Jeffrey Iida
Chair

Vonnell Ramos
Vice Chair

Members:
Fely Faulkner
Richard Jose
Beth Tokioka
Ricky Watanabe

COUNTY OF KAUA'I CIVIL SERVICE COMMISSION
NOTICE OF TELECONFERENCE MEETING AND AGENDA
Tuesday, September 1, 2020
3:00 p.m. or shortly thereafter

Microsoft Teams Phone Number: 1-469-848-0234
Conference ID: 785 142 107#

This meeting will be held via Microsoft Teams teleconference only. Members of the public are invited to join the open session meeting by calling the phone number above and when prompted enter the conference ID information. You may testify during the teleconference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your phone and unmute to testify.

CALL TO ORDER IN OPEN SESSION (Open to the Public)

ROLL CALL

PUBLIC COMMENTS AND TESTIMONY
Individuals may orally testify on any agenda item at this time.

Anyone interested in providing oral or written testimony shall provide a request to the Office of Boards and Commissions prior to the day of the meeting to smuragin@kauai.gov or by fax (808) 241-5127, or mailed to: Civil Service Commission, Office of Boards and Commissions, Pi'ikoi Building, 4444 Rice Street, Suite 300, Lihue, HI 96766. This request shall include your name, telephone number, electronic mail (email) address, and the specific agenda item(s) that you will be testifying on or provided comments on. Any testimony received after this time will be incorporated into the record as appropriate.

APPROVAL OF MINUTES
A. Open Session Minutes of August 4, 2020

DIRECTOR'S REPORT
CSC 2020-18 Director's Report for the July/August 2020 period.
A. HRMS Project

An Equal Opportunity Employer

B. Review and Comparison of Current Procedures with those from Audit Years.
C. Access Office Structure and Productivity of Staff Assignments
D. Collective Bargaining
E. Documentation Retention and Maintenance Policy
F. Administrative Services and Benefits
G. Employee Development and Health Services
H. Classification and Pay and Labor Relations
I. Recruitment and Exam
J. Payroll
K. EEO/ADA
L. Attachment A – Department of Human Resources Policy Changes Since 2015 Audit
M. Attachment B – Number of County Employees as of June 30, 2020

CSC 2020-19

Review and possible decision-making on the second draft of substantive and non-substantive amendments to the Rules of the Civil Service Commission/Merit Appeals Board document.

A. Review additional amendments on the September 1, 2020 Ramseyer Version regarding Subchapter 2 Proceedings Before The Commission §1-14 Filing of documents (b) Form and Subchapter 6 Rules Applicable To Appeals §1-39 Filing of appeal (a) Time.
B. Review Notice of Public Hearing.
C. Discussion on other related matters.

CSC 2020-20

Review and possible decision-making on the second draft of amendments to the Rules of Appeal to the Civil Service Commission/Merit Appeals Board form.

A. Review second draft of amendments to the Appeal Form.
B. Review and possible decision-making on the first draft amendments to the Appeal Form Representative.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes §§92-4, 92-5 (a) (2) (4), 92-9 (a) (1-4) and (b), 76-47 (e) the purpose of this Executive Session is to receive and approve Executive Session minutes, to consider the hire, evaluation, dismissal or discipline of an employee or officer of the County where consideration of matters affecting privacy will be involved; and to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's and County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate.

ENTER INTO EXECUTIVE SESSION (Closed to the Public)

Disconnect from Open Session and enter into Microsoft Teams Teleconference in Executive Session.

CALL TO ORDER IN EXECUTIVE SESSION (Closed to the Public)

ROLL CALL

ES-018	Executive Session Minutes of August 4, 2020
ES-019	Director of Human Resources Performance Evaluation (on-going). A. Review updated DHR Performance Evaluation. B. Review and discussion on the completed DHR's six-month evaluation forms and prepare a collaborated final evaluation form. C. Review and possible decision-making on use of the 360-evaluation process as part of the DHR's six-month evaluation. D. Discussion on other related matters.
ES-020 - RFA 2020-02	Communication received August 19, 2020, by an individual requesting the Commission review procedures taken by the Director of Human Resources that determined the individual's credentials listed on an application did not meet the minimum qualification requirements.

RETURN TO OPEN SESSION
Disconnect from Executive Session and enter into Microsoft Teams Teleconference in Open Session.

CALL TO ORDER IN OPEN SESSION (Open to the Public)

ROLL CALL

RATIFY ACTIONS
Ratify the actions taken by the Civil Service Commission in executive session for agenda item: ES-018, ES-019 and ES-020.

ANNOUNCEMENTS
Next Meeting: Tuesday, October 6, 2020 – 3:00 p.m., Teleconference by Microsoft Teams

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 HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

cc: Deputy County Attorney Mark Ishmael

PUBLIC COMMENTS and TESTIMONY

SPEAKER REGISTRATION
Prior to the day of the meeting: Persons wishing to testify are requested to register their name, phone number and agenda item via email to: smuragin@kauai.gov or call 808-241-4919.

On the day of the meeting: Persons who have NOT registered to testify by the time the meeting begins will be given the opportunity to speak on an item following oral testimony from registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY
Prior to the day of the meeting: Testimonies may be emailed: smuragin@kauai.gov , faxed: 808-241-5127, or mailed: Civil Service Commission, Office of Boards and Commissions, Pi'ikoi Building, 4444 Rice Street, Suite 300 Lihue, HI 96766. Please include your name and if applicable, your position/title and organization you are representing along with the agenda item that you are providing comments on.

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

SPECIAL ASSISTANCE
If you need an auxiliary aid/service, other accommodation due to a disability, or an interpreter for non-English speaking persons, please contact the Office of Boards and Commissions at (808) 241-4917 or asegreti@kauai.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

DRAFT To Be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	**CIVIL SERVICE COMMISSION**	Meeting Date:	**August 4, 2020**
Location	Teleconference via Microsoft Teams	Start of Meeting: 3:02 p.m.	End of Meeting: 4:03 p.m.
Present	Chair Pro Tem Richard Jose. Commissioners: Fely Faulkner, Beth Tokioka and Ricky Watanabe. Deputy County Attorney Mark Ishmael. Human Resources Director Annette Anderson (*disconnected at 3:31 p.m.*). Office of Boards and Commissions Staff: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.		
Excused	Chair Jeffrey Iida and Vice Chair Vonnell Ramos.		
Absent			

SUBJECT	DISCUSSION	ACTION
	Commissioner Jose, Commissioner Tokioka, Deputy County Attorney Mark Ishmael, Human Resources Director Annette Anderson, Administrator Ellen Ching, and Commission Support Clerk Sandra Muragin were logged onto Microsoft Teams by video. Commissioner Faulkner and Commissioner Watanabe called into Microsoft Teams and entered the meeting by audio.	
Call To Order In Open Session /Roll Call	Commissioner Jose called the Open Session meeting to order at 3:00 p.m. and requested a roll call. Commission support clerk Sandra Muragin verified attendance by roll call and requested a verbal response of present or here; Commissioner Faulkner replied here. Commissioner Jose replied here. Commissioner Tokioka replied here. Commissioner Watanabe replied here. Vice Chair Ramos was excused. Chair Iida was excused. Deputy County Attorney Mark Ismael replied here. Human Resources Director Annette Anderson replied present. Administrator Ellen Ching replied present. Commission Support Clerk Sandra Muragin replied here.	Quorum was established with four commissioners present.

SUBJECT	DISCUSSION	ACTION
	Administrator Ellen Ching directed the commission to appoint a Chair Pro Tem in the absence of the Chair and Vice Chair, before the meeting could move forward.	Ms. Faulkner moved to appoint Richard Jose as Chair Pro Tem for the August 4, 2020 meeting. Ms. Tokioka seconded the motion. Roll Call Vote: 4-Ayes and 0-Nays. Motion carried 4:0.
Public Comments and Testimony	No one from the public signed into the meeting.	
Approval of Minutes	A. Open Session Minutes of July 7, 2020	Ms. Tokioka moved to approve the Open Session minutes of July 7, 2020, as circulated. Ms. Faulkner seconded the motion. Motion carried 4:0.
Director's Report	**CSC 2020-18** Director's Reports for the June/July 2020 period. A. HRMS Project B. Review and Comparison of Current Procedures with those from Audit Years C. Work Schedule D. Collective Bargaining E. Documentation Retention and Maintenance Policy F. Administrative Services and Benefits G. Employee Development and Health Services H. Classification and Pay and Labor Relations I. Recruitment and Exam J. Payroll K. EEO/ADA L. Attachment A: Department of Human Resources Policy Changes Since 2015 Audit M. Attachment B: Number of County Employees as of June 30, 2020. N. Attachment C: COK Department of Human Resources Internal Policy and	

SUBJECT	DISCUSSION	ACTION
	Procedures-Human Resources Document Retention & Destruction, Document Number 2020-000, Revision Number/Date 001/July 2020 Human Resources Director Annette Anderson reviewed the June/July 2020 report with the Commission (on file). <u>Human Resources Management System (HRMS) Project</u>: Ms. Anderson confirmed they fulfilled the commission's request to recruit someone outside of human resources department to be part of the selection committee. She shared that they received eight proposals and a status meeting with BerryDunn was scheduled on Monday, August 17, 2020 to review and update the projects progress. To date they were on schedule and moving forward. <u>Review and Comparison of Current Procedures with those from Audit Years</u>: Ms. Anderson reviewed Attachment A and Attachment B with the commission. **Attachment A**: Department of Human Resources Policy Changes Since 2015 Audit: The report detailed 17 procedures that had been changed or updated since the 2015 audit. The "after audit" column specified internal procedures and processes that resulted in improvements and streamlined the methodology of how the department handled these areas. She covered each procedure with the commission (see attachment A for details) and highlighted the following; 1. Overall Recruitment and Hiring: created a centralized section that reviewed and processed all reference checks, background checks, and communication of conditional employment and non-selection notices. 2. Skilled/Unskilled Positions: process in place to identify and eliminate the bypass of essential qualifications. 3. Application-Citizenship Language: question added to identify citizenship requirements.	

SUBJECT	DISCUSSION	ACTION
	At 3:11 p.m. a public person [redacted] called and joined the meeting. 4. Exemption from Civil Service Recruitment: this was part of the audit findings and added onto the NEOGOV system. 5. Grant Funded Positions: added onto NEOGOV to verify positions are authorized and funded. 6. NEOGOV-Department of Water (DOW) funding approval: added onto NEOGOV to verity positions are authorized and funded. 7. Recruitment Above the Minimum (RAM): created a process to analyze public and private salary for recruitment of positions at a salary above minimum. 8. Examination Admittance: created a process of no admittance once testing doors are closed and allow view of admission letters online instead of providing a paper copy. 9. Interviews: departments must now substantiate interviews through NEOGOV, which allows HR recruitment staff to review that all requirements were met. 10. NEOGOV-Classification Actions: streamlined approval process and made paperless. 11. Reallocations: created a process to now require appropriate documentation. 12. Class Specification-Gender Language: reviewed and changed to gender neutral language. 13. Driver's License: to avoid discrimination, driver licenses are now requested once a conditional offer of employment is made. 14. Hire Above the Minimum (HAM): created a process to determine a fair and equitable starting pay for applicants with above the minimum education and experience. 15. Administrative Review Process: created a process for recruitment staff to clarify information prior to rejecting an application. The process has proven successful outcomes. 16. Class Specifications-Consistent Education Requirements: updated for consistency in education requirements. 17. Qualifications-Substitutions: updated specifications to include substitutions and reviewed all classes for consistency.	

