

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as circulated 7/26/16

Board/Committee:		<b>CIVIL SERVICE COMMISSION</b>	Meeting Date	<b>May 24, 2016</b>
Location	Mo'ikeha Building, Liquor Control Commission, Meeting Room 3		Start of Meeting: 3:01 p.m.	End of Meeting: 4:22 p.m.
Present	Chair John Low; Vice Chair Richard Jose. Members: Fely Faulkner; Nancy Golden; Elizabeth Hahn; Jeffrey Iida; Karen Matsumoto Also: Deputy Attorney Shoshana O'Brien; Boards & Commissions Office Staff Support Clerk Barbara Davis and Administrator Jay Furfaro; Director of HR Janine Rapozo			
Excused				
Absent				
<b>SUBJECT</b>	<b>DISCUSSION</b>		<b>ACTION</b>	
	Prior to the start of the meeting Council Administrative Assistant Eddie Topenio gave the Oath of Office to new Commission Member Fely Faulkner.			
<b>Call To Order/Roll Call</b>	Chair Low called for a motion to amend the agenda to correct the June meeting date from the 17 <sup>th</sup> to the 28 <sup>th</sup> .		Chair Low called the meeting to order at 3:01 p.m. with 7 members present.  Mr. Iida so moved. Mr. Jose seconded the motion. Motion carried 7:0	
<b>Approval of Minutes</b>	<u>Open Session Minutes of March 22, 2016</u>		Mr. Iida moved to approve the minutes as circulated. Ms. Matsumoto seconded the motion. Motion carried 7:0	
<b>Director's Reports</b>	<u>CRC 2016-07 April 2016 and May 2016 Director's Reports</u>  Ms. Rapozo said a lot of April was focused on the annual budget for FY 2017. The budget is still with the County Council for final approval, but at this point there were no cuts that were made to the HR Department's budget. The actual line item budget is included in your packet along with the budget presentation that was submitted to Council. In May the focus was on Unit 14 trying to get that arbitration award approved. Kaua'i County Council voted 7 to 0 to approve the raises. Maui County took the measure up in March and deferred it until earlier this month. They finally did approve it after a lot of public			

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	<p>testimony and public sign waving. Going forward it does inform our legislative bodies, even if it is final and binding, it still has to go through the process to get funded. All of the jurisdictions are aware of that now versus in the past our County Council used to say it was a done deal and they just have to approve it, but it is not that way. In the upcoming biennium there will be 8 contracts to look at negotiating. The State has 14 (contracts) total including teachers, UH, nurses, and it is all negotiated at the same time.</p> <p>Mr. Iida asked why the contracts are only for two years. Ms. Rapozo said historically it has been that way. There have been 4 year contracts and a 6 year contract with SHOPO but that was because it was so delayed by the time they actually got a contract that two years had already passed. The employer group side has tried for longer contracts but the union would like to reopen sooner. Mr. Iida said when you go for two years and things drag on you are starting again already and it makes more work (for the negotiators). Mr. Jose was asked how he felt about it to which he said when you have a two year contract it might not be a good one to start with, and they (Unit 14) are trying to get a new contract on board and trying to find where they are going to put their roots down. From his standpoint a two year contract is not the greatest – they try to shoot for a minimum of three but if it is pretty good they go for five.</p> <p>Ms. Rapozo added that given the financial situation of the employers the union is probably looking that it is not the best time to go lengthier because there is no money.</p> <p>Mr. Low said he noticed HR had problems with the new form 1095C and asked if that had been resolved. Ms. Rapozo said they did get the report out to all the employees, but there is still one more report due to the IRS on June 30. The IRS is not ready to receive the report yet and we are working with them to try to ensure that next year we don't have as many manual updates to do. The rules with the IRS were not clear and still are not clear so we have asked for guidance, but have not been able to resolve a lot of it. The other counties have</p>	

