

John Low
Chair

Richard Jose
Vice-Chair

Members:
Nancy Golden
Elizabeth Hahn
Jeffrey Iida
Karen Matsumoto
Roy Morita

COUNTY OF KAUAI CIVIL SERVICE COMMISSION
NOTICE OF MEETING AND AGENDA

Tuesday, February 23, 2016
3:00 p.m. or shortly thereafter
Mo'ikeha Building, Liquor Conference Room 3
4444 Rice Street, Lihu'e, HI 96766

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Open Session Minutes of January 26, 2016

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes §§92-4 and 92-5 (a) (4), 92-9 (a) (1-4) and (b), the purpose of this executive session is to receive and approve Executive Session minutes and to consult with the Commission's legal counsel on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities.

ES-003

Executive Session Minutes of January 26, 2016

ES-004:

To consult with the Commission's legal counsel on questions regarding the adoption of guidelines for implementing Civil Service Commission Procedures for the Selection, Evaluation and Dismissal of the Director of Human Resources, as it pertains to the Commission's powers, duties, privileges, immunities, and liabilities as described in CSC 2016-01.

RETURN TO OPEN SESSION

Ratify Commission actions taken in Executive Session for items: **ES-003 and ES-004**

BUSINESS

CSC 2016-01

Discussion on adopting Guidelines for Implementing Civil Service Commission Procedures for the Selection, Evaluation and Dismissal of the Director of Human Resources and possible decision-making to schedule a Public Hearing on adding such Rule Changes as Subchapter 7 (On-going)

- a. CSC Guidelines for Selection, Evaluation, and Dismissal of HR Director
- b. Discussion and possible decision-making in consideration of proposing changes to the Civil Service Commission

DIRECTOR'S REPORT TO INCLUDE ANY UPDATES ON THE TRANSITION PLAN

CSC 2016-05

February 2016 Director's Report

ANNOUNCEMENTS

Next Meeting: Tuesday, March 22, 2016 – 3:00 p.m., Mo'ikeha Building, Liquor Conference Room 3.

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes §92-7 (a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

c: Deputy County Attorney Teresa Tumbaga

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Civil Service Commission
Attn: Barbara Davis
Office of Boards & Commissions
4444 Rice Street, Suite 150
Līhu‘e, HI 96766
Email: bdavis@kauai.gov
Fax: 241-5127 Phone: 241-4919

SPECIAL ASSISTANCE

If you need an alternate format or an auxiliary aid to participate, please contact the Boards & Commissions Support Clerk at 241-4919 at least five (5) working days prior to the meeting.

DRAFT TO BE APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:	CIVIL SERVICE COMMISSION		Meeting Date	January 26, 2016
Location	Mo'ikeha Building, Liquor Control Commission, Meeting Room 3		Start of Meeting: 3:03 p.m.	End of Meeting: 4:34 p.m.
Present	Chair John Low. Members: Elizabeth Hahn; Jeffrey Iida; Karen Matsumoto; Roy Morita Also: Deputy Attorney Teresa Tumbaga; Boards & Commissions Office Staff: Support Clerk Barbara Davis; Director of HR Janine Rapozo			
Excused	Vice Chair Richard Jose. Member Nancy Golden			
Absent				
SUBJECT				
	DISCUSSION		ACTION	
	Prior to the start of the meeting, Council Administrative Assistant Eddie Topenio gave the Oath of Office to reappointed Commission member Karen S. Matsumoto		2015 Chair Morita called the meeting to order at 3:03 p.m. with 5 members present.	
Call To Order/Roll Call	Election of Chair and Vice Chair for Calendar Year 2016		Mr. Iida nominated John Low as Chair. Motion carried 5:0	
Election			Ms. Matsumoto nominated Richard Jose as Vice Chair. Motion carried 5:0 Chair Low assumed the position of Chair for the balance of the meeting.	
Approval of Minutes	<u>Open Session Minutes of November 24, 2015</u>		Mr. Morita moved to approve the minutes as circulated. Mr. Iida seconded the motion. Motion carried 5:0	
Business	<u>CSC 2016-01 Discussion on adopting Guidelines for Implementing Civil Service Commission Procedures for the Selection, Evaluation and Dismissal</u>			