SUBJECT	DISCUSSION	ACTION
	Attachment B: Number of County Employees as of June 30, 2020. The report detailed breakdown of positions in each department and identified type of positions. This was part of the audit findings. Work schedule: The 4/10 pandemic work schedule was terminated August 27 and most county offices are back on the 5/8 schedule. Department heads were able to submit a request to HR to adjust back to the 4/10 schedule and maintain teleworking capability for their staff. Collective Bargaining: Ms. Anderson reported that funding for all HGEA bills approved by the Legislation were pending action by Governor Ige. Unit 14 Ocean Safety Officers final funding approval will be heard at tomorrows county council meeting. All the jurisdictions have started preliminary meetings on negotiations for new contracts. Documentation Retention and Maintenance Policy: Ms. Anderson referenced Attachment C: COK Department of Human Resources Internal Policy and Procedures-Human Resources Document Retention & Destruction, Document Number 2020-000, Revision Number/Date 001/July 2020. She said the document was sent to the County Attorney's Office for review. Ms. Tokioka thanked Ms. Anderson for acting on the suggestion to include another committee member into the selection committee process. She asked if 89-day contracts were listed into the temporary column on Exhibit B. Ms. Anderson would confirm but assumed it was included in the temporary column. Ms. Tokioka also inquired where Boards and Commissions stats were since the Exempt note included that boards and commissions were excluded. *Meeting was temporarily suspended from 3:27 p.m. to 3:30 p.m. when Commissioner*	

SUBJECT	DISCUSSION	ACTION
	Faulkner lost connection. *At 3:30 p.m. the public person (808-241-4831) disconnected from the meeting.* With no further questions, Ms. Anderson disconnected from the Teams meeting at 3:31 p.m. Ms. Ching verified that the Mayors' Office exempt numbers included boards and commissions staff.	
Business	**CSC 2020-19** Review and possible decision-making on the first draft of substantive and non-substantive amendments to the Rules of the Civil Service Commission/Merit Appeals Board document. Administrator Ellen Ching reviewed the Ramseyer version document with the commission and highlighted the amendments.	Ms. Tokioka moved to approve amendments to the Ramsayer Version August 4, 2020 amendments to the Rules of the Civil Service Commission/Merit Appeals Board document and Appeal Form. Ms. Faulkner seconded the motion. Roll Call Vote: 4-Ayes and 0-Nays. Motion carried 4:0.
	CSC 2020-20 Review and possible decision-making on the first draft of amendments to the Rules of Appeal to the Civil Service Commission/Merit Appeals Board form. Completed in CSC 2020-19, no further action required.	
Executive Session	Administrator Ellen Ching read the Hawaii Revised Statutes to move the meeting into Executive Session.	

SUBJECT	DISCUSSION	ACTION
	Pursuant to Hawai'i Revised Statutes §§92-4, 92-5 (a) (2) (4), 92-9 (a) (1-4) and (b), 76-47 (e) the purpose of this Executive Session is to receive and approve Executive Session minutes, to consider the hire, evaluation, dismissal or discipline of an employee or officer of the County where consideration of matters affecting privacy will be involved; and to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item and take such appropriate action.	Mr. Watanabe moved to enter into Executive Session. Ms. Faulkner seconded the motion. Motion carried 4:0. The commission and staff disconnected from open session at 3:43 p.m. and connected into executive session.
Return to Open Session	Chair Pro Tem Jose, Commissioner Tokioka, Deputy County Attorney Mark Ishmael, Administrator Ellen Ching, and Commission Support Clerk Sandra Muragin were logged onto Microsoft Teams by video. Commissioner Faulkner and Commissioner Watanabe called into Microsoft Teams and entered the meeting by audio.	
Call To Order In Open Session /Roll Call	Chair Pro Tem Jose called the meeting back to order in open session at 4:00 p.m. and requested a roll call. Commission support clerk Sandra Muragin verified attendance by roll call and requested a verbal response of present or here; Commissioner Faulkner replied here. Commissioner Tokioka replied here. Commissioner Watanabe replied here. Chair Pro Tem Jose replied here. Deputy County Attorney Mark Ismael replied here. Administrator Ellen Ching replied here.	Quorum was established with

SUBJECT	DISCUSSION	ACTION
	Commission Support Clerk Sandra Muragin replied here.	four commissioners present.
Ratify Actions	Ratify actions taken by the Civil Service Commission in executive session for agenda items: ES-016 and ES-017.	Mr. Watanabe moved to ratify the actions taken in Executive Session for agenda items ES-016 and ES-017. Ms. Tokioka seconded the motion. Roll Call Vote: 4-Ayes and 0-Nays. Motion carried 4:0.
Announcements	Next Meeting: Tuesday, September 1, 2020 – 3:00 p.m., Teleconference by Microsoft Teams	
Adjournment	With no further business to conduct, Chair Pro Tem Jose called for a motion to adjourn the meeting.	Ms. Faulkner moved to adjourn the meeting. Ms. Tokioka seconded the motion. Motion carried 4:0 Chair Pro Tem Jose adjourned the meeting at 4:03 p.m.

Submitted by: _____
Sandra Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Richard Jose, Chair Pro Tem

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

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

SEPTEMBER 1, 2020 MEETING

Report Covering July/August 2020

HRMS Project:

- As reported last month, eight (8) proposals were received. The Selection Committee has been meeting to review the proposals and do a cost analysis. Meeting to occur late August to finalize the scoring. Next steps will be to identify those moving forward to the next phase of the project (e.g., demonstration of software solution). [Goal 4, Obj. A.1-3. and Goal 5, Obj. A. 3—completed]

Issue RFP (Legal Notice)	**May 14, 2020**
Pre-Proposal Teleconference	**9:00 a.m. HST, May 28, 2020**
Deadline for Written Inquiries	**June 19, 2020**
PROPOSAL DUE DATE	**July 13, 2020**
Tentative Priority-List Vendor Notification	**Week of July 27, 2020**
Tentative Vendor Demonstrations	**Week of August 31, 2020**
Tentative Award Date	**October 2020**

After purchase of the system in the fall of 2020, implementation is anticipated to commence either in the 4th quarter of 2020 or the first quarter of 2021. Per BerryDunn, systems of this scope and size generally take 12 to 18 months to fully implement and train employees on all aspects of the multi-faceted system.

Review and Comparison of Current Procedures With Those From Audit Years.

At last month's meeting Attachment A was presented that identifies 17 different procedures that have been changed or updated since the first audit of the Department of Human Resources in 2015. At the request of the Commission, Attachment A has been updated to include a column that reflects date of completion. Note that six of the changes have occurred since I became HRD. [Goal 1, Obj. A.1.-3.—completed]

Documentation Reflecting Personnel Transactions For County Employees
To assure that best practices are in place, I have identified current practices to assure that all relevant and required personnel transaction are documented.

From the time an employee begins employment with the County of Kaua'i, all applicants are required to go through our online recruiting platform, Neogov. If a hard copy application

CSC 2020-18

is obtained, staff enter the required information in Neogov to ensure that a central repository is available of all County applicants and employees.

After an applicant is selected for hire, a Personnel Action Form (PAF) is generated via Neogov with all information centralized in one place. Right now, information from the PAF is entered into our HRIS to begin an employee's record. Going forward, the new HRMS system will be able to interface with Neogov so that information will be shared and additional system entry will not be necessary.

Neogov and HRMS records are kept electronically with our server updated daily and therefore, records will always be available.
[Goal 2, Obj. A .1-2.—Completed]

At last month's meeting Attachment B was presented that contains a chart reflecting a breakdown of all positions in each Department and identifying the type of position. The "Permanent" column reflects civil service positions. The "Temporary," "Exempt," and "Contract" columns reflect non-civil service positions. After discussion with Commissioners, additional clarify information was requested. Accordingly, see the attached revised Attachment B with clarifying information in red font. [Goal 3, Obj. A.1.-3.—completed]

Assess Office Structure and Productivity of Staff Assignments

I have reviewed the recent staffing changes in the payroll division as well as the upcoming changes to determine if it has resulted in improvement in workload distribution and provide the following update:

First, we are moving ahead with the overall goal of having a centralized payroll division for all County departments. As mentioned earlier, the Parks and Recreations Department (Parks) transferred a vacant position to HR, which allowed us to hire a new payroll technician that would assume the payroll responsibility for Parks. That position and assumption of duties occurred July 1, 2020. Training took place with the Parks' employee previously handling payroll for that department.

The next Department that will transfer payroll to HR is Finance. On-going meetings have been occurring with Finance employees to assure for a smooth transition. A new system of transmitting timesheets has been developed, which allows for electronic transmittal via SharePoint. This new system will also be used for other departments in the future.

New Hire Orientation (NHO) was successfully transitioned from the Recruitment Division to our Administrative Services Division effective July 16, 2020. This transfer of duties allows for continuity in the processing of new hires where Administrative Services staff will work with the new hires from the issuance of the employment offer through the first day of employment.

[Goal 6, Obj. A.1.—completed]

Collective Bargaining:

- Status of funding of HGEA BUs 2, 3, 4, 13, and 14:

- The bills continue to await the Governor's approval (or no sign equals approval) or veto. He has until September 15, 2020 to act.

- The employer jurisdictions are having regular Teams meetings to discuss upcoming negotiations with HGEA and with other unions for successor agreements commencing July 1, 2021.

Document Retention and Maintenance Policy:

- The draft Human Resources Document Retention & Destruction policy is awaiting approval by the County Attorney. [Goal 2, Obj. B, 1—met and ongoing]

Administrative Services and Benefits:

- Unemployment Insurance (UI) claims – Addressed errors in benefits paid by the State Department of Labor and Industrial Relations (DLIR) to employees who have been working full-time earning full-time wages.
- New Hires: 10 Police Services Officer
  Park Caretaker II
  Criminalist I
  Information Specialist II
  Customer Service Representative I
  Emergency Services Dispatcher II
  Fire Chief (exempt)
  Program Specialist II (exempt)
  CIP Coordinator (exempt)
  MVR Assistant Clerk (exempt)

Exit Interviews are not done for short-term hires or employees who were discharged

- Exit Interviews (Retirees): 6 of 6
- Exit Interview (Voluntary Separations) 6 of 6

- TDI Applications 1 (approved)
- Family Leave: 3 (approved)
- Leave Sharing: None
- Reference Checks: 1
- Employment Verifications: 7
- Transactions (i.e., Payroll Certification forms processed):

New Hires	17
Separations	25
Reallocations	4
Promotions	3
Demotions	0
Transfers	1
Pay Increase	695
Suspension	3
Leave Without Pay	1

*Misc. Change Forms	23
**Other	103
89-Day	10
Seasonal	3

- *Miscellaneous Change Forms include expense distribution changes, schedule changes, personal data changes, etc.
- **Other includes end of/extension of TR, add/delete add pay codes, amended PCs, extension of initial probation, rescinded PCs, term of contract/contract appointment PCs, etc.