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	<p>encountered the same problems. Mr. Low said the budget report to the Council was very impressive and very well done.</p> <p>Ms. Matsumoto asked what kind of effect ACT 152 (related to Employees Retirement System) was having on the budget. Ms. Rapozo said it is being farmed out to all of the departments who have retirees and they have to come up with it in their budget. Ms. Matsumoto said this is going to be on-going and asked what measures are being taken. Ms. Rapozo said they had a conference call with the ERS to figure out how they came up with the figure (\$1.6 million). ACT 152 spiking bill basically did two things. Anyone hired after 2012 certain portions of their compensation is no longer considered for retirement purposes so that helps going forward, but everybody hired prior to 2012 their overtime, their temporary assignments, and certain types of compensation gets added into their final compensation to determine their actual retirement. The actuarial does not look at all of that because it was not part of their base salary. What the Legislature did in 2012 was to say the counties or the State needs to pay the difference. Because of “spiking” by someone about to retire, whether intentionally or not, their retirement would go up tremendously and it was not budgeted for in their actual retirement. The departments have been told they have to look at their overtime and their temporary assignments and the only way they can control it is what is going into someone’s salary.</p> <p>Ms. Hahn asked with the legalizing of (medicinal) marijuana and the drug testing that we do to guarantee our employees are fully capable of doing their jobs, what kind of effect will that have? Ms. Rapozo said right now most of the contracts do not recognize medical marijuana so a fireman or policeman cannot do medical marijuana. Federal law says a CDL driver cannot do medical marijuana. We are only looking at possible white-collar HGEA or non-CDL UPW employees that possibly might have a medical marijuana card. HGEA does not address it so if they are on medical marijuana we would still</p>	

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	<p>note it as a positive. The agreement signed with UPW a few years ago there is a stipulation that says if the person is on medical marijuana the MRO (Medical Review Officer) is to report that as a negative. While concerned about that it is in the agreement so we will look at it more closely next June. Another situation that comes up with medical marijuana is the use of marinol which is a (legal) prescription drug. The tests we use cannot distinguish between marinol and marijuana, so if they have a prescription for marinol and they are positive the MRO has no choice but to deem them as negative. Ms. Matsumoto asked if they were doing pre-employment physicals. Ms. Rapozo said they are doing pre-employment physicals only if they are safety sensitive. We are still working to define that as there is no concrete definition of safety sensitive.</p> <p>Mr. Jose asked for further information on the pilot repricing project. Ms. Rapozo said as part of an agreement with UPW the employer group and the union agreed to do a pilot repricing project in which they look at all the positions within the bargaining unit. The repricing allowed employees as well as departments or the union to submit a request to the employer and say they did not think they were priced correctly in relation to some other BC. We are at the stage where all of the requests have been received and we will have hearings on all of the islands. Ms. Matsumoto did not think they were looking at positions but rather classes. Referring to the pricing project, because it is negotiated Ms. Matsumoto asked would the Civil Service Commissions and the Merit Appeals Boards get involved. Ms. Rapozo said part of the project is there is no appeal.</p>	
<p><b>Executive Session</b></p>		<p>Ms. Hahn moved to go into Executive Session at 3:26 p.m. Mr. Jose seconded the motion. Motion carried 7:0</p> <p>Chair Low read the Hawai'i Revised Statutes provision as detailed on the agenda to take the Commission into Executive Session for ES-006</p>

SUBJECT	DISCUSSION	ACTION
		to make a decision for any Salary Adjustment for the Director of Human Resources.
<b>Return to Open Session</b>	<u>Ratify Commission actions taken in Executive Session for items: ES-006</u>	Mr. Iida moved to ratify the Commission's decision on the Salary Adjustment for the Director. Ms. Hahn seconded the motion. Motion carried 7:0
<b>Announcements</b>	It was announced that Ms. Golden's last meeting will be the June meeting and Chair Low thanked her for all her help. Ms. Golden said she has learned so much and thanked everyone for that.  Next Meeting: Tuesday, June 28 – 3:00 p.m.	
<b>Adjournment</b>		Mr. Iida moved to adjourn the meeting at 4:22 p.m. Mr. Jose seconded the motion. Motion carried 7:0

Submitted by: \_\_\_\_\_  
 Barbara Davis, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
 John Low, Chair

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