

**COUNTY OF HAWAI`I  
SALARY COMMISSION  
November 24, 2008**

**M I N U T E S**

**Chair Perkins called the meeting to order at 10:02 a.m. in the Conference Room of the Department of Liquor Control, 101 Aupuni Street, Suite 230, Hilo, Hawai`i.**

**Present:**

**Mr. Gerald Perkins, Chair  
Ms. Patricia Provalenko, Vice Chair  
Mr. Searle Grace, Member  
Mr. Newton Inouye, Member  
Ms. Margaret Tokunaga, Member**

**Others present:**

**Mr. Gerald Takase, Assistant Corporation Counsel  
Mr. Michael R. Ben, Director of Human Resources  
Mr. Ronald Takahashi, Deputy Director of Human Resources  
Ms. Joney Nitahara, Personnel Program Specialist  
Ms. Velma Y. Menezes, Secretary- Reporter**

**MINUTES OF APRIL 23, 2008**

**MOTION: Ms. Tokunaga moved that the minutes of April 23, 2008 be approved as circulated. The motion was seconded by Mr. Inouye and unanimously carried.**

**COMMUNICATIONS**

**Communication No. 08-03, dated October 1, 2008, from Joseph K. Kamelamela, Deputy Corporation Counsel, regarding prompt notification of service of complaint.**

**The above communication was received and filed.**

**NEW BUSINESS**

**A) Communication No. 08-04, dated October 28, 2008, from Pudding Lassiter, Chair, Police Commission, regarding equitable salary for the Police Chief and Deputy Chief.**

**Mr. Takase noted that the Police Commission will not be appearing today. They've asked to postpone the above.**

**B) Revision to Salary Commission Pay Plan Effective April 1, 2004**

**Mr. Takase distributed copies of a proposal to amend the language of the pay plan effective April 1, 2004. Mr. Takase explained the following:**

**The current language in #7 of the pay plan states that when an individual is appointed to another position that is the same or lower pay, the individual will retain the same step. Right now all department heads and deputy department heads are at Step C.**

**As the Commission knows, the County is going through an administration change where the new Mayor will be selecting new department heads and deputies. The current language as written is okay for the carry-over department heads and deputies. This proposal is for those who may be promoted; in other words, they're deputies now and may be promoted to department heads. In such a situation, under the current language, the individual would start at Step A, basically taking a pay cut to assume a higher position. This proposal tries to take care of that inequity.**

**The proposal will actually help the situation with the Police Chief, which is the concern that the Police Commission was coming in with. If the current Deputy Police Chief is appointed Police Chief, this would take care of the concern that they were seeing.**

**Mr. Ben commented that the proposed draft should not be labeled #7, because the introductory statement to #7 as currently stated starts with "whenever the Mayor is reelected and reappoints his cabinet." That is the subject matter of #7. This proposal is addressing a totally different subject and therefore should be identified elsewhere. Mr. Ben noted that a new Mayor cannot reappoint someone; he never appointed that person in the first place.**

**Mr. Takase stated that if the Commission adopts the proposal, they can issue a new letter clarifying what was previously set forth. One reason they started looking at this proposal was because of the situation with the Deputy Police Chief but there may be other deputies and directors who are reapplying for their positions with the County. This will "nip it in the bud" and they won't have to slide back to the A step again.**

**Mr. Takase explained that the Commission approved the pay plan in 2004. Prior to that, there was just a salary schedule, and the Commission decided to have not only the different pay grades but also incorporate steps to recognize years of service. This was to help prevent what had happened to previous commissions which had been faced with the task of having to propose big increases after not having met for 8- 10 years, then having to defend their actions. To get over that challenge, they proposed steps in the**

**plan so that even if they did not meet regularly there would be some continuity.**

**The proposal affects just the people that are already there in the system, and Mr. Takase thinks the system is set up to encourage progression. He doesn't think that it was ever the intent to penalize a person for moving.**

**Ms. Tokunaga asked at what salary a retired person would come in if selected for Police Chief.**

**Mr. Takase responded that the retired person had been a Captain, so he would start at the A step on the pay scale.**

**Mr. Ben noted that that's where it would be under the Commission's existing rule; however, he believes the Police Commission would come in and request a higher level pay because that first step is lower than some of the subordinates. Technically the existing compensation plan says if appointed at the first step and if the appointing authority desires a higher level pay, they come before the Commission, make a request, and justify it. So if Mayor-elect Kenoi wants to retain someone and continue compensating him at the same rate of pay, under the existing rules, he would have to come before the Commission and ask for that. This new proposal, however, would do it automatically. It takes away the decision from Mayor-elect Kenoi about where he wants to pay his cabinet.**

**So again, under this proposal, if a deputy department head is paid at 17D and is selected to a department head position, he would be paid at 18D. Without this proposal (the current pay plan), he goes to 18A. Then if 18A is not satisfactory to the Mayor or any of the commissions, they could then come before the Salary Commission and request that they raise it for whatever reason. With this proposal it becomes automatic for any existing person.**