Employee Development and Health Services:

- Six (6) new workers' compensation claims were filed this month; Five (5) medical-only claims and one (1) controverted claim.
- Bi-monthly reviews of selected workers' compensation claims held on July 21, 2020 via WebEx meeting. Sixteen (16) claims reviewed.
- Equipment/Driver Training: Truck Tractor with End Dump Trailer (1 Public Works & 1 HR employee)
  Excavator (1 Public Works employee)
  Vac-Con Truck & Pumper Truck (1 Public Works employee)
  6-Cubic Yard Dump Truck (2 Public Works' employees)
  Water Truck (2 Public Works' employees)

Classification and Pay and Labor Relations:

- Grievance decisions were sustained by the HR Director for the discipline of two (2) UPW employees.
- Temporary Hazard Pay at fifteen percent (15%) was approved for a Facility Maintenance Worker at the Kauai War Memorial Convention Hall for performing work at heights between forty-five (45) and seventy (70) feet on a self-propelled vertical lift.
- Reallocations Processed: Community Services Program Assistant to Aging & Disability Services Technician
  Economic Development Specialist IV to Mayor's Administrative Aide
  Emergency Services Dispatcher I to Emergency Services Dispatcher II
  Laborer I to Laborer II (3)
  Para-Legal Assistant I to Deputy County Attorney
  Program Compliance Specialist to Special Projects Assistant
  Program Specialist I to Program Specialist II
  Real Property Appraiser Assistant to Real Property Appraiser I
  Solid Waste Worker I to Solid Waste Worker II
  Van Driver (Substitute) to Bus Driver (Substitute)

Wastewater Plant Operator Assistant to Wastewater Plant Operator IV

- Desk Audits: None
- New Classes Adopted: None
- Administrative Reviews: None

Recruitment and Exam:

- Completed Hawaii Employers' Council Salary Adjustment Survey.
- Due to Transpacific and once again Inter-Island quarantines, staff continue to offer written tests via Skype or other available method. For those applicants that must travel for in-person written and performance tests, information is provided regarding the need to quarantine as well as the inability to do so in a TVR and the inability to rent a car.
- Looking at becoming a member of the Western Regional Item Bank (about $2,000 annually) to access bank of general and supervisory test questions (Big Island recently became a member and recommends joining).
- New Hire Orientations has been transferred to Transactions staff.

- Recruitments:

Account Clerk
Accounting Assistant (exempt)
Battalion Fire Chief
Bus Driver (substitute) (exempt)
CIP Coordinator (exempt)
Civil Engineer I
Civil Engineer II
Civil Engineer III
Civil Engineer IV
Civil Engineer V
Civil Engineer VI
Clerk Dispatcher I (exempt)
County Auditor (exempt)
Customer Service Representative II
Deputy County Attorney (exempt)
Detention Facility Worker (exempt)
Disaster Principal Project Manager (exempt)
Electrician (Temporary) (exempt)
Electronics/Plant Electrical Tradesperson I
EOC PIO (exempt)
Investigator (exempt)
Liquor Clerical Assistant (exempt)
Manager and Chief Engineer (exempt)
Pipefitter Helper

	Plant Electrician Police Services Officer Senior Clerk Transit Fleet Mechanic (exempt) TVR Permit Enforcement Research Specialist (exempt) Van Driver (substitute) (exempt)
• Lists Referred to Departments:	Accounting Assistant (exempt) Aging and Disability Services Technician Automotive Equipment Superintendent Bus Driver (substitute) (exempt) CIP Coordinator (exempt) Construction and Maintenance Worker I Deputy County Attorney (exempt) Detention Facility Worker (exempt) Electrician (Temporary) (exempt) Emergency Services Dispatcher I Emergency Services Dispatcher II Fire Assistant Chief EOC PIO (exempt) Heavy Vehicle and Construction Equipment Mechanic I Investigator (exempt) Liquor Clerical Assistant (exempt) Ocean Safety Officer I Police Services Officer Program Specialist II Real Property Appraiser I Senior Clerk Transit Fleet Mechanic (exempt) TVR Permit Enforcement Research Specialist (exempt) Van Driver (substitute) (exempt)
• Written Exams Administered:	Account Clerk Emergency Services Dispatcher I Lead Electrician-Electronic Equipment Repairer Police Services Officer Utility Worker
• Performance Exams Administered:	None
• Administrative Reviews:	Automotive Equipment Superintendent (sustained)

Payroll:

- Continue plans for expanding centralized services for other departments
- Transition of budget duties from private secretary to Accountant III, with on-going training.

Gross Payroll for July:

15th	$	3,938,244
EOM	$	4,720,199
EUTF ACTIVE	$	792,637
EUTF OPEB	$	-
EUTF RETIREE	$	845,286
ERS (RETIREMENT)	$	1,980,080
SOCIAL SECURITY	$	304,896
MEDICARE	$	119,726
PTS SS SAVINGS	$	14,055

EEO/ADA

- Multiple investigation in process or closed
- ADA Technical Guidance
- Training of new hires, and KPD on ADA & Law Enforcement

ATTACHMENT A

Department of Human Resources Policy Changes
Since 2015 Audit

Procedure	Before Audit	After Audit	Date Completed
1. Overall Recruitment and Hiring	Individual departments were tasked with much of the recruitment and hiring decisions.	When the Department of Human Resources (DHR) was created, duties performed at the individual department levels were transferred to DHR including reference checks, background checks, contacting applicants with conditional offers of employment, and sending out non-selection letters.	January 2014
2. Skilled/Unskilled Positions	No review or controls regarding the designation of unskilled positions.	DHR revised internal procedures to ensure that all new classes of work that are created are designated as "skilled" or "unskilled" to ensure proper maintenance of positions. In addition, all positions designated as "unskilled" are reviewed annually to ensure continued designation is appropriate.	July 2015
3. Application-Citizenship Language	Citizenship language on application was not clear with regards to applicants' ability to meet citizenship requirements at the time of hire.	Question added to application to ensure that applicant has read and understood citizenship requirement and acknowledges the need to meet the requirement at the time of hire (Applicant needs to be legally authorized to work in the US at the time of hire).	May 2020
4. Exemption from Civil Service Recruitment	The Exemption Request Form, exempting recruitment from civil service requirements was signed and kept separately from the NEOGOV recruitment requisition.	The Exemption Request Form is now part of the NEOGOV online record. This ensures proper procedures are followed in recruitment and hiring and that all necessary forms are centralized and paperless on the NEOGOV system.	July 2015

Procedure	Before Audit	After Audit	Date Completed
5. Grant Funded Positions	There was no documentation filed for the authorization of grant funded positions.	A new form was created for department heads to sign off stating that grant funding is available and the position is authorized for recruitment.	August 2019
6. NEOGOV – Department of Water (DOW) Funding Approval	No funding approval was required for DOW recruitments.	Added funding approval for DOW recruitments to ensure position is authorized and funded to post.	March 2019
7. Recruitment Above the Minimum (RAM)	For hard to fill positions, the entire salary range was included for consideration without looking at the current salaries from the private and public sector.	Recruitment staff conduct a review of salary rates (public and private) to come up with a realistic range to recruit hard to fill positions to ensure salary comparability is maintained for current and new staff.	August 2018
8. Examination Admittance	Allowed applicants to take the written exam even if they were late to the starting time with whatever remaining time was left; applicant not allowed in if paper admission sheet was missing.	Testing doors are now closed at the start time and no admittance is allowed after an exam's start time. Applicants can now retrieve admission letters on cell phones and the test security agreement is given to applicants at the testing site versus the need to have to bring it to the test.	July 2017 March 2018
9. Interviews	DHR did not substantiate interviews done by individual departments.	Departments must use NEOGOV interview scheduling module and include the results of all interviews online into the NEOGOV system. All interviews conducted by individual departments are now reviewed by Recruitment staff to ensure that all referred eligibles are interviewed and that selection is based on the most qualified applicant.	November 2015 November 2015

Procedure	Before Audit	After Audit	Date Completed
		For internal recruitments, Recruitment staff review interview scores to ensure that those that are deemed relatively equal are selected by seniority based on collective bargaining agreements. Interview form was revised to include information about the definition of relatively equal applicants and the need to consider seniority for relatively equal internal applicants. Form includes formula for ease of determining relatively equal applicants.	November 2015 July 2020
10. NEOGOV – Classification Actions	Paper requests for classification action were routed via interdepartmental mail.	Added classification actions to NEOGOV to streamline approval process, make process paperless, and centralized necessary approval forms into NEOGOV system.	July 2014
11. Reallocations	Reallocations were being done without adequate documentation and without checking to see if there were others in the department also qualified for the higher level of work.	Documentation is now required from the requesting department and attached to the NEOGOV request for the reallocation. In addition, qualifications of all employees in the respective department are reviewed to determine whether a reallocation can be completed for a specific employee or whether the position must be posted to allow for promotional opportunities for the higher class of work for all employees in the department.	July 2015 February 2018
12. Class Specification – Gender Language	Language was gender specific.	Class specifications have been reviewed to use consistent gender neutral language.	July 2017

Procedure	Before Audit	After Audit	Date Completed
13. Driver's License	Required at the time of filing application.	To avoid the appearance of discriminatory selection, driver's license are now required after a conditional offer of employment is made.	June 2020
14. Hire Above the Minimum (HAM)	There was no standard way of calculating a starting pay for an excluded managerial EM HAM; requests were looked at individually.	Created a methodology of determining a fair and equitable starting pay for applicants utilizing education and experience over and above minimum qualification requirements along with annual within range progression (WIRP) amounts to come up with a starting pay that would be comparable to other EMs already employed for a number of years.	August 2018
15. Administrative Review Process	Clarifying information not accepted by Recruitment staff prior to rejection of an applicant's submittal, In addition, new information was allowed to be submitted past the deadline during an applicant's review and at the Administrative Review step.	Recruitment staff ask for clarifying information prior to rejecting an application. In addition, only information received up until the deadline in the initial review is considered during an applicant's review and for the administrative review.	June 2020
16. Class Specifications – Consistent Education Requirements	Education requirements are not consistent among various series of work.	Working on updating class specification to have more consistent education requirements among the various class specifications.	In-progress Started June 2020
17. Qualifications– Substitutions	Acceptable substitutions (education or experience) are not specified on class specifications leading to possible inconsistencies when jobs are posted.	Amending all class specifications to include substitutions (education and/or experience) as part of the class specifications. Reviewing all class specifications to ensure consistency among like positions and levels for	In-progress Started June 2020

Procedure	Before Audit	After Audit	Date Completed
		educational and experience requirements.	

ATTACHMENT B

Number of County Employees as of June 30, 2020

Department	Permanent	Temporary	Exempt	Contract	Total
Auditor's Office	0	0	0	0	0
County Attorney	5	0	9	0	14
County Clerk	7	0	26	0	33
Economic Development	0	0	8	0	8
Elderly Affairs	7	0	10	0	17
Emergency Management	4	0	1	2	7
Finance	75	2	3	1	81
Fire	192	9	1	0	202
Housing	0	0	2	26	28
Human Resources	19	0	2	0	21
Liquor	6	0	2	0	8
Mayor's Office **	0	0	15	0	15
Parks & Recreation	175	0	5	0	180
Planning	22	2	2	0	26
Police	202	0	1	5	208
Prosecuting Attorney	21	2	17	0	40
Public Works	226	7	3	0	236
Transportation	0	0	107	0	107
Water	86	0	2	1	89
Total	**1,047**	**22**	**216**	**35**	**1,320**

Note:
- Permanent - Probationary and permanent employees
- Temporary - Provisional and limited term employees
- Exempt - Elected and appointed employees (excluding boards and commissions members)
- Contract - Employees under personal services contract; does not include 89 day contracts

**Mayor's Office include Boards and Commissions staff

County of Kaua'i
Human Resources Department
Civil Service Commission/Merit Appeals Board

Amendments
on
September 1, 2020

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CSC 2020-19 A.

