

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 2/23/16

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	
Call To Order/Roll Call		2015 Chair Morita called the meeting to order at 3:03 p.m. with 5 members present.
Election	<u>Election of Chair and Vice Chair for Calendar Year 2016</u>	Mr. Iida nominated John Low as Chair. Motion carried 5:0 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 of the Director of Human Resources and possible decision-making to schedule a Public Hearing on adding such Rule Changes as Subchapter 7</u>	

SUBJECT	DISCUSSION	ACTION
	<p><u>(On-going)</u></p> <p>a. <u>CSC Guidelines for Selection, Evaluation, and Dismissal of HR Director</u></p> <p>b. <u>Proposed changes to the Civil Service Commission Rules and discussion of the required Public Hearing</u></p> <p>c. <u>Planning Department Task Force/Select Committee Report from 2013</u></p> <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 be 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> <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</p>	

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	<p>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> <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</p>	

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	<p>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> <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>	

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	<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 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>	

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	<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 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>	

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	<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 schedule of meetings for the year. Ms. Hahn seconded the motion. Motion carried 5:0</p>
<p>Director's Reports</p>	<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</p>	

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	<p>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 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</p>	

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	<p>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>Chair Low recessed the meeting at 3:43 p.m. The meeting was called back to order at 3:48 p.m.</p>
<p>Executive Session</p>		<p>Mr. Iida moved to go into Executive Session at 3:48 p.m. Ms. Hahn seconded the motion. Motion carried 5:0</p> <p>Deputy Attorney Tumbaga read the Hawai'i Revised Statutes provision as detailed on the agenda to take the Commission into Executive 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.</p>
<p>Return to Open Session</p>	<p><u>Ratify Commission actions taken in Executive Session for items: ES-001 and ES-002</u></p>	<p>The meeting resumed in Open Session at 4:34 p.m.</p> <p>Ms. Hahn moved to ratify the actions taken in Executive Session. Mr. Iida seconded the motion. Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
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.