**Also, the Commission should remember that this applies to everything, so if the Finance Director, being paid at 18C, gets appointed to be Data Systems Director, who is at A-17, he would get the 17C. Mr. Ben guessed that the Commissioners may be thinking about the Deputy Finance Director becoming Finance Director or the Deputy Police becoming Police Chief, but the way the proposal is drafted, it still applies whether the person goes to Parks or to Planning or to Liquor Control, etc.**

**Ms. Tokunaga indicated that it is her preference to have the appointing authority appear before the Commission to make a request rather than have it be an automatic thing.**

**Mr. Takase noted that most of the department heads and deputies are at Step C. If a deputy department head takes over the department now, the way this language reads, he will go from a 17C to 18A, and what will happen is he'll actually be making less than what he was making as a deputy. That is what Mr. Takase is trying to prevent.**

**Mr. Ben noted another scenario in which a deputy, at 17D, gets reappointed as a deputy. When that person gets reappointed as a deputy, he remains at 17D. His new boss (department head) comes in at 18A. In that case, the Mayor may come in and say that's not good. That scenario is based on the new language (the proposal).**

**Mr. Inouye noted that under the current language, if the deputy was to be reappointed again, that deputy would go from a 17D back to a 17A.**

**Mr. Ben reiterated that if that's a problem, the Mayor will come in and ask that the Commission correct it.**

**Mr. Inouye stated that he agrees with Ms. Tokunaga, because the new language takes away the decision-making authority from this body and automatically gives it to whoever the Mayor appoints. The present language doesn't negate the Mayor or the other commissions to come before the Salary Commission and ask for an increase, which is the very reason the Commissioners have been appointed – they represent the public. They should look at each position's duties and make a decision based on that versus something that automatically grants them a raise.**

**Ms. Tokunaga inquired into the purpose of this new language being brought up now.**

**Mr. Takase responded that it came up because of the Police Commission. That's how they started going back to look at what the language was. Under this administration, it's basically been to try to do what's fair, what's right, so recognizing that they were going to have a situation coming up, they were just trying to take care of it ahead of the appointments rather than the new Mayor having to come in.**

**Ms. Tokunaga stated that they should see what the new Mayor's decision will be rather than just "do this quick" before he comes in. Her feeling is that he should be part of the discussion rather than try to set this up before he comes in. She doesn't agree with that.**

**Chair Perkins commented that it sounds like they need to change the verbiage to get rid of any ambiguity that Ms. Tokunaga is concerned about. It sounds like all they have to do is say a person will maintain his or her current pay level for a promotion.**

**Mr. Inouye stated that he would rather just stick with the current language and let the new Mayor come in if he wants to raise the entry level pay. He can come before the Commission and justify why he wants to do it. Mr. Inouye asked if they would be able to do all of them at one time or whether it has to be done individually.**

**Mr. Ben responded that the way the language is written, it doesn't prevent them from doing it all at once.**

**Ms. Nitahara noted that she provided information on the attachment that had been distributed on base salaries of the high seven or high five salaries in the Police and Fire departments.**

**Mr. Inouye questioned whether the Police Commission or Fire Commission can come to this body prior to advertising for a position and ask for a higher pay instead of coming in after the fact.**

**Mr. Takase stated that the Police Commission actually came in a long time ago asking to have the pay raise issue taken care of before they advertise, but unfortunately the Commission wasn't able to get this body together in time, and the Police Commission didn't want to do it concurrently with the advertising, so they decided to let it go. Actually even now they were going to come in, but they decided to concentrate on picking the Chief first then deal with the pay issue later. So that was a thought because they wanted more candidates.**

**Mr. Inouye noted that they could have "TA'd" (temporary assignment) the Deputy to the position and work through the process of coming here. His feeling is it would have been fairer to all candidates or potential candidates if everyone knew up front what the salary was going to be.**

**Mr. Ben stated that his answer to Mr. Inouye's question (of coming to the Salary Commission prior to advertising) would be yes. However, certain issues that Mr. Takase brought up, such as not having a quorum or as to when the Police Commission first broached it, Mr. Ben disagrees with that, as it was brought to the Salary Commission's attention only recently.**

**It was noted that the Police Commission's letter to the Salary Commission regarding salaries is dated October 28, but they had already started recruiting for the Police Chief by that time.**

**Mr. Takase noted that the Police Commission had a November 7 deadline, and the Police Chief did not announce his retirement much earlier than that. His understanding, however, was they were going to come in regardless, as the Chief and Deputy are falling behind their EMs (excluded managers).**

**Chair Perkins noted for the record that discussion on the proposal was completed. No action was taken.**

#### **NEXT MEETING DATE**

**Mr. Ben asked that the Commission consider a December meeting to provide an opportunity for the new Mayor to appear before the Commission, if necessary.**

**The Commission scheduled its next meeting for December 12, 2008, at 10:00 a.m., in the Liquor Conference Room.**

**ADJOURNMENT**

**MOTION: Mr. Inouye moved that the meeting be adjourned. The motion was seconded by Ms. Perkins and unanimously carried.**

**The meeting adjourned at 11:02 a.m.**

**Respectfully submitted,**

**Gerald Perkins, Chair**