*Open Minutes
1/26/16*



SUBJECT	DISCUSSION	ACTION
	<p>of the Director of Human Resources and possible decision-making to schedule a Public Hearing on adding such Rule Changes as Subchapter 7 (On-going)</p> <ol style="list-style-type: none"> a. <u>CSC Guidelines for Selection, Evaluation, and Dismissal of HR Director</u> b. <u>Proposed changes to the Civil Service Commission Rules and discussion of the required Public Hearing</u> c. <u>Planning Department Task Force/Select Committee Report from 2013</u> <p>Attorney Tumbaga stated she was asked at the last meeting whether anyone had made a motion to accept the Rule amendment. In going through past minutes, no motion was made to accept the Rule amendment pertaining to the HR Director. The work was not completed at the March meeting because the plan was to go through all the Rules and incorporate any and all changes at one time to be efficient. In August the Commission discussed that the Rules need to be approved to go to Public Hearing. The Commission did not want the Guidelines to be tied to the Rules, which was discussed again in November. In summary, Rule changes have not been accepted or approved. The Guidelines were amended pursuant to discussion by the Commission but you should take a look at all the Rules so they can all be amended at one time and then set a future agenda item to cover that.</p> <p>Attorney Tumbaga did have one suggestion for the Policies and Procedures for the Rules that pertains to the HR Director, which would be to add in §1-44 the words “pursuant to HRS §76-76” just following <i>The Director of Personnel Services may appoint a Deputy Director of Personnel Services</i> because that statute gives the authority for the Human Resources Director to designate a qualified person as the deputy.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Hahn said her understanding is if they go with rules they have to be formalized and then go to Public Hearing. Up to now the Commission has been working with guidelines; guidelines are internal and they are not something that has to go through formal adaptations. Because HR is a totally new situation and is still evolving for the first year or two, the Commission might want to stay with guidelines just to see how it flows and not try to make rules yet.</p> <p>Attorney Tumbaga verified that there are no rules currently in place regarding the HR Director.</p> <p>Mr. Morita asked if they could make a motion today to accept the guidelines for hiring a Director and make amendments later.</p> <p>Attorney Tumbaga said her understanding of why Planning had guidelines in place was because they made a Rule and they wanted to make sure the future Commissions could understand how to implement the Rule. Here, if there is no Rule that the Commission made, it is not a good idea to try to adopt a guideline since there is no Rule in place. The authority to appoint the HR Director comes from the Charter and then the Commission has the authority to adopt the Rule. You would need to go through the actual procedure and to skip that and make an informal guideline does not seem to comply with the Rules of Administrative Procedure. If the Rule is going to be adopted it then has to go to Public Hearing. Attorney Tumbaga said there is no requirement that they have to make a Rule. Planning did it because they wanted to ensure they were properly using their powers under the Charter when they appointed a Director, but there is nothing that says if you don't have it in place you are violating anything. For the future if the Commission wants to have a Rule in place then you should consider doing it.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Matsumoto said they used the Guidelines for selecting the current Director just as Guidelines. As far as the Planning Department, this Commission wanted to stay aligned with what they were doing, which is why we decided to go with the Guidelines following their format. We don't need to put it into the Rules because HRS gives the authority.</p> <p>Attorney Tumbaga said when they say they used the Guidelines she was not sure if they officially accepted them, but in the HRS there is no official guideline.</p> <p>Mr. Morita said the reason they used those Guidelines was there were zero guidelines for the Commission to hire a Director, so we decided not to adopt the Rules but create the Guidelines.</p> <p>Ms. Matsumoto said her concern with making a Rule is that should the HRS change like it did fifteen years ago all of the Rules would have to be changed again. It limits the Commission instead of giving flexibility.</p> <p>Ms. Rapozo wanted to give some background because she did sit on the committee that helped develop this process for the Planning Commission. The reason they did Rules versus Guidelines, the committee members that were present wanted to ensure that the process would be in place after they left. If it was just Guidelines they felt they could be changed at any time. The Rules are very specific that they have to go through the process of the selection committee and then they could hire a consultant and then go headhunter. The Planning Commission did not want a new Commission to go straight to a headhunter and they wanted it in the Rules so it couldn't be changed, or if it could be changed it would have to go through a process. It does lead to less flexibility, but they wanted that in the Rules. They also wanted to prevent some political part as well.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Davis said she also recalled the Commission wanted to use the Guidelines since they were not using the normal hiring process of going to the outside, and this would cover an area like nominating candidates by the Commission and to provide background for their reasoning.</p> <p>Chair Low said that was his recollection, but also the Commission was not trying to reinvent the wheel and the way Planning did it was a good way. Chair Low said he was not talking about adopting the Guidelines as Rules or making a Rule that says you must follow these Guidelines. Every commission should have their own ability, if they are going to be charged with finding a new director, to be able to do it the way they think is the right way and not be tied to a Commission that is 12 years past. The thing with the politics doesn't fly because that is kind of politicking the backdoor way because you are setting it forever that people have to do it that way. Chair Low thought they should consider not tying the Guidelines to the Rules – that they are a separate entity.</p> <p>Mr. Morita disagreed with that and asked if the other Boards and Commissions (who appoint) are involved with this too. Ms. Rapozo said the push was to try to come up with some type of standard process, so they wanted to do it for Planning first in the hope that other Commissions with department heads would follow suit, not to say it has to be adopted in the exact same way. The intention was to try to come up with some kind of standardized process. Mr. Morita said he would like to see consistency as far as the process is concerned and suggested getting the six Boards and Commissions together and do the Public Hearing all at once as a whole as opposed to doing it by each Board and Commission.</p> <p>Ms. Matsumoto said it will never happen with some Boards and Commissions. Staff suggested it would have to be individual because Rules are individual to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>each Commission.</p> <p>Chair Low said he would agree if they were all the same, but he is not comfortable with one size fits all. It should be something all the Commissions can live with and not decided by one.</p> <p>Ms. Hahn also did not think any one Commission would go out of their way to study the Rules unless the issue was on their table. It would come up as the need arises. Having a model was very useful and the Commission was able to choose the guidelines we felt were applicable to the situation at the time. We had the freedom and the flexibility to do that because we were not held by a Rule. Until a Rule becomes evident Ms. Hahn said she was totally in favor of sticking with Guidelines if it is not a violation to not have a Rule.</p> <p>Asked about Rules, Ms. Rapozo said the Commission does have Rules but they do not address the hiring of a Director.</p> <p>Chair Low then felt they do need to come up with something to address that. Mr. Iida asked if they could have a rule that states they will follow these Guidelines.</p> <p>Ms. Hahn said they were not mandated to have rules about that; they can get by with only the Guidelines.</p> <p>Attorney Tumbaga said she was not precisely asked that, but that is a concern to make sure if they are adopting something as a body without the rule in place if that is allowed. Attorney Tumbaga was of the understanding from Attorney Courson that in using the Guidelines they would then use that process to make Rules. In looking at the HRS administrative procedures and when agencies are required to make rules she would like to look at it further before giving a final</p>	

