MINUTES OF THE

MAUI COUNTY CHARTER COMMISSION

DATE: September 26, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 1:35 p.m.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett, Vice-Chairman
Cornwall Friel (Molokai)
Nadao Honda
Harry Kobayashi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Shiro Hokama (Lanai)
Keith Tester
Thomas Yagi

OTHERS PRESENT: Civil Service Commission:

Eugene Bal, Chairman
Lionel V. Duponte
Masaru Omori

Dept. of Civil Service:

James M. Izumi, Personnel Director
Robert T. Yokoyama, Personnel Technician
Mrs. Elsie T. Ota, Executive Secretary

Kase Higa, First Deputy County Attorney
Mrs. Ed Davis
Mrs. Anna Dondo
Mrs. Ann Gillin
Mrs. J. Van Zwalenburg

ROLL CALL:

There were 8 members present and 3 excused at the regular meeting of the Maui County Charter Commission on September 26, 1963.

MINUTES:

The minutes of the previous meeting held on September 19, 1963 were distributed to the members and approval of said minutes was deferred until the next meeting. Minutes of the meeting held on September 5, 1963 were approved as circulated.

LITERATURE:

The following were distributed to the members of the Charter Commission:

1. Memorandums from Charles C. Young, Research Assistant:

   a. "More County Home Rule?" by Fred W. Bennion, Director, Tax Foundation of Hawaii, from editorial page, Sunday Star-Bulletin & Advertiser, September 21, 1963.

   b. Comparative Maui County Public School Enrollment, 1963-64 and 1962-63, furnished by James W. O'Neal, Maui District School Superintendent, Department of Education.

2. Supplemental data from the Civil Service Commission:

   a. Presentation to the Maui Charter Commission.

   b. Rules and Regulations on Civil Service.

   c. Rules and Regulations on Hours of Work, Overtime and Premium Pay.

   d. Compensation Plan (Part IV, Maui).

   e. Salary Schedule of the State of Hawaii.

   f. 1962 Annual Report of the Civil Service Commission.

OLD AND NEW BUSINESS:

The Chairman deferred Old and New Business until after the meeting with the Civil Service Commission.

GENERAL DISCUSSION:

Civil Service Commission:

Mr. Eugene Bal, Chairman of the Civil Service Commission, introduced Messrs. Lionel V. Duponte and Masaru Omori, members of the Civil Service Commission; James M. Izumi, Personnel Director; Robert T. Yokoyama, Personnel Technician; and Mrs. Elsie T. Ota, Executive Secretary to the Personnel Director and Civil Service Commission.

Mr. Izumi: In addition to the information which we submitted to you previously in response to your circular to all departments, we have prepared for you some material on the several aspects of the Civil Service Commission, the Director, and the Department of Civil Service as a whole. We have appended thereto supplemental data on the salary schedule of the State of Hawaii, which is applicable to the County of Maui; a copy of our 1962 Annual Report; a copy of the Rules and Regulations on Hours of Work, Overtime and Premium Pay; as well as the Compensation Plan applicable to the County of Maui, and in the latter part of our material presented to you we have appended our recommendations.

Our recommendations deal with the matter of whether or not there should be a charter, and it is the recommendation of the Commission that a charter is necessary and should be established and adopted for the reason that a charter would group

like functions together and provide for more clear-cut responsibilities for such functions among the several branches and departments of government.

Mr. Yokouchi: Can you go over briefly the material you have prepared and then go into recommendations.

Mr. Izumi: The objectives and purposes of the Civil Service Commission and its staff is to administer merit principles which includes a career concept to attract and retain the best possible employees for the government. This deals with all the problems of the civil service administration, as well as pay administration.

The Civil Service Commission and the Department of Civil Service are concerned with Chapters 3, 4 and 5 of the Revised Laws of Hawaii. Those are the sections of the law under which we operate. Finances for the operation of the Commission and the Department are from general appropriations of the County of Maui.

(Read portions of the "Presentation to the Maui Charter Commission" regarding the Civil Service Commission, Personnel Director, and the Organization and Staffing of the Department of Civil Service.)

The Chair called for a recess at 2:15 p.m. Meeting was reconvened at 2:30 p.m.

Mr. Caldito: This is in regards to "equal pay for equal work" - do you think that the three outside counties can go on the basis of the City and County of Honolulu?

Mr. Izumi: To me it is ideal, but in some counties you and I know that they cannot afford to pay the salaries which exist in Honolulu, but because of laws, they have to pay the people who work.

Mr. Caldito: Can you recommend to this body how we can tackle this as a separate county from the City and County of Honolulu who, to me, is richer than the three other counties of the State of Hawaii?

Mr. Izumi: That is why we pointed out to you the effect of the present compensation law on the operational cost of government and we stated 3 general areas of discussion if solutions are found by this Charter Commission that they can be established on what is generally referred to as ability to pay. That is the reason why we discussed with you the point of whether or not the level of pay in government should be tied to the prevailing wage concept.