COUNTY OF KAUAI

HUMAN RESOURCES DEPARTMENT [~~OF~~

~~PERSONNEL SERVICES COUNTY OF KAUAI~~]

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PART 2 RULES OF THE CIVIL SERVICE COMMISSION/MERIT APPEALS BOARD

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[~~DEPARTMENT OF PERSONNEL SERVICES~~]

[~~PART 2 RULES OF THE CIVIL SERVICECOMMISSION/MERIT APPEALS BOARD~~]

[~~CHAPTER 1~~]

[~~RULES OF PRACTICE AND PROCEDURE~~]

[~~Subchapter 1 Rules of General Applicability~~]

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Subchapter 1

RULES OF GENERAL APPLICABILITY

§1-1 Purpose of chapter; statement of policy. This chapter governs procedures before the commission. It shall be construed to effectuate the purpose of the chapter and to secure the just and efficient determination of every proceeding.
(Auth: HRS §§ 76-14, 76-47, Art XV; RCC, Sec. 15.03)

§1-2 Authority. These rules govern practice and procedure before the commission of the County of Kauai under civil service law, as modified by

chapter 89, HAWAII REVISED STATUTES; Hawaii Administrative Procedure Act, chapter 91, HAWAII REVISED STATUTES; chapter 92, HAWAII REVISED STATUTES; and such other related acts as may now or hereafter be

administered by the commission. The commission shall serve and sit as an appellate body. The matters of policy, methodology, and administration are left to the determination of the director.
(Auth: HRS §§ 76-14, 76-47)

§1-3 Construction of rules. These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every proceeding.
(Auth: HRS §§ 76-14, 76-47)

§1-4 Limitation of jurisdiction. (a) Where the terms of collective bargaining agreements pursuant to chapter 89, HRS, conflict with these rules the terms of the agreement shall prevail; provided that the terms are not inconsistent with section 89-9(d), HRS.

(b) This title shall not apply to the assignment of classes to SC and EM (excluded managerial) ranges.

(c) Matters concerning the appropriateness of appealed classes and their standards, propriety of positions allocated to these classes, or any other classification matter shall be heard separate from initial pricing appeals.
(Auth: HRS § 76-14)

§1-5 Procedure and terms. (a) Statutory terms. The terms used in rules promulgated by the commission pursuant to powers granted by statute shall have the meaning defined by such statute, unless the context otherwise specifically requires.

(b) Terms defined by rule. A rule or regulation that defines a term without express reference to the statute or to these rules or to a portion thereof, defines such terms for all purposes as used both in the statute and in these rules, unless the context otherwise specifically requires.

(c) Use of number and gender. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular and words importing the masculine gender may be applied to the feminine gender. (Auth: HRS §§ 1-14, 1-15, 1-16, 1-17)

§1-6 Definitions. As used in this chapter, unless a different meaning clearly appears in the context:

"Affected classes" means the unappealed, related and identical classes of the compensation plan.

"Affected persons" means persons affected by the compensation plan and believing that their respective classes are improperly priced.

"Appointing authority" means a department head or designee having the power to make appointments or changes in the status of employees.

"Chairperson" means the chairperson of the commission.

"Class" means a group of positions that reflect sufficiently similar duties and responsibilities such as that the same title and the same pay range may apply to each position allocated to the class.

"Commission" means the civil service commission/merit appeals board.

"Compensation plan" means the pay plan consisting of the assignment of all classes in the classification system to pay ranges in the appropriate salary schedules on the basis of their relative differences in level of work.

"Director" means the director of the **human resources** department [~~of personnel services~~]-of the county. "Hearing" means any proceeding governed by sections 76-14, 76-47, HRS; and sections 91-8 and 91-9, HRS.

"Meeting" means the convening of the commission for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the commission has supervision, control, jurisdiction, or advisory power.

"Merit Appeals Board" means a jurisdiction's appellate body for purpose of Section 76-14, HRS, regardless of whether it is named merit appeals boards, civil service commission, or appeals board.

"New class" means a class which did not formerly exist within the appropriate compensation plan, and represents a new concept of work for which an initial pricing action was taken.

"Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party in a proceeding.

"Person" means or includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than governmental agencies.

"Presiding officer" means, with respect to proceedings, the chairperson, and includes any member of the commission designated as such, or such other persons authorized by law to conduct hearings.

"Pricing" means the process of assigning classes to appropriate salary ranges and wage board ranges.

"Proceedings" means the commission's determination of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the commission's jurisdiction, initiated by a filing or submittal or request or a commission's notice or order. It shall include proceedings involving the adoption, amendment or repeal of any rule or regulation of the commission whether initiated by commission order or notice, or by petition of an interested person.
(Auth: HRS §§ 76-14, 76-47)

§1-7 The commission. (a) Office. The office of the **civil service** commission is **located in the Pi'ikoi building** at Lihue, Hawaii. All communications to the commission shall be addressed to **the** Office of **Boards and**[~~the~~] Commission**s**, 4444 Rice Street, Suite **300**[~~140~~], Lihue, Hawaii 96766, unless otherwise specifically directed.

(b) Hours. The office of the commission will be open from 7:45 a.m. to 4:30 p.m.

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Of each workday unless otherwise provided by statute or executive order.

(c) Meetings. The commission may meet and exercise its powers in any part of the County of Kauai.

(1) Open meetings. All meetings of the commission except executive meetings and meetings governed by sections 91-8 and 91-9, HRS, shall be open to the public.

(2) Executive meetings. The commission may hold an executive meeting, closed to the public, upon an affirmative vote, taken at an open meeting, of two thirds of the members present. The vote of each member on the question of holding a meeting closed to the public and the reason for holding such a meeting shall be recorded and entered into the minutes of the meeting. A meeting closed to the public may be held only for one or more of the following purposes:

(A) To consider the hire, evaluation, dismissal or discipline of an officer or employee or charges brought against such individual where consideration of matters affecting privacy will be involved; provided, that if the individual concerned requests an open meeting, an open meeting shall be held;

(B) To consult with the commission's attorney;

(C) To investigate proceedings regarding criminal misconduct; and

(D) To consider sensitive matters relating to public safety or security.

(3) Chance meetings. The rules governing meetings shall not apply to any chance meeting, as defined by section 92-2, HRS, at which matters relating to official business are not discussed. No chance meeting or electronic communication shall be used to circumvent the spirit or requirements of the meetings provisions to make a decision or to deliberate toward a decision upon a matter over which the commission has supervision, control, jurisdiction or advisory power.

(4) Special meetings. Special meetings of the commission for the transaction of its business may be held at any time and place as scheduled by the commission.

(5) Emergency meetings. If the commission finds that an imminent peril to the public health, safety or welfare requires a meeting in less time than is provided for in paragraph (6), the commission may hold an emergency meeting provided:

(A) The commission states in writing the reasons for its findings;

(B) Two-thirds of all members to which the commission is entitled agree that an emergency exists;

(C) An emergency agenda and the findings are filed with the office of the county clerk and in the commission's office; and

(D) Persons requesting notification pursuant to paragraph (6) are contacted by mail, **electronic mail (email)** or telephone as soon as practicable.

(6) Notice.

(A) Public notice.

(i) The commission shall give written public notice of any regular, special, or rescheduled meeting. The public notice shall include an agenda which

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lists all of the items to be considered at the forthcoming meeting, the date, time and place of the meeting.

(ii) The commission shall file the public notice in the office of the county county clerk [~~and in the commission's office~~]-for public inspection at least six (6) calendar days before the meeting. The public notice shall also be posted at the site of the meeting whenever feasible. The commission shall not add items to the agenda, once filed, without a two-thirds record vote of all members to which the commission is entitled; provided that no item shall be added to the agenda in the manner provided herein, if it is of reasonably major importance and action thereon by the commission will affect a significant number of persons.

(B) Notice to parties. For hearings governed by sections 91-8 and 91-9, HRS, all parties shall be given notice of the hearing as required by law and provided for in these rules.

(7) Construction. The provisions requiring open meetings shall be liberally construed and the provisions providing for exceptions to open meeting requirements shall be strictly construed against closed meetings.

(d) Quorum and number of votes necessary to validate acts. A majority of all members to which the commission is entitled shall constitute a quorum to transact business, and the concurrence of a majority of all members to which the commission is entitled shall be necessary to make valid any action of the commission.

(e) Minutes. The commission shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed and the views of the participants. The minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the commission recorded as either present or absent;

(3) the substance of all matters proposed, discussed or decided; and a record, by individual member, of any votes taken; and

(4) Any other information that any member of the commission requests be included or reflected in the minutes. The minutes shall be available within **forty (40)**[~~thirty (30)~~]-days after the meeting except where such disclosure would be inconsistent with section 92-4, HRS.

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(f) Administrative.

(1) The chairperson of the commission shall be responsible for the administration functions of the commission.

(2) Authentication of commission action. All decisions, orders and other actions of the commission shall be signed by the chairperson or the presiding officer acting in such proceeding. Official copies of decisions, orders and other commission actions may be promulgated under the signature of the chairperson of the commission or the chairperson's delegate.

(g) Submittals and requests. All documents required to be filed with

the commission shall be filed in the office of the commission within such time limits as prescribed by laws, rules of the commission or order of the commission. Requests for public information, copies of official documents or opportunity to inspect public records may be made in writing to the commission's office or in person at said office.
(Auth: HRS §§ 76-14, 76-47, 92-1, 92-3, 92-4, 92-5, 92-7, 92-8, 92-9, 92-15)

§1-8 Delegation of administrative duties. (a) The commission may delegate to any competent and qualified individual such power or authority vested in the commission it deems reasonable and proper for the effective administration of chapter 76, HRS, and these rules except the power to make, amend or repeal rules and regulations.

(b) Hearing officer. The commission may, by written resolution adopted by a majority of the members to which it is entitled, appoint a competent and qualified disinterested person to act as its hearing officer. The hearing officer shall hear the matter in the same manner as if it were before the commission and, upon the conclusion of the hearing, shall transmit to the commission a record of the hearing, including a recording or transcript and a summary of evidence taken at said hearing. After review of the testimony and evidence, a majority of the members to which the commission is entitled shall render a decision in accordance with section 91-11, HRS.
(Auth: HRS §§ 76-14, 76-47, 91-2, 92-16)

§1-9 Government records. (a) Files of the commission. The term "government records" as used in this part is defined as in section 92F-3, HRS, and shall include all rules, regulations, written statements of policy or interpretations formulated, adopted or used by the commission, all petitions of appeal, opinions and orders, written testimony, minutes of meetings of the commission and any other material on file in the office of the commission unless accorded confidential treatment pursuant to law or the rules of the commission.

(b) Inspection of government records. All government records which are required to be disclosed pursuant to section 92F-12, HRS, will be available for inspection in the office of the commission during established office hours unless public inspection of such records is in violation of any law or rule. Nothing in this rule shall be construed to prevent the county attorney from raising any and all objections to the production of government records that are subject to discovery or subpoena under any rule or order of the court. The county attorney is authorized to raise objections and defenses pertaining to the discovery and subpoena of the commission's records and withhold production and disclosure of said documents pending a final court order.

(c) Copies of government records. Government records which are required to be disclosed pursuant to section 92F-12, HRS, that are printed or reproduced by the commission shall be given to any person requesting the same and paying the fees established by the commission or by law.

(d) Requests. Requests for public information, for permission to inspect government records or for copies of government records shall be handled expeditiously. Said government records, however, will not be released for review or copying without the approval of the chairperson or the chairperson's delegate.