SUBJECT	DISCUSSION	ACTION
	<p>opinion. The rule does not need to be so specific that it ties everyone to something super specific. Parts of the draft Rules are not that specific, but §1-45 is because there is an order to follow, but it can be made more general. Attorney Tumbaga said if they officially accept the Guidelines she wants to make sure it is being done properly.</p> <p>Chair Low said his recollection was that Attorney Courson answered that and they could just go by Guidelines for the selection, but it would be prudent to confirm that is in fact proper.</p> <p>Attorney Tumbaga said regarding the Rules themselves if the Commission does want to look at the Rules she has gone through all of them, and there are certain areas they can adjust to make them more precise and match up with the statute.</p> <p>Chair Low asked if they could convince Attorney Tumbaga to include that with what she is doing on the Guidelines. Attorney Tumbaga said she could if that is something the Commission wants to do.</p>	<p>Mr. Morita moved to defer CSC 2016-01. Mr. Iida seconded the motion. Motion carried 5:0</p>
	<p><u>CSC 2016-02 Update of Director's Goals and Objectives for 2015 as part of ES-002 annual job performance review</u></p> <p>Chair Low asked if there were any updates to the goal information provided in the meeting packet.</p> <p>Ms. Rapozo said there was nothing significant to add.</p> <p>Chair Low said coupled with this month's Director's Reports they will be up to date to which Ms. Rapozo responded yes.</p>	
	<p><u>CSC 2016-03 Schedule of Meetings for 2016</u></p>	<p>Mr. Iida moved to receive the document as their</p>

SUBJECT	DISCUSSION	ACTION
Director's Reports	<p><u>CSC 2016-04 December 2015 and January 2016 Director's Report</u></p> <p>Ms. Rapozo apologized for the late timing of HR's annual holiday party saying hopefully the coming year it can be better scheduled.</p> <p>Ms. Rapozo noted she was scheduled to go to Kona for negotiations during the third week of December, but that was cancelled because of the dengue fever outbreak. Now we are rolling right into budgets, which were due into Administration last week Friday; there are no new positions or new anything so it is a status quo budget. There are smaller items that are being transferred to the HR budget such as the summer internship program which was housed in the Mayor's Office. Also the annual employee recognition banquet was also moved to HR for the coming year. We are also trying to consolidate the budget for drug and alcohol testing; right now it is decentralized to all of the different departments so when HR gets the invoice we have to charge everyone. The reason it was decentralized was to show the actual cost to each department, but it is a rather small budget in comparison to everything else. We are not sure the Administration will agree with it being funded through HR's budget, whether it is pre-employment or the drug testing programs. Other than the collective bargaining raises that were put in, the budget is pretty much status quo. The hearings with Administration will begin in February and budget is due to the Council March 15th.</p> <p>Mr. Morita asked Ms. Rapozo if the department was doing okay with the 2 manager positions they are short. Ms. Rapozo said they are doing okay right now. We did some reorganization and still have one vacancy in a clerical position which will be downgraded to an entry level clerk then we can start recruiting for that. Once the funded positions are filled we will be totally</p>	schedule of meetings for the year. Ms. Hahn seconded the motion. Motion carried 5:0

SUBJECT	DISCUSSION	ACTION
	<p>filled. One manager position was eliminated and one is dollar funded in the budget so the position is still there, it is just not funded. The dollar funded position is a holding place should Ms. Rapozo decide to return to that position in accordance with the collective bargaining agreements and executive orders, which give civil servants the opportunity to return to their position should they not be happy in their appointed position. Ms. Rapozo said they also have two positions on 89-day contracts still in the budget. The contract has been signed for Time and Attendance and IT is working with the vendor along with Jill Niitani and Debbie Ponce from HR. We have started On-Boarding whereby new hires fill out their forms electronically. We are testing an employee self-service program whereby employees can make their changes electronically. Ms. Rapozo further explained they are inputting some of the bargaining unit information into the payroll system using one of the more complicated contracts along with one of the simpler ones. Mr. Morita asked about veteran's preference credit and how some of the information is tracked when applicants are using the online system. Ms. Rapozo believed there was a question to that effect on the application form, but she was not sure if it says you have to attach the form. Even with everything online there is an opportunity to attach a resume and driver's license along with a generic email where they can email items and the clerical staff will attach that to their application.</p>	
<p>Executive Session</p>		<p>Chair Low recessed the meeting at 3:43 p.m. The meeting was called back to order at 3:48 p.m. Mr. Iida moved to go into Executive Session at 3:48 p.m. Ms. Hahn seconded the motion. Motion carried 5:0 Deputy Attorney Tumbaga read the Hawai'i Revised Statutes provision as detailed on the agenda to take the Commission into Executive</p>

SUBJECT	DISCUSSION	ACTION
Return to Open Session	Ratify Commission actions taken in Executive Session for items: <u>ES-001 and ES-002</u>	Session for ES-001 to approve Executive Minutes of 11/24/15 and ES-002 for implementation of the annual job performance review for the Director of Human Resources. The meeting resumed in Open Session at 4:34 p.m. Ms. Hahn moved to ratify the actions taken in Executive Session. Mr. Iida seconded the motion. Motion carried 5:0
Announcements	Next Meeting: Tuesday, February 23, 2016 – 3:00 p.m.	
Adjournment		The meeting adjourned at 4:34 p.m.

