, patience and interest.

>> Scott

>>

>> <image004.png>

>>

>>

>> On Sep 23, 2021, at 3:14 PM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>>

>> Scott,

>>

>> First Hawaiian Bank has not asked you to provide information about your medical condition(s) and during the interview process you will not be asked about your medical condition(s) – and we request that you not share such information – except to the limited extent that you may need an accommodation in order to participate in the hiring process (for example, an assistive device to allow you to participate in the telephone interview). If you do need an accommodation in order to participate in the hiring process, please let me know. The interview itself, if you would like to proceed with scheduling one, will focus on your qualifications and experience for the Database Administrator II position.

>>

>> First Hawaiian Bank is an equal opportunity employer. If you were to be hired, you would be provided with reasonable accommodations to allow you to perform the essential functions of the job and to allow you to enjoy the benefits and privileges of employment.

>>

>> Thank you,

>> Kathy

>>

>> Kathy Oyadomari | Technical Recruiter

>> 999 Bishop Street, Honolulu, HI 96813

>> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>>

>> -----Original Message-----

>> From: Scott Goold

>> Sent: Wednesday, September 22, 2021 8:05 AM

>> To: Kathy Oyadomari <koyadomari@fhb.com>

>> Cc: Scott Goold

>> Subject: EXT: Re: Database Administration II Application

>>
>>
>> *** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***
>>
>>
>> Morning Kathy,
>> Received an alert that you may not have received my email. Resending.
>>
>> This message was created automatically by mail delivery software.
>> A message that you sent has not yet been delivered to one or more of its recipients after more than 8 hours on the queue on walmailout01.yourhostingaccount.com.
>>
>> The message identifier is: 1mSqQV-000792-4N
>> The subject of the message is: Re: Database Administration II Application
>> The date of the message is: Tue, 21 Sep 2021 14:47:47 -1000
>>
>> The address to which the message has not yet been delivered is:
>> koyadomari@fhb.com
>> *****
>>
>> Aloha e Kathy,
>> Wonderful as always to hear from you. Thank you for reaching out. I suffer a number of injuries — a disability — and I apologize in advance for my weaknesses and limited condition. FHB appears to be an first rate company and it's a tremendous honor to be considered for this position.
>>
>> As you might imagine, I take this opportunity to speak with you, be considered for this stellar company, very seriously. I want to be fully prepared for any interview session — just as I would approach my professional duties each day if FHB selects me. Due to my physical condition, doctors prescribe a number of pain relievers. My condition does not impair my mental or professional capabilities ... simply my ability to move around. I must also rely on various implements, such as a cane or crutches, even shoe implants, as needed.
>>
>> To prepare professionally for an interview with you, I am requesting FHB corporate information on your medication and substance use policy. This request makes me somewhat uncomfortable, as I am forced to delve more deeply into my HIPAA-protected medical history than I prefer at this early point in our conversation.
>>
>> If FHB can make reasonable accommodation at this time to share this information, I certainly would appreciate the professional courtesy. In my 9.16 email, I disclosed I had filed a questionnaire with HCRC hoping to get some clarity for you and I about professional expectations in this sometimes confusing and certainly complex area. Unfortunately, it seems Mr. Chang punted on my request. I have submitted a request now to speak with EEOC.
>>
>> I am highly interested in this position and opportunity to join the talented, accomplished FHB team. To be frank, I guess if I didn't really care, I wouldn't seek this accommodation. I do care. You seem to be a remarkable person and everything I read about FHB dazzles me. Great honor! Thank you!
>>
>> Therefore, I again with deep and sincere apologies request accommodation and corporate information I need to feel competent to have an informed and intelligent conversation with you. I remain interested and paused hoping your team will compromise with me on this matter.
>>
>> Many thanks for your continued interest and for reaching out. Hope we can soon speak further about the needs of FHB and your awesome team!
>> Scott
>>
>>

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Scott Goold
"I Believe We Can"



Candidate: [REDACTED]