(e) Denial of inspection. Any person denied access to inspect government records or to copies of government records may apply to the circuit court of the circuit wherein the government record is found for an order permitting access to inspect government records or to copies of government records.
(Auth: HRS §§ 92.21, 92.F)

Subchapter 2

PROCEEDINGS BEFORE THE COMMISSION

§1-10 General proceedings. The commission may, on its own motion or upon the petition of any interested person or agency of the federal, state or county government; hold such proceedings as it may deem necessary in the performance of its duties or the formulation of its rules and regulations. Procedures to be followed by the commission shall, unless specifically prescribed in these rules or by the Hawaii Administrative Procedure Act or by any other statute, be such as in the opinion of the commission will best serve the purpose of such proceeding. (Auth: HRS §§ 76-14, 76-47)

§1-11 Appearances and practices before the commission. (a) Appearances before the commission. A public employee may appear in such employee's own behalf; an employee organization may be represented by its duly designated representative; and the director or appointing authority may appear on their own behalf.

(b) Representation. In any proceeding under these rules, the director, appointing authority or employee may be represented by an attorney or any other individual authorized, in writing, to act in a representative capacity. The cost of such attorney shall be borne by the party being represented.

(c) Validation of authority. When an individual acting in a representative capacity appears in person or signs a paper in practice before the commission, the personal appearance or signature of such individual shall constitute a representation to the commission that, under the provisions of these rules and the law, the individual is authorized and qualified to represent the particular person on whose behalf such individual acts. The commission may at any time require individuals transacting business with the commission in a representative capacity to show to the commission their written authorization to act in such capacity.

(d) Bar to appearance.

(1) Former commission association. No individual who has been associated with the commission as a member, officer, employee or counsel shall be permitted to appear before the commission in behalf of or to represent in any manner any party in connection with any proceeding or matter that such individual has handled or passed upon while associated in any capacity with the commission.

(2) Limitations of assistance from barred persons. No person or

agency appearing before the commission in any proceeding or matter shall, in relation thereto, knowingly accept assistance from and compensate any individual who would be barred by this subsection.

(3) Written consent to appear. No person who has been associated with the commission as a member, officer, employee or counsel thereof shall be permitted to appear before the commission in behalf of, or to represent in any manner, any person or agency in connection with any proceeding or matter that was pending before the commission at the time of such person's association, unless written consent of the commission shall first have been obtained, upon a verified showing that such individual did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during such person's association with the commission.

(4) One year limitation. This subsection shall not apply to any individual or agency who has terminated association with the commission for a period of one year.

(Auth: HRS §§ 76-14, 76-47)

§1-12 Disqualification of commissioner or hearing officer. Any party to a hearing may, up to five (5) days before the proceeding, file an affidavit that one or more of the commissioners or a hearing officer has a personal bias or prejudice. The commissioner against whom the affidavit is so filed may answer the affidavit or may file a disqualifying certificate with the commission. If the commissioner or hearing officer chooses to answer the affidavit, the remaining commissioners shall decide by a majority of all the members to which the commission is entitled whether that commissioner or hearing officer should be disqualified from proceeding therein. Every such affidavit shall state the facts and reasons for the belief that bias or prejudice exists and shall be filed at least five (5) days before the hearing, or good cause shall be shown for the failure to file it within such time. Any commissioner or hearing officer may be disqualified by filing with the chairperson a certificate acknowledging inability for any reason to preside with impartiality in the pending hearing. (Auth: HRS §§ 76-14, 76-47)

§1-13 Consolidation. The commission, upon its own initiative or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings that involve substantially the same parties, or issues that are same or closely related, if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. (Auth: HRS §§ 76-14, 76-47)

§1-14 Filing of documents. (a) Time and place. All requests, appeals, pleadings, submittals, petitions, reports, maps, exceptions, briefs, memoranda and other papers required to be filed with the commission in any proceeding shall be filed at the office of the commission within the time limits prescribed by law, the rules of the commission or by order

of the commission. The date on which the papers are received, if hand delivered, or postmarked, if delivered by mail, shall be regarded as the date of filing.

(b) Form. All requests [and appeals] filed with the commission shall be written in ink, typewritten, mimeographed or printed; shall be plainly legible; and shall be on strong, durable paper no larger than 8-1/2 x 11 inches in size, except that maps, charts, tables and other like documents may be larger, folded to the size of the papers to which they are attached. **All appeals filed with the commission shall be completed on an Appeal Form; located on the kauai.gov Civil Service Commission website and submitted online or at the Office of Boards and Commissions.**

(c) Certification. All documents must be signed in ink by the party signing the same or by such party's duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that such person has read the document; that to the best of the person's knowledge, information and beliefs, every statement contained therein is true and no such statement is misleading; and that it is not interposed for delay.

(d) Copies. Unless otherwise specifically provided by a particular rule, regulation or order of the commission, an original [and eight copies]copy of all papers shall be filed.

(e) Identification. All documents filed by any person or agency in any proceeding shall state on the first page thereof the name, mailing address, **electronic mail (email) address** and telephone number, if any, of the individual or individuals who may be served with any documents filed in the proceeding.
(Auth: HRS §§ 76-14, 76-47, 91-2, 91-6, 91-8)

§1-15 Amendment of documents and dismissal. If any document filed in a proceeding is not in substantial conformity with the applicable rules of the commission as to contents thereof, or is otherwise insufficient, the commission may, on its own motion or on motion of any party, strike such document or require its amendment five (5) days or the balance of the period for filing, whichever is greater, shall be allowed for submittal of amended documents. If amended, the document shall be effective as of the date of receipt of the amendment or other date provided by this title. (Auth: HRS §§ 76-14, 76-47, 91-2, 91-6, 91-8)

§1-16 Retention of documents. All documents filed with or presented to the commission shall be retained in the files of the commission. The commission may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. (Auth: HRS §§ 76-14, 76-47, 91-2, 91-6, 91-8)

§1-17 Computation of time. In computing any period of time prescribed or allowed by these rules, the day of the act, event or default, after which the designated period of time is to run, is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in the State of Hawaii, in which event the period runs until the next day which is neither a Saturday, Sunday nor a holiday. Intermediate Saturdays, Sundays and holidays shall not be included in a computation when the period of time prescribed or allowed is ten (10) days or less. A half day holiday shall be

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considered as other days and not as a holiday. (Auth: HRS § 1-29)

§1-18 Continuances or extensions of time. Whenever a person or agency has a right or is required to take action within a period prescribed or allowed by these rules, the chairperson upon the filing of a proper motion or request by the person or agency, may permit the act to be done after expiration of the specified period if such delinquency is clearly shown to have been the result of excusable neglect. Such request must be filed no later than ten (10) days prior to the hearing date set for the appeal and be accompanied by an affidavit or other evidence or documents supporting the request for an extension or continuance. This provision shall not apply to the twenty (20) days time period in which the petition of appeal must be filed with the commission as required under section 1-39. (Auth: HRS §§ 76-14, 76-47)

§1-19 Service of process. (a) By whom served. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers that is required by law to serve. All other papers shall be served by the parties filing them.

(b) Upon whom served. All papers served by either the commission or any party shall be served upon all parties or their counsel. Any counsel entering an appearance subsequent to the proceeding shall notify all other counsel of record and all parties not represented by counsel of such fact.

(c) Service upon parties. The final order, and any other paper required to be served by the commission upon a party and a copy shall be furnished to counsel of record.

(d) Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class mail to the last known address.

(e) When service complete. Service upon parties, other than the commission, shall be regarded as complete by mail upon deposit in the United States mail, properly stamped and properly addressed to the parties involved.
(Auth: HRS §§ 76-14, 76-47)

§1-20 Commission decision. All final orders, opinions or rulings entered by the commission in the proceeding and rules promulgated by the commission shall be served upon the parties participating in the proceeding by first-class mail or personal delivery by the commission. Copies of such material shall be available for public inspection in the office of the commission or may be obtained upon request and upon payment of reasonable fees, if any. (Auth: HRS §§ 76-14, 76-47)

Subchapter 3

RULES APPLICABLE TO RULEMAKING PROCEDURES

§1-21 Initiation of rulemaking proceedings. (a) Motion by commission. The commission may, at any time on its own motion, initiate proceedings for the adoption, amendment or repeal of any rule of the commission. Procedures to be followed in rulemaking shall be as set forth in rules of the commission and the applicable statutes.

(b) Petition by person or agency. Any interested person or agency may petition the commission for the adoption, amendment or repeal of any rule of the commission. Petitions for rulemaking filed with the commission will become matters of public record.

(1) Form and content. Petitions for rulemaking shall conform to the requirements of section 1-14 and shall contain the name, address and telephone number of each petitioner; the signature of each petitioner; a draft or the substance of the proposed rule or amendment or a designation of the provisions the repeal of which is desired; a statement of the petitioner's interest in the subject matter; and a statement of the reasons in support of the proposed rule, amendment or repeal.

(2) Commission action. The commission shall, within thirty (30) days after the filing of the petition for the adoption, amendment or repeal of any rule of the commission, place the petition on the agenda for its next scheduled public meeting. At the close of the public meeting the commission shall either deny the petition or initiate rulemaking proceedings as provided for in these rules.

(3) Denial of petition. Any petition that fails in material respect to comply with the requirements herein or that fails to disclose sufficient reasons to justify the institution of rulemaking proceedings will be denied by the commission. The commission shall notify the petitioner in writing of such denial, stating the reasons therefor. Denial of a petition shall not prevent the commission from acting on its own motion, on any matter disclosed in the petition. Petitioner may seek a review of said denial through the circuit court pursuant to the administrative procedure act and applicable rules of court and statutes.

(4) Acceptance of petition. If the commission determines that the petition is in order and that it discloses sufficient reasons in support of the petition the commission shall initiate the rule-making proceedings as provided in sections 1-23 through 1-28.

(Auth: HRS § 91-6)

§1-22 Notice of public hearing. (a) Publication and mailing. When, pursuant to a petition or upon its own motion, the commission proposes to adopt, amend or repeal a rule or regulation, a notice of proposed rulemaking shall be published at least once in a newspaper of general circulation in the county and such notice shall also be mailed to all persons or agencies who have made timely written requests for advance notice of the commissioner's

rulemaking proceedings. All such notices shall be published at least thirty (30) days prior to the date set for public hearing.

(b) Form. A notice of the proposed adoption, amendment or repeal of a rule or regulation shall include:

(1) a statement of the date, time and place where public hearing will be held;

(2) reference to the authority under which the adoption, amendment or repeal of a rule or regulation is proposed; and

(3) a statement of the substance of the proposed rule.

(Auth: HRS §§ 91-3, 92-41)

§1-23 Conduct of hearing. (a) Presiding officer. The public hearing for the adoption, amendment or repeal of rules and regulations shall be heard before the commission and presided over by the chairperson of the commission or, in the chairperson's absence, by the vice-chairperson. The hearing shall be conducted in such a way as to afford to interested persons and agencies a reasonable opportunity to offer testimony with respect to the matters specified in the notice of hearing and so as to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

(b) Continuance of hearing. Each such hearing shall be held at the time and place set in the notice of hearing but may at such time and place be continued by the presiding officer from day to day or to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) Order of proceeding. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Testimony shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) Submission of testimony. Witnesses shall, before testifying, state their name, address and whom they represent at the hearing, and shall give such other information as the presiding officer may request. The presiding officer shall confine the testimony to the matters for which the hearing has been called but shall not apply the technical rules of evidence. Every witness shall be subject to questioning by the members of the commission or by any other representatives of the commission; cross-examination by persons or agencies shall be as permitted.