Submitted by: Barbara Davis, Staff Support Clerk Reviewed and Approved by: John Low, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.

**Guidelines for Implementing the
Civil Service Commission Procedures for the
Selection, Evaluation, and Dismissal of the Human Resources Director**

I. Implementing Section 1-14-4: Selection of the Human Resources Director

For Steps 1, 2, 2(a), 2(b), 2(c) the Commission should do the following regarding the Human Resources Director Position Description:

1. Commission to post agenda item for the review of the position description.
2. Commission to determine if changes are to be made to the position description.
3. Commission to vote on a motion to accept amended position description if changes are made.
4. Commission to develop interview questions. All candidates shall be asked the same questions.

Step 1: Nominated Candidates by the Commission

1. Commission to Post executive session agenda item for nomination process.
2. Commission members, including ex-officio members, who are interested in recommending nominees, shall obtain the resumes of the potential candidates.

In Executive Session:

3. Commission members, including ex-officio members, to nominate candidates for consideration.
4. Each Commission member shall be allowed to nominate no more than one candidate.
5. Resumes of nominated candidates shall be forwarded by the Commission in a confidential memorandum to the Commission Select Committee, in care of the Office of Boards and Commissions, for review to ensure that

minimum qualifications set forth by the County Charter are met.

6. Commission to request that the Office of Boards and Commissions schedule interview(s) with the qualified nominees.
7. Commission to post agenda item for the selection of the Human Resources Director.
8. Commission to take action on a motion to select the Human Resources Director from the list of qualified nominees.
9. Commission to inform the Mayor of its selection.

Step 2: If no selection is made in Step 1, then the Commission will move to Step 2 and utilize option available under Step 2.

Step 2(a): Recommendation of Candidates by a Select Committee

1. Commission to post item on the agenda to appoint Select Committee members and identify the scope for a three-member permitted interaction group.
(The Chairperson appoints the Select Committee members and the Commission defines the scope of the tasks for the Select Committee at a noticed meeting).
2. The Select Committee will establish all advertisements and chose the publications for any such advertisements.
3. The Select Committee will review all applications/resumes.
4. Resumes of applicants shall be forwarded by the Select Committee in a confidential memorandum to the Commission for review to ensure that minimum qualifications set forth in the County Charter are met.
5. The Select Committee may interview the candidates deemed qualified by the Commission.
6. The Select Committee may select up to five finalists for the Commission's review and prepare a report on the finalists.

7. Commission to post executive session agenda for acceptance of the Select Committee's report and recommended finalists.
8. Commission will review the report, may accept the report, and if necessary conduct additional interviews with the finalists.
9. Commission to take action on a motion to select one of the recommended finalists at a noticed meeting.
10. Commission to inform the Mayor of its selection.

Step 2(b): Recommendation of Candidates by Consultant

1. Commission to post agenda item to take action on selecting a consultant to provide a list of candidates.
2. Commission will delegate the procurement obligations to the Office of Boards and Commissions.
3. Office of Boards and Commissions will define the scope of work for the consultant and prepare the procurement documentation.
4. Office of Boards and Commissions will determine who will sit on the review and selection committee to select the consultant and advertise for resumes through the Department of Finance/Purchasing Division.
5. Office of Boards and Commissions to draft the consultant contract.
6. Legal review by Office of the County Attorney.
7. Review and Selection Committee meets to review resumes and rate the consultants.
8. Consultant is selected and executes contract with the County.
9. Consultant will establish all advertisements and choose the publications for any such advertisements.
10. Consultant will review all applications/resumes.

11. Consultant shall forward resumes in a confidential memorandum to the Commission for review to ensure that minimum qualifications set forth in the County Charter are met.
12. The Commission shall submit in a confidential memorandum a certified list of the qualified candidates to the consultant.
13. Commission to post agenda for acceptance of the consultant's report and identification of qualified candidates.
14. Commission will review the report, may accept the report, and, if necessary, conduct interviews of the qualified candidates.
15. Commission to take action on a motion for appointment of any of the qualified candidates at a noticed meeting.
16. Commission to inform the Mayor of its selection.

Step 2(c): Commission Developed Selection Process

1. Commission to post agenda item to discuss and develop its own process to select the Human Resources Director.
2. Commission to take action on identified selection process and follow procedural requirements designed in the process to select the Human Resources Director.
3. Commission to take action on a motion for appointment at close of the selection process at a noticed meeting.
4. Commission to inform Mayor of its selection.

II. Implementing RPPC Rule 1-14-5, Provisions for the Evaluation of the Human Resources Director

Evaluation Procedures:

1. Commission to post agenda item to discuss the evaluation procedures to fulfill annual evaluation requirement of the

Human Resources Director's performance as required by the RPPPC Rule 1-14-5.