Requisition Summary							
Title	Candidates	Status	Req. Based Status	Req. Rejection Reason	ACE	Req Rank	
Database Administrator II	4	Filled	Hired			75%	

Requisition Details:

Database Administrator II

Title: **Database Administrator II** Resume:

Req Rank: **75%** Requisition-specific Date Applied: **10/28/21**

Req. Based Status: **Hired** eSignature: [REDACTED]

Source: **Careers Website** eDate: **10/28/21**

Online Questions: **Requisition: Database Administrator II - [1754]**

Question: Are you a U.S. Citizen or legally authorized to work in the United States?
Answer: Yes

Question: To your knowledge, has any company ever refused to issue a fidelity bond for you?
Answer: No

Question: Do you have a High School Diploma or equivalent?

Exhibit F

Answer: Yes

Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?

Answer: No, I will not require sponsorship for employment

Question: How many years of banking experience do you have?

Answer: 2 years - 5 years

Question: How many employers have you worked for in the past five (5) years?

Answer: 1 - 2 Employers

Question: Are you able to meet the requirements of the job, as stated in the job description?

Answer: yes

Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information.

Answer: no
Question: In the last year, how many times have you called out sick?
Answer: 0

Main Status Details:

Main status: Hired	Details:
Hired date: 11/9/21	Test Date:
Start date:	Result:
Description:	Previous Results:

Candidate Information:

Name Prefix:	Email: [REDACTED]
First name: [REDACTED]	Pref. Method of Contact: Phone
Middle: [REDACTED]	Street/P.O. Box: [REDACTED]
Last name: [REDACTED]	Apt/Bldg:
Name Suffix:	City: [REDACTED]
Primary Phone #(10 Digit): [REDACTED]	State/Territory: [REDACTED]
Secondary Phone #:	ZIP/Postal code: [REDACTED]

Preferences

Desired Start Date: 11/29/21	Salary Expectations: 111,000.00
Willing to Relocate?: No	Bonus Expectations: none
Willing to Travel?: Yes	Pay Frequency: Monthly
Travel Percentage: 25%	Currency Code:
Regular/Temporary: Regular	Desired Hours Per Week: 40
Desired Work Days: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday	Geographic 1st Choice:
Full/Part-Time: Full-Time	Geographic 2nd Choice:
Desired Shift: Morning	Comments/Additional Info.:

Referral Information

Source: Careers Website	Former Employee?: Yes
--------------------------------	------------------------------

Specific Referral Source:

All Requisition Questions

Online Questions: **Requisition: Database Administrator II - [1754]**

Question: Are you a U.S. Citizen or legally authorized to work in the United States?
Answer: Yes

Question: To your knowledge, has any company ever refused to issue a fidelity bond for you?
Answer: No

Question: Do you have a High School Diploma or equivalent?
Answer: Yes

Question: Will you now or in the future require work visa sponsorship for employment at First Hawaiian Bank?
Answer: No, I will not require sponsorship for employment

Question: How many years of banking experience do you have?
Answer: 2 years - 5 years


Question: How many employers have you worked for in the past five (5) years?
Answer: 1 - 2 Employers

Question: Are you able to meet the requirements of the job, as stated in the job description?
Answer: yes

Question: Have you ever been laid off, your position eliminated, or any other involuntary reason for leaving any former employer? If yes, please provide additional information.
Answer: no

Question: In the last year, how many times have you called out sick?
Answer: 0

Resume and Cover Letter:

Attach resume: 

Cover Letter:

Work History Summary

Date From	Date To	Position Title	Company Name	Reason For Leaving	Ok To Contact
October 2015	October 2021	Database Administrator	[REDACTED]	Voluntary	✓
October 2008	January 2015	Database Administrator	[REDACTED]	Voluntary	✓
October 2003	October 2008	Database Administrator	[REDACTED]	Voluntary	✓
April 2000	October 2003	Database Administrator	[REDACTED]	Voluntary	✓
September 1998	November 2000	Database Administrator	[REDACTED]	Voluntary	✓
May 1996		Programmer/analyst	[REDACTED]	Voluntary	✓