(e) Oral and written presentation. All interested persons or agencies will be afforded an opportunity to submit data, views or arguments, orally or in writing, that are relevant to the matters specified in the notice of hearing. The period for filing written comments or recommendations may be extended beyond the hearing date by the presiding officer for good cause. An original copy [~~and eight copies~~] shall be filed when submitting written comments, recommendations or replies.

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(f) Transcript of the evidence. Unless otherwise specifically ordered by the commission, testimony given at the public hearing shall not be reported verbatim. All supporting written statements, maps, charts, tabulations or similar data offered in evidence at

the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, **an original copy**[~~nine (9) copies~~] of the exhibits shall be submitted. (Auth: HRS §§ 91-3, 92-41)

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§1-24 Commission action. The commission will consider all relevant comments and material of record before taking final action in a rulemaking proceeding. Final action should be taken within sixty (60) days after the final public hearing, or the expiration of any extension period for submission of written comments or recommendations. (Auth: HRS § 91-3)

§1-25 Emergency rulemaking. Notwithstanding the foregoing rules, if the commission finds that an imminent peril to public health or safety requires adoption, amendment or repeal of a rule or regulation upon less than thirty (30) days notice of hearing, and states in writing its reasons for such findings, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule or regulation. The commission shall make an emergency rule known to persons who will be affected by it by publication at least once in a newspaper or general circulation in the county. (Auth: HRS § 91-3)

§1-26 Filing of rules. The commission, upon adopting, amending or repealing a rule and approval by the mayor, shall file certified copies thereof with the county clerk. (Auth: HRS §§ 91-3, 91-4, 91-4.1)

§1-27 Taking effect of rules. Each rule adopted, amended or repealed shall become effective ten (10) days after filing with the county clerk. If a later effective date is required by statute or specified in the rule, the later date shall be the effective date; provided that no rule shall specify an effective date in excess of thirty (30) days after the filing of the rule with the county clerk. An emergency rule shall become effective upon filing with the county clerk for a period not exceeding one hundred twenty (120) days without renewal unless extended in compliance with the provisions of subdivisions (1) and (2) of section 91-3(a), HRS. (Auth: HRS § 91-4)

§1-28 Publication of rules. The commission shall, as soon as practicable compile, index and publish all rules adopted by the commission and remaining in effect. Compilations shall be supplemented as often as necessary and shall be revised at least once every ten (10) years. (Auth: HRS § 91-5)

Subchapter 4

RULES APPLICABLE TO DECLARATORY RULINGS

§1-29 Petitions for declaratory rulings. On petition of an interested person or agency, the commission may issue a declaratory order as to the applicability of any statutory provision or order of the commission.

(a) Form and Contents. The petition shall conform to the requirements of section 1-14 and shall contain the name, **mailing** address, **electronic mail (email) address** and telephone number of each petitioner; the signature of each petitioner; a designation of the specific provision, rule or order in question, together with a statement of the controversy or uncertainty involved; a statement of the petitioner's interest in the subject matter, including the reasons for submission of the petition; a statement of the petitioner's position or contention; and a memorandum of authorities, containing a full discussion of reasons and legal authorities in support of such position or contention.

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(b) Commission action. The commission shall, within a reasonable time after the petition for a declaratory ruling is filed with the commission, either:

(1) Deny the petition and issue a written decision stating the reasons for such denial;

(2) Issue a declaratory order on the matters contained in the petition; or

(3) Set the matter for hearing as provided in section 1-30.

(c) Dismissal of Petition. The commission may, without notice or hearing, dismiss a petition for declaratory ruling that fails in material respect to comply with the requirements of this part.

(Auth: HRS § 91-8)

§1-30 Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the commission may in its discretion order such proceeding set down for hearing. Any petitioner or party in interest who desires a hearing on a petition for a declaratory ruling shall set forth in detail in the request the reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence and briefs or memoranda of legal authorities, will not permit the fair and expeditious disposition of the petition and, to the extent that such request for a hearing is dependent upon factual assertion, shall accompany such request by affidavit establishing such facts. In the event a hearing is ordered by the commission, section 91-9, HRS, shall govern the proceedings. (Auth: HRS § 91-8)

§1-31 Applicability or order. An order disposing of a petition shall be applicable only to the factual situation described in the petition or set forth in the order.

(Auth: HRS § 91-8)

§1-32 Declaratory ruling on commission's own motion. Notwithstanding the other provisions of this part, the commission may, on its own motion or upon request but without

notice or hearing, issue a declaratory order to terminate a controversy or to remove uncertainty. (Auth: HRS § 91-8)

§1-33 Refusal to issue declaratory order. The commission may for good cause, refuse to issue a declaratory order with specific reasons for such determination. Without limiting the generality of the foregoing, the commission may so refuse where:

(1) The question is speculative or purely hypothetical and does not involve existing facts, or facts that can be expected to exist in the near future;

(2) The petitioner's interest is not of the type that would give the petitioner standing to maintain an action if such petitioner were to seek judicial relief;

(3) The issuance of the declaratory order may affect the interests of the commission in a litigation that is pending or may reasonably be expected to arise; or

(4) The matter is not within the jurisdiction of the commission.

(Auth: HRS § 91-8)

Subchapter 5

RULES APPLICABLE TO INITIAL PRICING AND COMPENSATION PLANS

§1-34 Pricing policies. (a) The white collar and blue collar compensation plans applicable to the county shall be as consistent as is practicable with the objective of achieving equal pay for equal work as provided in 76-1, HRS.

(b) It shall be the objective of each major plan to maintain proper relationships between classes of positions within each compensation part and within and between the county and its political jurisdictions based on objective criteria and systematic job evaluation of classes, unless it has been agreed in accordance with chapter 89, HRS, to negotiate the repricing of classes. The development of each compensation plan shall be governed by a policy encompassing the criteria set forth in subsections (c) through (f).

(c) Salary range or wage board grade assignments for the various classes of work in each compensation part of the plan shall be set in proper relationship to one another so that like salary range or wage board grade assignments are made for comparable duties and responsibilities.

(d) Salary range or wage board grade assignments between relatable classes in each compensation part of the plan are to be set in a manner consistent with the ranking of classes from low to high in recognition of the varying complexities, difficulties, and nature of responsibilities.

(e) The initial pricing of classes shall not be influenced by employee benefit considerations, night shift and other similar working condition differentials which are separate and distinct parts of pay administration, except where such benefits are considered in the pricing of the classes.

(f) Due consideration shall be given to the financial condition of government.

(Auth: HRS §§ 76-14, L 2000, c 253, §149)

§1-35 Pricing standards. (a) All classes of positions which perform work in recognized trades or crafts or other skilled mechanical crafts or unskilled, semi-skilled, or skilled manual labor occupations, including positions of inspectors and supervisors having trades, crafts or laboring experience and knowledge as the paramount requirement shall be included in the blue collar compensation plan. All other classes of positions shall be included in the white collar compensation plan. The commission shall:

(1) Adopt and maintain guidelines for the determination of classes within the appropriate plan; and

(2) Determine appeals against inclusion and exclusion of classes consistent with the definition and guidelines.

(b) The commission shall adopt and maintain bench mark classes for each compensation part of each plan in accordance with the following criteria:

(1) Achieve the principle of equal pay for equal work;

(2) Serve as pivotal classes in that assignment of other classes within a series of classes of salary range or wage board grade may be made with reference to these classes;

(3) Are easily identifiable work where the nature of duties and responsibilities and the level of complexity are representative; and

(4) Are common to all or most of the jurisdictions or serve as essential and sound reference points to the salary program of a governmental jurisdiction.

(c) The evaluation and ranking of classes within the framework of each compensation part of each compensation plan shall be in accordance with subsections (d) through (g).

(d) Bench mark classes shall be identified to establish and reflect base relationships between classes and to illustrate the level of work found at various salary ranges or grades.

(e) Classes shall be evaluated and ranked by the methods set forth in established guidelines.

(f) Guidelines shall be adopted and maintained to rank classes using appropriate individual or combined evaluation factors from the following:

(1) Knowledge and skills required. The nature and extent of information or facts which must be understood and applied in order to do acceptable work, and the nature and extent of skills needed to apply these knowledges, i.e. training and experience.

(2) Supervisory controls. The nature and extent of direct or indirect controls exercised by the supervisor, i.e. the extent of responsibility for work product and the method of reviewing completed work.

(3) Guidelines. The nature of the guidelines available and the judgment required in applying them.

(4) Complexity. The nature, number, variety, and intricacy of tasks, steps, process, or methods in the work performed; difficulty in identifying what

needs to be done; the difficulty and originality involved in performing the work; and the scope and effect of work done.

(5) Personal contacts. The nature and purpose of face-to-face, telephone, and other dialogue with persons not in the supervisory chain which ranges from the exchange of information to those cases involving significant or controversial issues, differing viewpoints, goals, or objectives.

(6) Physical demands. The physical abilities and exertion required.

(7) Work environment. The risks and discomfort in the work's physical surroundings or the nature of the work assigned and the safety precautions required.

(8) Supervisory skills. The nature and scope of getting work done by subordinates with accountability to superiors for the quality and quantity of work and for assuring efficient and economical work operations.

(9) Managerial responsibilities. The nature and scope of line or staff programs which involve:

(A) Directing the work of a sizeable organization through subordinates who control and guide the operations;

(B) Making decisions or recommendations on contents and character of operations, policies, programs and goals, planning and evaluation activities, and personnel matters affecting key persons and positions;

(C) Monitoring and accounting for the success of specific line or staff programs and for attainment of planned goals and objectives; and

(D) Assessing the impacts of operational activities on public relations, legislative or judicial concerns, and labor-management affairs.

Each factor may have differing values or weight, and shall be consistently applied to each class within the compensation part of each plan.

(g) The commission shall adopt and maintain guidelines to reflect relationships between compensation parts of each plan to insure the objectives of section 1-34 are carried out effectively.

(Auth: HRS §§ 76-14, L2000, c 253, 149)

§1-36 Determination of blue collar classes. (a) Any person who has standing to appeal pricing in accordance with section 1-38 may file to determine the inclusion or exclusion of the person's class from the blue collar compensation plan in conjunction with an initial pricing appeal.

(b) Appeal on the appropriateness of the assigned compensation plan shall be filed on a special form furnished by the commission and it shall conform to the requirements of section 1 -39.

(c) The commission shall be guided by section 1-35 and other commission guidelines in determining whether a class belongs to the white collar or blue collar compensation plan.

(d) The remaining procedures and requirements of subchapter 6 of these rules shall be applicable in determining the appropriateness of the designated compensation plan and the proper pricing of the class under appeal within that plan.
(Auth: HRS § 76-14)

§1-37 Amendments to Compensation Plans. (a) The commission shall report adjustments to the director for notification to departments/agencies and other jurisdictions for amendment to the compensation plan.

(b) The effective date on initial pricing appeals where the decisions are in favor of the appellants shall be retroactive to the effective date of the action of the director.
(Auth: HRS § 76-14)

Subchapter 6

RULES APPLICABLE TO APPEALS

§1-38 Standing to appeal. (a) The commission shall decide appeals from any action under this chapter taken by the chief executive, the director, an appointing authority, or a designee acting on behalf of one of these individuals, relating to:

(1) Recruitment and examination;
(2) Classification and reclassification or a particular position;
(3) Initial pricing of classes; and
(4) Other employment actions under this chapter, including disciplinary actions and adverse actions for failure to meet performance requirements, taken against civil service employees who are excluded from collective bargaining coverage under section 89-6, HRS.