2. Commission to distribute evaluations as provided in the Administrative Policies and Procedures of Human Resources.
3. Commission to post executive session agenda item to discuss the performance of the Human Resources Director to conclude the evaluation.
4. Commission to administer evaluation with the Director of Human Resources and create a memo to personnel file attaching the evaluation.

III. Implementing RPPC Rule 1-14-6, Provisions for the Dismissal of the Human Resources Director

Dismissal Procedures:

1. Commission to post executive session agenda item to discuss dismissal of the Human Resources Director.
2. Following discussion in executive session, unless waived by the Human Resources Director to hold an open session, Commission may take action to dismiss the Human Resources Director by majority vote of the Commission without an adjudicatory hearing.

IV. Authority for the Director of Human Resources to Appoint a Deputy:

The Director of Human Resources may appoint a Deputy Director of Human Resources to assist with his or her duties. The Director of Human Resources shall develop and periodically review the position description for the Deputy of Human Resources position. A copy of the position description shall be kept on file with the Department of Human Resources.

CIVIL SERVICE COMMISSION

Subchapter 7

**Policies and Procedures for Rules on the
Selection, Evaluation, and Dismissal of the Director
of Personnel Services**

1-42 Authority for Rule-making:

Pursuant to Article XV Section 15.03A of the Kauai County Charter ("Charter"), the Civil Service Commission of the County of Kaua'i ("Commission") adopts the following administrative rules pertaining to the selection, evaluation, and dismissal of the Director of Personnel Services.

1-43 Authority to Appoint Director of Personnel Services:

Pursuant to Article XV Section 15.04 of the Charter, the Director of Personnel Services shall be appointed by the Civil Service Commission. Prior to the appointment of a Director of Personnel Services the Commission shall obtain certification from the Department of Personnel Services that each applicant meets the minimum qualifications set forth in Article XV Section 15.04 of the Charter. The Commission shall develop and periodically review the position description for the Director of Personnel Services position. The Commission shall transmit a copy of the position description to the Department of Personnel Services.

1-44 Authority for the Director of Personnel Services to Appoint a Deputy:

The Director of Personnel Services may appoint a Deputy Director of Personnel Services to assist with his or her duties as provided in Article XV Section 15.04 of the Charter. The

Director of Personnel Services shall develop and periodically review the position description for the Deputy Director of Personnel Services position. The Director shall transmit a copy of the position description to the Department of Personnel Services.

1-45 Selection of the Director of Personnel Services:

The Director shall be selected in the following order:

1. First, by nomination of candidates to the Commission by any of the Civil Service Commissioners;
2. Second, if no candidates are nominated by any Civil Service Commissioner or the Commission fails to take action on any of the nominated candidates, the Commission may:
 - a. Form a select committee to compile a list of candidates for recommendation to the Commission;
or
 - b. Contract with a consultant, specializing in the recruitment of employees, to compile a list of candidates for recommendation to the Commission;
or
 - c. Agree, by majority of the Commission, to develop its own process to select the Director.

1-46 Provisions for the Evaluation of the Director of Personnel Services and Deputy Director of Personnel Services:

1. The Commission shall annually evaluate the performance of the Director.
2. The Director shall annually evaluate the performance of the Deputy Director.
3. The performance evaluations shall be conducted in accordance with the "Administrative Policies and

Procedures” established by the Department of Personnel Services.

1-47 Dismissal of the Director of Personnel Services

The Director serves at the pleasure of the Commission and can be dismissed at any time without cause or hearing on the matter.

REPORT TO THE PLANNING COMMISSION

Regarding the Proposed Chapter 14 Policies and Procedures for Rules on the Selection, Evaluation, and Dismissal of the Planning Director

I. Introduction

The proposed Chapter 14 to the Rules of Practice and Procedure of the Planning Commission (RPPPC) provides a process to select, evaluate, and dismiss the Planning Director appointed by the Planning Commission (Commission).

The proposed administrative rules outline procedures and protocols for the selection, evaluation, and dismissal of the Planning Director as well as create avenues for interface between the Commission and other County agencies with expertise in the selection and evaluation of appointed officials.

On July 23, 2013, the Commission authorized the creation of a select committee on Employment Policies and Practices consisting of three Commission members. The scope of the select committee served to evaluate and review current policies and practices relative to the selection, evaluation and dismissal of the Planning Director. The select committee met on eleven separate occasions.¹ After lengthy discussions, it now submits this report and the attached proposed Chapter 14 to the RPPPC as well as implementing policies for the Commission's consideration. A draft position description for the Planning Director is also attached.

II. Purpose of the Select Committee

Although the central objective of the select committee sought to create policies and practices for the selection of the Planning Director, the select committee also discussed other aspects relative to post appointment issues, such as an evaluation process as well as possible dismissal of the Planning Director.

The select committee recognized that the position of Planning Director carries many responsibilities and as such requires an individual to possess multiple skills. In reviewing relevant resources, the select committee zeroed in on three core elements that define what constitutes a viable candidate for the Planning Director position.

The first being typical functions, such as:

- Oversees the recruitment, employment, evaluation, and release of staff and contract personnel.
- Supervises all Planning Department staff, either directly or indirectly through senior staff.
- Develops organization-wide or department-wide goals, objectives, policies and procedures.
- Prepares division/department/organization operations budget.

¹ The select committee met on: July 30, 2013, Aug. 6, 2013, Aug. 20, 2013, Oct. 1, 2013, Oct. 22, 2013, Oct. 29, 2013, Nov. 5, 2013, Nov. 17, 2013, Dec. 17, 2013, Jan. 7, 2014, and Jan. 21, 2013.