Under Chapter 3 the directors of the five jurisdictions are required to make annually a salary survey which, in general public personnel pay administration, is used as one of the basic guide lines to establish pay for government employees. The other point which influences the general level of pay in government is that we are tied to a single salary schedule and the counties are affected by any changes made by the legislature, such as pay increases, changes in the salary schedule itself, etc. If pay administration is to be brought back

to local government, then it would be necessary that each government establish its own salary schedule or its own compensation plan which is a technique followed by many other municipal governments on the mainland.

Mr. Caldito: At the present time our hands are tied because of the single law that takes care of the entire State of Hawaii. I read in the Charter of Honolulu that they do not know how to go about that.

Mr. Izumi: We pointed out in our report that, even though Honolulu has its own charter, pay administration function is not included. That was by legislative action. The problem is between the local government and the legislature as to whether the function should be written in.

Mr. Yokouchi: I gather by the annual survey performed that you arrive at some solution to this pay schedule.

Mr. Izumi: The technique of establishing pay in Hawaii is slightly different from the traditional concept. We have a schedule to which we must adjust jobs throughout the government. The other technique of setting up salary schedule is to base it on the prevailing wages to assign all the jobs to certain rates. A salary schedule comes after a review. The jobs are first evaluated and then the salary schedule is made up.

Mr. Yokouchi: The overruling factor is that the legislature actually sets up the schedule so that, if this commission should go into that area, it will have to be strictly on a recommendation basis. Is that right?

Mr. Izumi: We believe so because that is not included in the City and County of Honolulu Charter.

Mr. Yokouchi: Is that the only area in the civil service system that is excluded from the charter?

Mr. Izumi: Yes, pay administration, except that any legislative action of general law would apply regardless of the charter.

Mr. Burnett: Is the pay the same here on Maui as in Honolulu?

Mr. Izumi: Yes.

Mr. Burnett: The City and County of Honolulu, under its charter, is going along because it is under the general law? Would they be on their own if they wanted to be?

Mr. Izumi: No, the legislature has reserved that particular function for itself.

Mr. Burnett: What was it that they took away from the charter of the City and County of Honolulu?

Mr. Izumi: It wasn't a matter of removal as not being included.

Mr. Burnett: Under the general law is it included?

Mr. Izumi: Yes.

Mr. Yokouchi: Does the Civil Service Commission have power to overrule the appointing authority?

Mr. Izumi: This is the traditional technique for authority. There was also developed another method of handling dismissals and demotions, and that is through the office of the Chief Executive whereby he appoints a special committee or commission to hear these types of cases.

There seems to be a general impression that a person cannot be fired from civil service. One of the philosophies of the merit system is to provide job security, but that does not mean that a person cannot be fired. Civil Service rules and laws provide they can be fired for cause. Many times we find that responsibilities of the supervising employees are not exercised. The conclusion is that it would depend upon what responsibilities are exercised by the supervisory employee and the appointing authority.

Mr. Balthazar: Will you please explain an unassembled examination.

Mr. Izumi: An unassembled examination is the rate of training and education and his actual experience.

Mr. Balthazar: As opposed to a written examination?

Mr. Izumi: Yes.

Mr. Balthazar: In the matter of equal pay for equal work, are the department heads in that purview?

Mr. Izumi: That is one of the problems we have in pay administration. For example, the salary of the Chief of Police, the Fire Chief, and the elected officials is set by the Legislature. The salary of those department heads who are appointed by the Chairman and confirmed by the Board, for example, the County Engineer, is set by the Board. Other department heads (Manager and Chief Engineer and Planning Director) fall under Chapter 4 of the Compensation Law. Still other department heads have their salaries set by the Managing Committee or Board, such as the Administrator of the Central Maui Memorial Hospital.

Mr. Young: You also have the situation under the 5% differential where the deputy has to remain within the boss's pay. Can he pass him?

Mr. Izumi: Under the law, any subordinate is limited to 95% of the department head's pay.

Mr. Balthazar: Do you give civil service examinations for employees who hold unskilled positions in the labering classes?

Mr. Izumi: No, all we do, under the law, is provide for registration. The only examination required prior to employment is the physical examination.

Mr. Balthazar: Do they have to make a written application at any rate?

Mr. Izumi: Yes.

Mr. Burnett: Do you send all your papers to Honolulu to be graded?

Mr. Izumi: We have most of our examinations written by the State because we don't have the finances.

Mr. Burnett: How do you fill your positions?

Mr. Izumi: The law provides that the names of the five highest persons on the eligible list be sent to the appointing authority, and it is up to him to use his discretion.

Mr. Balthazar: If the list is less than 5, can the appointing authority request for more eligibles?