(b) Any person suffering legal wrong by an action under subsection (a)(1) or aggrieved by such action shall be entitled to appeal to the commission.
Any employee covered by chapter 76, HRS, suffering legal wrong by an action under subsection (a)(2) or (3) shall be entitled to appeal to the commission. Only employees covered by chapter 76, HRS, who are excluded from collective bargaining, suffering legal wrong by an action under subsection (a)(4) shall be entitled to appeal to the commission.
Persons who may file initial pricing appeals are:

(1) an employee, or the employee's designated representative may file a pricing appeal on a new class to which the employee's position is allocated;
(2) the director of a department or the director's designated representative may file pricing appeals on classes in which it has positions; and
(3) an employee organization acting on behalf of its membership may file pricing appeals on the classes in which it has members.

(c) The commission shall not act on an appeal, but shall defer to other authority, if the action complained of constitutes a prohibited act that is subject to the jurisdiction of

another appellate body or administrative agency or the grievance procedure under a collective bargaining agreement;

(d) The commission shall not proceed on an appeal or shall hold proceedings in abeyance if there is any controversy regarding its authority to hear the appeal until the controversy is resolved by the Hawaii Labor Relations Board;

(e) The commission shall not proceed on an appeal unless all internal complaint procedures, including administrative review and departmental complaint procedures have been exhausted.

(Auth: HRS § 76-47)

§1-39 Filing of appeal. (a) Time. Any person who has standing to appeal shall file a petition of appeal to the commission within twenty (20) calendar days after notice of the action was sent by the director or appointing authority. For purposes of this rule the date notice of the action is sent shall be construed as either:

(1) If the notice is mailed, the date the director or appointing authority mails the notice by first class mail to the person's last known address; or

(2) If the notice is not mailed, the date the notice is hand delivered to the person. The petition of appeal shall be filed with the **Civil Service**[~~Office of the~~] Commission **located** at **the Pi'ikoi building in the Office of Boards and Commissions at** 4444 Rice Street, Suite **300**[~~140~~], Lihue, Hawaii 96766, between the hours of 7:45 a.m. and 4:30 p.m. of each workday **or the date the notice is submitted by electronic mail (email)**. All petitions submitted to the commission beyond the twenty (20) day period shall be deemed untimely and shall not be considered an appeal by the commission.

(b) Form. The petition of appeal shall conform to the requirements of section 1-14.

(c) Content. The petition of appeal shall contain the following information:

(1) A statement and description of the adverse action being appealed from the person filing the petition of appeal.

(2) The particular rule, regulation, statute, or policy that was violated by the director or appointing authority.

(3) A statement and description of all material and relevant facts in support of the appeal indicating how and in what manner the particular rule, regulation, statute, or policy was violated by the director or appointing authority.

(4) A statement of the issues involved in the appeal. Provided, that in the event the appellant is unable to ascertain the particular rule, regulation, statute or policy that was violated by the director or appointing authority or state all material and relevant facts in support of the appeal at the time the petition of appeal is filed, the appellant may, within thirty (30) days of the filing of the original petition of appeal, file an amended petition of appeal. For the purpose of the twenty (20) day filing limitation, the appeal shall be effective as of the date the original petition of appeal was filed.

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(5) Initial pricing appeals shall:

(a) be limited to a single class; and contain:

(1) the name and signature of each petitioner;

(2) the address and telephone number of each petitioner of the designated representative for any position having four or more petitioners;

(3) all pricing appeal issues including a concise statement of relevant facts; and

(4) the remedy sought, including the rationale.

All other materials intended to support the pricing appeal issues shall be submitted in the proper number of copies and within fifteen (15) days after submission of the pricing appeal.

(b) be based on conditions existing at the time of the dated position description on which the new class and the initial pricing action was taken.

(c) amended pricing appeals which are submitted within period prescribed in section 1-15 shall be effective as of the date of the original filing.

(Auth: HRS §§ 76-14, 76-47)

§1-40 Notice. All parties shall be given written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) days prior to the hearing. The notice shall include a statement of:

(1) The date, time, place and nature of the hearing;

(2) The legal authority under which the hearing is to be held;

(3) The particular sections of the statutes and rules involved;

(4) An explicit statement in plain language of the issues involved and the facts alleged by the appellant in support thereof; provided that if the appellant is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved; and

(5) The fact that any party may retain counsel if such party so desires.

(Auth: HRS §§ 76-14, 76-47)

§1-41 Appeal hearing. (a) General. An appeal shall be conducted as a contested case under chapter 91, HRS. The commission shall, upon receipt of an appeal, order the matter set for hearing. In any appeal, all parties shall be afforded an opportunity for hearing after reasonable notice. Opportunities shall be afforded all parties to present evidence and argument on all issues involved. Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any appeal by stipulation, agreed settlement, consent order or default; provided that waiver of any procedure includes procedural requirements of section 91-11, HRS.

(b) Time and place. Hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued from day to day or to a later day or to a different place without notice other than the announcement thereof by the presiding officer or hearing officer at the hearing.

(c) Nature of hearing. The nature of the hearing, whether open or closed, shall be governed by subsection 1- 7 (c).

(d) Before whom. Appeals shall be heard before the commission or a hearing officer duly appointed by the commission.

(e) Presiding officer. When a proceeding is conducted before the commission itself, the proceeding shall be presided over by the chairperson of the commission or, in the chairperson's absence, by the vice-chairperson.

(f) Powers of presiding officer. The presiding officer at a proceeding shall have authority to control the course of the hearing; to hold conferences open to the public on which they have had notice, for the settlement of simplification of issues; to administer oaths and affirmation; to grant application for and issue subpoenas; to take or cause depositions to be taken; to rule upon offers of proof and receive relevant evidence; to limit lines of questioning or testimony that are irrelevant, immaterial or repetitious; to rule upon all objections, procedural requests and motions that do not involve final determination of proceedings; to dispose of any other matter that normally and properly arises in the course of the proceeding; and to take all other actions authorized by chapter 76, HRS, Hawaii Administrative Procedure Act, rules of the commission or by any other statute, that are deemed necessary to the orderly and just conduct of the hearing.

(g) Pre-hearing motions and requests. All pre-hearing motions and requests shall be filed with the office of the commission and served on the opposing party by personal service or by first class mail no later than two (2) weeks prior to the hearing date set by the commission for the appeal.

(h) Any hearing officer, board member or representative of the commission shall not consult with the director or representative of the petitioners, union, department director or their representatives on any matter pending before the commission except on notice and opportunity for the appellant or the appellant's representative and the director or representatives to participate.

(i) Disqualification. No hearing officer or commissioner shall be assigned to serve in any proceeding who has any pecuniary interest in any matter or business involved in the proceeding; who is related within the first degree by blood or marriage to any party to the proceeding; or who has participated in an investigation preceding the institution of the proceeding or in a determination that it should be instituted or in the development of the evidence to be introduced therein.

(j) Record of the hearing. The record of the hearing shall be compiled in conformance with section 91-9(e), HRS. The commission will make provisions for stenographic record of the testimony, but it shall not be necessary to transcribe the record unless requested for purposes of pre-hearing or court review. Any person desiring a copy of the record of a hearing or any part thereof shall be entitled to the same upon written application to the commission and upon payments of reasonable costs thereof.

(k) Witnesses.

(l) Subpoenas. Subpoenas requiring the attendance of witnesses or the production of documentary evidence from any place within the State of Hawaii at any designated place of hearing may be issued by the presiding officer or any designated member of the commission or by the hearing officer. Application for subpoenas shall be made in writing to the commission or

hearing officer. The application shall specify the particular documents or data desired and shall show their relevancy to the issues involved. Application shall be made at least five (5) days prior to the hearing. If application is made at a later time, the commission may, in its discretion, issue subpoenas and/or continue the hearing or any part thereof. Enforcement of obedience to subpoenas issued by the commission and served pursuant to these rules will be effected by written application of any member of the commission to any circuit judge.

(2) Fees. Witnesses summoned shall be paid the same fees and mileage as are paid witnesses in circuit courts of the State of Hawaii and such fees and mileage shall be paid by the party at whose instance the witnesses appear. Fees for the depositions shall be paid by the party at whose instance the depositions are taken.

(3) Oath. Witnesses shall be placed under oath or affirmation prior to testifying.

(l) Order of proceeding. At the commencement of the hearing, the presiding officer or hearing officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Such procedure, unless specifically prescribed in these rules or by the Hawaii Administrative Procedure Act or by any other applicable statute shall, in the opinion of the presiding officer or hearing officer, best serve the purpose of the hearing without prejudice to any party. Following the outlining of the procedures to be followed, the commission or the hearing officer shall first consider all pre-hearing motions or requests filed by the parties.

(m) Submission of testimony. All parties shall be given reasonable opportunity to offer testimony with respect to the matters relevant to the proceeding. Witnesses shall, before proceeding to testify, state their name, address and whom they represent at the hearing and shall give such information respecting their appearance relevant to the proceeding as the presiding officer or hearing officer may request. The presiding officer or hearing officer shall confine the testimony to the matters for which the hearing has been called, but need not apply the technical rules of evidence except as required by statute. Each witness may be subject to questioning by members of the commission and by any representative of the commission. Each witness may also be subject to cross-examination by the adverse party at the discretion of the presiding officer. Each party shall have the right to submit rebuttal evidence and rebuttal arguments.

(n) Official notice of facts. The commission or hearing officer shall take notice of judicially recognizable facts and may take notice of generally recognizable technical or scientific facts within the commission's or hearing officer's specialized knowledge when parties are given notice either before or during the hearing of the material so noticed and afforded the opportunity to contest the facts so noticed.

(o) Additional evidence. At the hearing, the presiding officer or hearing officer may require the production of further evidence upon any issue.

(p) Closing the hearing. After all the evidence has been presented, the

commission or hearing officer shall give the parties opportunity to summarize. Within reasonable time after such final arguments have been completed and all requested memoranda submitted, the commission or hearing officer shall bring the matter to a close.

(q) Proposed findings and conclusions. The commission or hearing officer shall permit parties to file proposed findings and conclusions, together with the reasons therefore at the close of the hearing or within such time as is extended at the discretion of the commission or hearing officer. Such proposal shall be in writing and shall contain references to the record and to the authorities relied upon. Copies thereof shall be furnished to all parties.

(r) Commission action. (1) General. If the commission finds that the director or the appointing authority violated any applicable civil service rule, regulation, law or policy; the commission shall grant such relief to the appellant as allowed by law. If the commission finds that the director or the appointing authority did not violate any applicable civil service rule, regulation, law or policy; the commission shall deny the appeal and uphold the action of the director or the appointing authority.

(2) Appeals relating to failure to meet performance requirements. The commission shall use the conditions listed in section 76-41(c), HRS, in reaching a decision on whether actions taken by the appointing authority based on a failure by the employee to meet the performance requirements of the employee's position is with or without merit.

(3) Suspensions, discharge and demotions. If the commission finds that the reasons for the action are not substantiated in any material respect, the commission shall order that the employee be reinstated in the employee's position, without loss of pay, but if the commission finds that the reasons are substantiated or are only partially substantiated, the commission shall sustain the action of the appointing authority, provided that the commission may modify the action of the appointing authority if it finds the circumstances of the case so require and may thereupon order such disposition of the case as it may deem just.