- Ensures that the Commission is kept fully informed on the condition of the agency and about any trends, events, or emerging issues of significance to the agency's success.
- Report events and activities to senior management and elected and appointed officials.
- Implements the General Plan, development plans and other planning projects.
- Reviews all departmental reports and presentations.
- Evaluates planning-related legislation and applicability to Department projects.

The second being typical knowledge, such as:

- Considerable knowledge of the theory, principles and techniques of the planning profession and development process.
- Considerable knowledge of federal, state and local laws, ordinances and codes pertaining to a wide variety of planning and land use topics.
- Considerable knowledge of principles of personnel management, including supervision, training and performance evaluation.
- Considerable knowledge of the methods and techniques of research, writing and analysis.
- Considerable knowledge of the principles of budgeting and finance.
- Knowledge of real estate terminology, laws, practices, principles, and regulations.
- Knowledge of computer applications including Microsoft Office, Internet applications, and GIS.

The third being typical skills, such as:

- Effective and persuasive leadership comfortable with all levels of staff, public and others.
- Proven management skills and ability to manage day-to-day operations.
- Strong written and oral communication skills, including the editing, oversight or preparation of technical reports, and the presentation of information to government entities and various committees.
- Strong interpersonal and public relations skills to work effectively with various officials, staff, citizens and other customers.
- Strong organizational skills.
- Ability to understand and manage high-profile, sensitive or controversial political situations.
- Strong problem-solving and negotiation skills.
- Ability to exercise sound and independent judgment within general policy guidelines.

With the three core elements in mind, the select committee found it necessary to develop a process for the selection and appointment for the Planning Director position. Although the County Charter outlines the minimum qualifications, the select committee found it necessary to start its review with the position description. With the assistance of the Department of Personnel Services (DPS), the select committee began tailoring the position description, which is attached as Exhibit "3" and will be further explained below.

Prior to drafting the proposed Chapter 14 discussed below the select committee spent significant time discussing the following policy issues:

- Review of other agencies administrative rules for commission-appointed directors and policies relative to the selection of an official.
- Incorporating the Mayor's vision and involvement as an ex-officio member of the Commission to the decision-making process when selecting a Planning Director.
- Acknowledging the need for the Planning Director to establish a vision for the Department and County.
- Reconciling the evaluation procedures among all boards and commissions for appointed directors.
- Understanding that the Salary Commission approves salary caps; however, what remains uncertain is the level of authority the Commission has when compensating the Planning Director. The select committee recommends that the Office of Boards and Commission seeks advice from the Office of the County Attorney regarding the parameters of the Commission's authority to compensate the Planning Director

The policy discussions eventually led to the development of a proposed rule set. The proposed Chapter 14 of the RPPPC serves to develop new procedures and clarify requirements necessary when selecting, evaluating, and dismissing the Planning Director. The proposed rules are explained below.

III. Commentary on the Proposed Chapter 14 to the RPPPC:

The following is sectional description of the various provisions to the proposed Chapter 14 of the RPPC:

1-14-1 Authority for Rule-making:

Pursuant to Article XIV Section 14.03.E of the Kauai County Charter ("Charter"), the Planning Commission of the County of Kaua'i ("Commission") adopts the following administrative rules pertaining to the selection, evaluation, and dismissal of the Planning Director.

The authority to develop the proposed Chapter 14 to the RPPPC is derived from the County Charter. There are procedural requirements to adopt these rules pursuant to rulemaking procedures under Chapter 91, Hawai'i Revised Statutes. Should the Commission accept this report and move forward with adopting the proposed Chapter 14 to the RPPPC, the next step would be scheduling a public hearing before the Commission for action on the proposal.

1-14-2 Authority to Appoint Planning Director:

Pursuant to Article XIV Section 14.04 of the Charter, the Planning Director shall be appointed by the Planning Commission. Prior to the appointment of a Planning Director the Commission shall obtain certification from the Department of Personnel Services that each applicant meets the minimum qualifications set forth in Article XIV Section 14.04 of the Charter. The Commission shall develop and periodically review the position description for the Planning Director position. The Commission shall transmit a copy of the position description to the Department of Personnel Services.

The select committee believes that this provision speaks for itself given the minimum qualification requirements set forth in the County Charter. However, from a procedural standpoint, the select committee believes it should be DPS that certifies compliance of minimum qualifications given the expertise of the DPS relative to personnel issues. This provision also provides the Commission with authority to develop and periodically review the position description for the Planning Director. The rationale behind such authority is to ensure the Planning Director is knowledgeable about new rules and regulations that may have been adopted subsequent to the prior selection of the Planning Director.

1-14-3 Authority for the Planning Director to Appoint a Deputy:

The Planning Director may appoint a Deputy Planning Director to assist with its duties as provided in Article XIV Section 14.05 of the Charter. The Planning Director shall develop and periodically review the position description for the Deputy Planning Director position. The Planning Director shall transmit a copy of the position description to the Department of Personnel Services.

This provision gives the Planning Director the authority to appoint a deputy. Neither the Charter nor Comprehensive Zoning Ordinance makes reference to a deputy; however, the select committee finds that the historical practice of appointing a deputy should be preserved and codified into these proposed administrative rules.