Date From	Date To	Position Title	Company Name	Reason For Leaving	Ok To Contact
	September 1998				

Employment History:

Employed

Position Title: **Database Administrator**

Ok To Contact:

Company Name: [REDACTED]

Country: **United States**

Date From: **October 2015**

Explanation for Leaving: to expand my experience

Date To: **October 2021**

Company Zip Code: [REDACTED]

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: · Monitored and administered core application databases for a large health plan. · Platforms- SQL Server Enterprise, Oracle, DB2,,, Unix AIX,. · Languages- TSQL, PL/SQL, PowerShell, Korn shell, with experience with Python, JavaScript, HTML, CSS. · Deployed and configured SQL Server over VMWare virtual server technology and iBox storage subsystems. · Installed and supported several High Availability SQL Server Clusters. · Provided technical support for several ETL technologies like SQL Server SSIS and Informatica Power Center. · Worked alongside technical support for reporting technologies like MicroStrategy and

SQL Server Reporting Services . .
 Performed upgrades, security patching, lifecycle maintenance, supported continuous integration, agile, and change controls. .
 Experience leveraging ServiceNow, Webex, Sharepoint, and Microsoft Lync as team-empowering technologies. .
 Cloud- Participated in the development and acceptance of enterprise data warehouse cloud platform in.

Employed

Position Title: **Database Administrator**

Ok To Contact:

Company Name: [REDACTED]

Country: **United States**

Date From: **October 2008**

Explanation for Leaving: **expand my experience**

Date To: **January 2015**

Company Zip Code: [REDACTED]

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: Co., Inc., .
 Monitored and administered 50 Production and Development SQL Servers, serving over 150 applications using 200 databases. .
 Deployed and configured SQL Server over VMWare virtual server technology using 6 Tera Bytes of SAN storage. .
 Installed and supported 2 High Availability SQL Server Clusters. .

Worked with SQL Server Integration Services packages. · Assisted developers in implementing Production changes to databases. · Provided on-call 24x7 support for Production SQL Server and Oracle instances. · Oversaw database consultants. · Worked with in-house development staff, vendors and consultants to complete software installation and resolve problems. · Automated most frequent recurring tasks. · Worked with Software-as-a-Service vendors to resolve production interface issues. · Tracked and trended database meta-data to predict and prevent system failures. Budgeted new computing resources due to growth in workload and storage.

Employed

Position Title: **Database Administrator**

Ok To Contact:

Company Name: [REDACTED]

Country: **United States**

Date From: **October 2003**

Explanation for Leaving: to work [REDACTED]

Date To: **October 2008**

Company Zip Code: [REDACTED]

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description:

DESIGNER , , ·
 Monitored and administered Oracle RDBMSs. ·
 Modeled and documented enhancements to application databases. ·
 Developed applications with Java with Oracle jDeveloper. ·
 Loaded, converted, and integrated spatial and sensor data for analysis. ·
 Developed a data dictionary and metadata catalog. ·
 Mentored the technical team and customers.

Employed

Position Title: **Database Administrator**

Ok To Contact:

Company Name: 

Country: **United States**

Date From: **April 2000**

Explanation for Leaving: to work on interesting project for the Navy

Date To: **October 2003**

Company Zip Code: 

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: · Designed, maintained, and tuned Oracle databases for a statewide public health data warehousing firm. · Performed software maintenance on PL/SQL and PowerBuilder applications. · Modeled complex relational tables and dimensional models. · Worked with leading Extract,

Transformation and Load software. Planned, coordinated, and completed the deployment of Business Objects Enterprise 6 web-based Business Intelligence system.