(s) The commission shall confine its findings and decision on initial pricing appeals addressed to the appropriateness of either their assigned compensation plan and salary range or wage board grade assignment. Classification matters shall be heard in separate appeal.

(t) Findings and decisions. The findings and decisions of the commission shall be final on all appeals, unless an appeal is taken pursuant to section 91-14, HRS. For initial pricing appeals, findings and decisions of the commission shall be final until the next review of the compensation plans or negotiated repricing.

(u) Notice of decision. The commission shall, within sixty (60) days after the close of the hearing on the appeal, or such other time as the commission may deem reasonable, notify all parties of its decision and order by delivering or mailing a certified copy of the decision and order to each party or to such party's attorney of record. This decision and order shall include separate finds of facts and conclusions of law and, if the

parties have presented to the commission proposed findings of fact the commission shall incorporate in its decision a ruling upon each proposed finding so presented.
(Auth: HRS §§ 76-14, 76-47, Art XV, RCC, Sec. 15.03)

NOTICE OF PUBLIC HEARING

The Kaua'i County Civil Service Commission will hold a public hearing by teleconference using Microsoft Teams, on October 6, 2020 at 3:00 p.m. or shortly thereafter, for purposes of hearing and receiving public testimony and comments from all interested persons regarding the adoption of the proposed amendments to the Rules of the Civil Service Commission/Merit Appeals Board document.

Request copy of proposed rule amendments:

- U.S. Postal Mail: mail your request to: Civil Service Commission c/o Office of Boards and Commissions, Pi'ikoi Building, 4444 Rice Street, Suite 300, Līhu'e, Hawai'i 96766. Include a return self-addressed and stamped 6x9 envelope. Please allow sufficient mailing time.
- Electronic mail (email): Submit your email address to smuragin@kauai.gov.
- Phone: 808-241-4919
- Facsimile: 808-241-5127. Include details of how you would like to receive a copy.
- Viewed and inspected at the Office of Boards and Commissions between the hours of 7:45 a.m. to 4:30 p.m., Monday thru Friday (excluding Saturday/Sunday/Federal & State of Hawai'i holidays). Please contact Sandra Muragin at 808-241-4919 to schedule an appointment time.

Submit Testimony/Comments:

- Submit by mail to the Office of Boards and Commissions.
- Submit by email to smuragin@kauai.gov.
- Submit by fax to 808-241-5127.

Submit Testimony at the Public Hearing meeting:
All interested persons may orally present their testimony/comments in front of the Commission during the October 6 meeting. To join the public hearing meeting, call into the meeting using a landline phone or cellular mobile phone on Tuesday, October 6, 2020 by 3:00 p.m.
Please follow steps 1 to 3.
Step 1: Phone: 1-469-848-0234
Step 2: Conference ID: XXX XX XXX# - you will be prompted to enter a "Conference ID"
Step 3: You will be prompted to identify yourself, please say your first name.

Once you have completed steps 1-3 you will automatically enter the meeting by audible only. Please mute your phone and wait until your name is called.

The Commission may impose a time limit for each person presenting testimony at the hearing.

BY ORDER OF THE COMMISSION:
Jeffrey Iida, Chairperson
Civil Service Commission

SPECIAL ASSISTANCE

If you need an auxiliary aid/service, other accommodation due to a disability, or an interpreter for non-English speaking persons, please contact the Office of Boards and Commissions at (808) 241-4917 or asegreti@kauai.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

CSC 2020-19 B.

APPEAL FORM

Rules of the Civil Service Commission/Merit Appeals Board.
Rule 6.2 Filing of Appeal: Any person who has a standing appeal shall file a petition of appeal (complete an Appeal Form) to the Civil Service Commission within twenty (20) calendar days after notice of the action was sent by the director or appointing authority.
Rule 6.1 (e) The Civil Service Commission shall not proceed on an appeal unless all internal complaint procedures, including administrative review and departmental complaint procedures have been exhausted. Hawaii Revised Statutes 76-47.

1. Appellant Contact Information:
   Name:_____
   Mailing Address:_____
   _____
   Telephone Number:_____
   Electronic Mail (Email) Address:_____

2. Is the Appellant a County of Kauai employee? _____ Yes _____ No

~~3. Appellant's Authorized Representative Information (if any):~~
~~Name:~~
~~Mailing Address:~~
~~Telephone Number:~~
~~Electronic Mail (Email) Address:~~

~~4.~~3. Name of the individual(s) whose action is being appealed. (Example: Mayor, Human Resource Director, Appointing Authority or Designee acting on behalf of one of these individuals whose action is appealed):
_____
_____

~~5.~~4. Pursuant to HRS 76-4 and Rule 6-1 Standing Appeal, this appeal is being filed for an action under the following category (check all applicable):
_____ Recruitment & Examination
_____ Classification or Reclassification of a particular position
_____ Initial Pricing of Classes
_____ Other employment actions under this rule, including disciplinary actions and adverse actions for failure to meet performance requirements, taken against civil service employees who are excluded from collective bargaining coverage under Hawaii Revised Statutes §89-6

~~6.~~5. Date action taken:_____

~~7.~~6. Date notice of action was received by Appellant:_____

~~8.~~7. Statement of legal wrong caused by the action of the Mayor, Director of Human Resources, Appointing Authority, or Designee acting on one of these individuals, or a statement as to how such action has adversely affected or aggrieved the Appellant. Include concise statement of facts pertinent to this appeal.
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CSC 2020-20 A.

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~~9.~~8. Other facts relevant to this appeal.

_____
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_____

~~10.~~9. Remedy requested with reasons and explanation of the legal basis by which remedy should be granted.

_____
_____
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~~11.~~10. My appeal will be heard before the Civil Service Commission/Merit Appeals Board at a scheduled Appeal Hearing meeting. I would like to have my appeal heard in a meeting:

_____ Open to the Public _____ Closed to the Public

This is to certify that to the best of my knowledge, information, and beliefs, every statement contained herein is true and no statement is misleading nor made to create delay.

_____ Date_____
Appellant Signature

~~_____ Date_____~~
~~Representative's Signature~~

Submit Form Online: Click "Sign and Submit"

Submit Form by Mail:
Civil Service Commission
c/o Office of Boards and Commissions
Pi'ikoi Building
4444 Rice Street, Suite 300
Lihue, HI 96766

Hand Deliver Form:
Office of Boards and Commissions
Pi'ikoi Building
4444 Rice Street, Suite 300
Lihue, HI 96766
Hours: M-F 7:45am to 4:30pm (closed Sat/Sun/Holidays)

APPEAL FORM - Representative

Rules of the Civil Service Commission/Merit Appeals Board.

[Rule 6.2 Filing of Appeal: Any person who has a standing appeal shall file a petition of appeal (complete an Appeal Form) to the Civil Service Commission within twenty (20) calendar days after notice of the action was sent by the director or appointing authority.]

[Rule 6.1 (e) The Civil Service Commission shall not proceed on an appeal unless all internal complaint procedures, including administrative review and departmental complaint procedures have been exhausted. Hawaii Revised Statutes 76-47.]

§1-11 Appearances and practices before the commission. (a) Appearances before the commission. A public employee may appear in such employee's own behalf; an employee organization may be represented by its duly designated representative; and the director or appointing authority may appear on their own behalf.

(b) Representation. In any proceeding under these rules, the director, appointing authority or employee may be represented by an attorney or any other individual authorized, in writing, to act in a representative capacity. The cost of such attorney shall be borne by the party being represented.

(c) Validation of authority. When an individual acting in a representative capacity appears in person or signs a paper in practice before the commission, the personal appearance or signature of such individual shall constitute a representation to the commission that, under the provisions of these rules and the law, the individual is authorized and qualified to represent the particular person on whose behalf such individual acts. The commission may at any time require individuals transacting business with the commission in a representative capacity to show to the commission their written authorization to act in such capacity.

(d) Bar to appearance.

(1) Former commission association. No individual who has been associated with the commission as a member, officer, employee or counsel shall be permitted to appear before the commission in behalf of or to represent in any manner any party in connection with any proceeding or matter that such individual has handled or passed upon while associated in any capacity with the commission.

(2) Limitations of assistance from barred persons. No person or agency appearing before the commission in any proceeding or matter shall, in relation thereto, knowingly accept assistance from and compensate any individual who would be barred by this subsection.

(3) Written consent to appear. No person who has been associated with the commission as a member, officer, employee or counsel thereof shall be permitted to appear before the commission in behalf of, or to represent in any manner, any person or agency in connection with any proceeding or matter that was pending before the commission at the time of such person's association, unless written consent of the commission shall first have been obtained, upon a verified showing that such individual did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during such person's association with the commission.

(4) One year limitation. This subsection shall not apply to any individual or agency who has terminated association with the commission for a period of one year.

[(Auth: HRS §§ 76-14, 76-47)]

~~1. [Appellant Contact Information:~~

~~Name:~~ _____

~~Mailing Address:~~ _____

_____

~~Telephone Number:~~ _____

~~Electronic Mail (Email) Address:~~ _____]

~~2. [Is the Appellant a County of Kauai employee? _____ Yes _____ No]~~

~~3.~~ ~~[Appellant's Authorized]~~ Representative Information ~~[(if any)]~~:

Name: _____

Mailing Address: _____

_____

Telephone Number: _____

Electronic Mail (Email) Address: _____

~~4.~~ 1. **Appellant Name:** ~~[Name of the individual(s) whose action is being appealed. (Example: Mayor, Human Resource Director, Appointing Authority or Designee acting on behalf of one of these individuals whose action is appealed):]~~

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CSC 2020-20 B.

5. Pursuant to HRS 76-4 and Rule 6-1 Standing Appeal, this appeal is being filed for an action under the following category (check all applicable):

_____ Recruitment & Examination
_____ Classification or Reclassification of a particular position
_____ Initial Pricing of Classes
_____ Other employment actions under this rule, including disciplinary actions and adverse actions for failure to meet performance requirements, taken against civil service employees who are excluded from collective bargaining coverage under Hawaii Revised Statutes §89-6

~~6. [Date action taken: _____]~~

~~7. [Date notice of action was received by Appellant: _____]~~

~~8. [Statement of legal wrong caused by the action of the Mayor, Director of Human Resources, Appointing Authority, or Designee acting on one of these individuals, or a statement as to how such action has adversely affected or aggrieved the Appellant. Include concise statement of facts pertinent to this appeal.~~

_____

]

~~9. [Other facts relevant to this appeal.~~

_____

]

~~10. [Remedy requested with reasons and explanation of the legal basis by which remedy should be granted.~~

_____

]

~~11. [My appeal will be heard before the Civil Service Commission/Merit Appeals Board at a scheduled Appeal Hearing meeting. I would like to have my appeal heard in a meeting:]~~

~~[_____ Open to the Public _____ Closed to the Public]~~

This is to certify that to the best of my knowledge, information, and beliefs, every statement contained herein

is true and no statement is misleading nor made to create delay.

[_____ ~~Date~~_____]
~~[Appellant Signature]~~

_____ Date_____
Representative's Signature

Submit Form Online:	Click "Sign and Submit"
Submit Form by Mail:	Civil Service Commission c/o Office of Boards and Commissions Pi'ikoi Building 4444 Rice Street, Suite 300 Lihue, HI 96766
Hand Deliver Form:	Office of Boards and Commissions Pi'ikoi Building 4444 Rice Street, Suite 300 Lihue, HI 96766 Hours: M-F 7:45am to 4:30pm (closed Sat/Sun/Holidays)