1-14-4 Selection of the Planning Director:

The Planning Director shall be selected in the following order:

- 1. First, by nomination of candidates to the Commission by any of the Planning Commissioners;*
- 2. Second, if no candidates are nominated by any Planning Commissioner or the Commission fails to take action on any of the nominated candidates, the Commission may:
 - a. Form a select committee to compile a list of candidates for recommendation to the Commission; or*
 - b. Contract with a consultant, specializing in the recruitment of employees, to compile a list of candidates for recommendation to the Commission; or*
 - c. Agree, by majority of the Commission, to develop its own process to select the Planning Director.**

The select committee devoted a substantial portion of its discussions on this provision. The intent of this provision is to establish an order of actions by the Commission when selecting the Planning Director. The provision is essentially a two-step process with the second step creating options for the Commission. The first step requires the Commission to engage in a nomination process, where candidates would be nominated by any Commission member. Should there be no nominations or no action on any of the nominees, then the Commission would move to step-two. The second step allows the Commission to either 1) form a select committee to compile a list of candidates; 2) hire a head-hunting firm to compile a list of candidates for the Commission's selection; or 3) the Commission could develop its own process. The process

elements are set forth in the guidelines for implementing the policies and procedures that accompany the proposed Chapter 14, which is attached as Exhibit "2".

1-14-5 Provisions for the Evaluation of the Planning Director and Deputy Planning Director:

- 1. The Commission shall annually evaluate the performance of the Planning Director.*
- 2. The Planning Director shall annually evaluate the performance of the Deputy Planning Director.*
- 3. The performance evaluations shall be conducted in accordance with the "Administrative Policies and Procedures" established by the Department of Personnel Services.*

The select committee finds that it is important for the Commission to recognize the efforts of DPS and the Civil Service Commission to provide consistency for appointed positions relative to performance evaluations. This provision requires annual evaluations for as set forth in the recently revised Administrative Policies and Procedure established by DPS. Should these rules be adopted the Commission, the evaluation process will adhere to the protocols for completing performance evaluations as required by DPS.

1-14-6 Dismissal of the Planning Director

The Planning Director serves at the pleasure of the Commission and can be dismissed at any time without cause or hearing on the matter.

This provision codifies general common law principles relative to the dismissal of an at-will appointed employee. This provision also does not require any formal adjudicatory hearing when the Planning Director is dismissed from duty.

IV. Commentary on the Implementing Rules:

Attached as Exhibit "2" are the Guidelines for Implementing the Planning Commission Procedures for the Selection, Evaluation, and Dismissal of the Planning Director. The select committee found it necessary to identify steps when undertaking any of the three actions to select, evaluate, or dismiss the Planning Director.

The implementing guidelines are detailed to specific actions and are descriptive to outline necessary steps depending on the action before the Commission. The implementing guidelines are broken up into three sections relative to actions taken when selecting, evaluating, or dismissing the Planning Director.

Please see the attached Exhibit "2" for the proposed guidelines.

V. Commentary on the Position Description:

Attached, as Exhibit "3", is the Position Description for the Planning Director. DPS was essential in creating the position description. The select committee found the position

description adequate and added a reference to require a candidate to have historical and cultural knowledge of the island of Kaua'i.

Please see the attached Exhibit "3" for the proposed position description.

VI. Conclusion:

The select committee finds the proposed Chapter 14 necessary to assist the Commission when faced with selecting, evaluating, or dismissing the Planning Director. The vision of the select committee is to provide future Commissions with a process to address any of the three actions in an effective manner and to create consistency when employing such actions.

The select committee welcomes suggestions and any amendments from the Commission members to ensure a good working rule set when taking action on selecting, evaluating, or dismissing the Planning Director.

DEPARTMENT OF HUMAN RESOURCES
DIRECTOR'S REPORT
TO THE
CIVIL SERVICE COMMISSION

FEBRUARY 2016

The County's 2015 Annual Employee Recognition Banquet will be held on March 11, 2016 for those employees with years of service of 15, 20, 25, 30 and 35 years, those who retired in 2015, and employees of the year for the various departments. Jill Niitani, HR Manager II will be honored as the HR Department's Employee of the Year for 2015.

Staff have been busy verifying employees' years of service, preparing flyers, invitations, and tickets, finalizing the dinner menu and program, and publicizing the event. Approximately 200 are expected to be in attendance for the event that will be highlighted this year with a slide show and door prizes.

Payroll staff have been busy working with our IT division in preparing IRS 1095-C forms for all employees that worked in 2015. The 1095-C form is a new requirement due to the federal Affordable Care Act ("Obamacare") whereby employers must provide information to employees to verify if health insurance was provided by the County. The varying type of employees that are hired (fulltime, parttime, short-term, seasonal hires, etc.) provided some challenges in preparing the 1095-C forms. Forms must be provided to employees by March 31, 2016.

Budget hearings with all departments have started this month. The Administration has requested the Director's presence at all hearings to clarify filled and vacant positions, salary levels, etc. Likewise, the Director is part of a County committee looking at developing a County long-range financial plan that includes various policies on developing a sustainable budget, asset management, etc.

The County will be participating in the 2016 Get Fit Kauai Worksite Wellness Challenge. The department has a representative on the County's committee that will look at changing and developing policies and operational procedures towards healthy behaviors. Points are earned for the various changes leading to a final score of changes made. The employer with the most points due to healthy changes made will win the challenge.