Employed

Position Title: **Database Administrator**

Ok To Contact:

Company Name: [REDACTED]

Country: **United States**

Date From: **September 1998**

Explanation for Leaving: to gain experience on data warehouse project

Date To: **November 2000**

Company Zip Code: [REDACTED]

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: Maintained and tuned Oracle and Sybase SQL Server databases that supported in-house and packaged software applications for customer relationship management, leasing application, and financials management. Programmed in PL/SQL, Perl.

Employed

Position Title: **Programmer/analyst**

Ok To Contact:

Company Name: [REDACTED]

Country: **United States**

Date From: **May 1996**

Explanation for Leaving: work as DBA

Date To: **September 1998** Company Zip Code: **96814**

Reason For Leaving: **Voluntary**

Responsibilities and Duties

Description: · Programmed applications in COBOL / JCL on IBM OS 390 mainframe systems. · Programmed SQL DB2 for deposits application. · Completed major platform migration of items processing system from UNYSIS mainframe to client server application.

Education History:

Date From: **September 1990** State/Territory: **Hawaii**

Date To: **May 1994** Country of Education: **United States**

School Name: **University of Hawai'i** Graduated?: **Yes**

Degree or Certificate: **Bachelor's Degree** GPA: **3.5**

City: **Manoa**

Tracking:

Added to system: **10/28/21 8:31 PM** ID: **36695**

Last updated: **11/14/21 7:56 PM**

From: Kathy Oyadomari <koyadomari@fhb.com>
Sent: Tuesday, November 9, 2021 1:09 PM
To: Scott Goold
Subject: Database Administration II Application

Scott,

Thank you for taking the time to interview with me for the Database Administrator II position.

We appreciate your interest in First Hawaiian Bank and the position.

I am writing to let you know we have selected another candidate for this position.

Thank you again for your time.

Sincerely,
Kathy

Kathy Oyadomari | Technical Recruiter
999 Bishop Street, Honolulu, HI 96813
P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com



First Hawaiian Bank

Exhibit G



Details

From: donotreply@invalidemail.com

To:

Subject: First Hawaiian Bank Employment Application Received for ETL Developer III

Scott Goold,

This is to confirm that we have received your job posting application for the ETL Developer III position.

Your application is currently being reviewed and if you meet the appropriate qualifications for the position(s) you have applied for, we will contact you for more information.

Meanwhile, using your email address and password, you can login to our careers website anytime to update your application information.

Thank you again for your interest.

First Hawaiian Bank
Human Resources Group

Equal Employment Opportunity / Affirmative Action

This e-mail was automatically generated and replies to this e-mail are not read.

Exhibit H

From: Scott Goold
Sent: Tuesday, December 14, 2021 10:29 AM
To: Kathy Oyadomari
Cc: Scott Goold
Subject: EXT: Re: ETL Developer III

Aloha e Kathy,
Thanks for letting me know.

> On Dec 14, 2021, at 10:21 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

>

> Scott,

>

> This is to confirm we received your job application for the ETL Developer III position.

>

> Your application is currently being reviewed and if you meet the appropriate qualifications for the position, we will contact you for more information.

>

> Thank you again for your interest.

>

> Thank you,

> Kathy

>

> Kathy Oyadomari | Technical Recruiter

> 999 Bishop Street, Honolulu, HI 96813

> P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

>

> <image001.png>

>

> From: Scott Goold

> Sent: Friday, December 10, 2021 9:46 AM

> To: Kathy Oyadomari <koyadomari@fhb.com>

> Cc: Scott Goold

> Subject: EXT: ETL Developer III

>

>

> *** This message originated outside of First Hawaiian Bank's email system. Please verify the sender before opening attachments, clicking on links, or providing information. For suspicious email please contact Information Security. ***

>

>

> Aloha Friday Kathy,

> Hope you had a wonderful week. I applied for the ETL Developer III position around November 29th. I see the two positions remain open. Thought I would follow up today to see if you received my application. Would love to join your excellent team.

>

> Thank you for your professional courtesy and consideration!

>

>

> <image003.png>

>

> -----

> Scott Goold

> "I Believe We Can"

Scott Goold

"I Believe We Can"