CSC 2016-05



Following are highlights and statistics from the various divisions:

Administrative Services and Benefits

- Peter Eddy from Island Savings/Prudential Retirement is again scheduled to be available for individual employee appointments on February 16, 2016 to discuss deferred compensation options with interested employees.
- Preparing for EUTF Health Fund open enrollment that will take place in April; no major changes anticipated to various health plans.
- Several issues continue to be addressed with NeoGov's On-Boarding program that have caused delays and frustration with new hires.

- New Hires:
 - Bus Driver (exempt) (3)
 - Bus Driver (substitute) (exempt) (3)
 - Deputy County Attorney (exempt)
 - Election Clerk II (exempt)
 - Landfill Laborer I
 - Park Caretaker I (2)
 - Police Services Officer (4)
 - Pool Guard
 - Recreation Worker (exempt)
 - Senior Clerk

- Exit Interviews Conducted: 5 of 7
- TDI Applications 1 (approved)
- Leave Sharing: 0
- Reference Checks: 10
- Employment Verifications: 14

- Transactions:

New Hires	14
Separations	9
Reallocations	0
Promotions	7
Demotions	2
Transfers	1
Pay Increase	154
Suspension	1
Leave Without Pay	18
Other	59
Seasonal	3

Classification and Pay and Labor Relations

- Negotiations are beginning with the eight (8) different bargaining units with all contracts expiring on June 30, 2017. A meeting was recently held with all jurisdictions to discuss proposals for submittal to the HFFA (Hawai'i Firefighters Association) for consideration.
- Reallocations Processed:
 - Building Permit Clerk to Senior Clerk (exempt)
 - Bus Driver (Substitute) to Bus Driver (Fulltime) (exempt)
 - Construction Inspector II to Construction Inspector III
 - Fire Fighter I to Fire Fighter Trainee (2)
 - Fire Fighter Trainee to Fire Fighter I (2)
 - Human Resources Assistant to Human Resources Clerk
 - Ocean Safety Officer II to Ocean Safety Officer I
 - Planner III to Planner IV
- Desk Audits:
 - Construction Inspector II to Construction Inspector III
 - Liquor Control Investigator I to Liquor Control Investigator II
 - Liquor Control Investigator II to Liquor Control Investigator III

Recruitment and Exam

- Staff working with the County's Office of Economic Development and ADA Coordinator/EEO Officer and the State Department of Vocational Rehabilitation (DVR) to prepare for a summer employment program for DVR participants.
- Working with the Department of Parks and Recreation to recruit and fill the Youth Summer and Spring Enrichment Programs' positions.
- Recruitments:
 - Bus Driver (exempt)
 - Cashier
 - Deputy County Attorney (exempt)
 - District Road Overseer I
 - Emergency Services Dispatcher I (repost)
 - Heavy Vehicle & Construction Equipment Mechanic I
 - Highway Construction & Maintenance Supervisor I
 - Human Resources Clerk
 - Janitor II
 - Liquor Control Investigator Trainee
 - Maintenance Worker II
 - Park Security Officer I
 - Police Services Officer (repost)
 - Recycling Specialist Trainee
 - Repair Shop Utility Worker
 - Senior Clerk

Tax Clerk
Wastewater Plant Working Supervisor
Youth Spring Enrichment Program (exempt)
Water Plants Superintendent

- Lists Referred to Departments: Bus Driver (substitute) (exempt)
Clerk Dispatcher II
Community Service Worker
Deputy County Attorney (exempt)
Derelict/Abandoned Vehicle Coordinator
Election Clerk II (exempt)
Emergency Services Dispatcher I
Groundskeeper
Laborer I
Parks Project Manager
Planner I
Real Property Appraiser III
Scale Attendant
Tax Clerk
- Written Exams Administered: Community Service Worker
Emergency Services Dispatcher I
Police Services Officer
Scale Attendant
- Performance Exams Administered: Equipment Operator I
Ocean Safety Officer I
- Administrative Reviews: Heavy Vehicle & Construction Equipment Mechanic
I (accepted)

Payroll

- For the first time, due to the Affordable Care Act (“Obamacare”), the County is required to provide all employees with a 1095-C IRS form in addition to the annual W-2 form. Although employers were given until March 31st to distribute these forms to all employees that worked in 2015, the County is hopeful to get the 1095-C forms out by the end of February. More work needs to be done with the software to decrease the manual processing that was necessary for this year.
- Responded to request from Civil Beat for employees’ fulltime salary and position number.

Employee Development and Health Services

- OSHA Form 300A Logs and Summaries were completed for all departments.
- Request for Proposals posted for County’s Flexible Spending Plan with proposals due on February 19th.

- HIOSH informal conference held on January 26th to discuss abatement issues and possible reduction in penalties for incident that occurred at the Kekaha Landfill last year; settlement agreement reached with HIOSH for a 15% reduction in penalties.
- Equipment/Driver Training: Tractor Mower #421 (1 Public Works' employee)
- Other Training:
 - Leadership Works Essential Training with Glenn Furuya (38 employees)
 - OHA Native Plants Training with Rick Barboza of Hui Ku Maoli Ola, LLC (21 employees)
 - Ergonomics Assessments with David Ching from Atlas Insurance (6 Department of Water and 4 Office of Economic Development employees)
 - Policy Against Discrimination, Harassment and Retaliation (make up sessions) (another 35 employees)