Mr. Izumi: Yes.

Mr. Caldito: How many grades can one jump without taking an examination?

Mr. Izumi: No restrictions.

Mr. Caldito: Can one jump from SR-11 to SR-14 without an examination?

Mr. Izumi: With or without, depending on the situation.

Mr. Caldito: Why is that some people have to take an examination and some do not?

Mr. Izumi: For example, if the change involves promotion from a general laboring class to a skilled laboring class, an examination is required. The particular law which covers promotions without examinations says that skilled or unskilled laborers may not be promoted to a skilled job without taking an examination. If a Carpenter is to be promoted to a Carpenter Working Foreman, then the law which is applicable there is - if the job is in a same or related series, he may be promoted without an examination.

Mr. Caldito: Can he be promoted in the same year?

Mr. Izumi: After a year, provided he meets the minimum qualification requirements.

Mr. Friel: How do you feel about having the Personnel Director appointed by the Commission rather than by the Chairman and Board?

Mr. Izumi: Our recommendation is that he should be appointed by the Commission. If personnel administration is placed in a political arena, the Director might be more subject to influence.

Mr. Young: You prefer that to what the Honolulu Charter calls for?

Mr. Izumi: In the City and County of Honolulu, the Mayor appoints the Director. However, he has rights of appealing.

Mr. Young: How many Maui County employees do you have in the classified service?

Mr. Izumi: We have approximately 972, including both full time and part time.

Mr. Balthazar: Is a probationary appointment until such time that they have satisfactory service of one year?

Mr. Izumi: The mandatory probationary period is 6 months, which may be extended another 6 months with the approval of the Commission.

Mr. Burnett: Are layoffs considered on seniority basis?

Mr. Izumi: Our layoff formula includes seniority basis and also includes "bumping" to a lower grade.

Mr. Balthazar: Does the Commission cover those programs such as health and retirement benefits?

Mr. Izumi: The health and retirement benefits are centrally administered by the State Department of Health and the Retirement System.

Mr. Crockett: Is there very much area for civil service to enact rules, in addition to procedural rules?

Mr. Izumi: Yes, in many instances the legislature will establish laws to cover certain types of situations which are not procedural.

Mr. Crockett: Could you give an example?

Mr. Izumi: For example, in the rules and regulations on Hours of Work, Overtime and Premium Pay, the law does not particularly provide for overtime work performed on a Saturday, which is a day off for government employees.

Mr. Balthazar: Do you have any part-time employees under civil service classification?

Mr. Izumi: Yes, we have a few.

Mr. Balthazar: Are they considered permanent?

Mr. Izumi: Yes, they are.

Mr. Balthazar: Are they required to take examinations?

Mr. Izumi: The same qualification requirements apply to them as to the full-time employees.

A contractual employee is not entitled to the privilege of a regular classified employee, except as written in the contract.

Mr. Crockett: How does the Civil Service Commission spend most of its time?

Mr. Izumi: The two primary areas they are concerned with is the legislative and the quasi-administrative responsibilities. They review actions of the Director and the appointing authority, and establish rules and regulations and keep them up to date. Almost every year the legislature passes a law that needs to be implemented. There is always a constant change.

Mr. Izumi: Procedural matters are generally left up to the Director, except in certain areas where it deals with the interpretation of the laws.

Mr. Crockett: I was wondering if they confine themselves to matters of policies and that day-to-day administration is done by the Director.

Mr. Young: The City and County of Honolulu Charter states that the Civil Service Commission shall not interfere in any way with the administration of the department.

Mr. Izumi: Chapter 3 says that the Commission will confine themselves to the administration of personnel policies and enforcement of laws, rules and regulations.

Mr. Balthazar: What is the relationship of the Commission with the recognized heads of the unions and organizations in the County? Is there any procedure to negotiate? The Federal Civil Service has for the first time as of July 1st.

Mr. Izumi: I believe one or two states in the mainland have this practice.

Mr. Young: I notice that the City and County of Honolulu Civil Service commissioners receive no compensation. Do you have any idea why they wrote that out in the charter?

Mr. Izumi: We did not necessarily mean in our recommendation whether they should or should not get paid, but I think the reason behind the City's charter is based on the philosophy that no one who serves on the Commission should be paid because I don't believe that members of any other commissions are paid.

Mr. Young: I believe it was in 1955 that the PAS made a study for the State of Hawaii based on "equal pay for equal work", and in their study in 1962 they say that it should be on the respective county's ability to pay within their income.

Mr. Izumi: They gave two proposing ideas in their reports. First, the PAS recommended that we centralize the personnel functions in one State agency. Then in their contract with the government on State-County relationships, they recommended that these functions be returned to the several political subdivisions.

Mr. Crockett: If the Civil Service Commission confines themselves to policy making, why can't that function be performed by the Board or Mayor?

Mr. Izumi: One of the reasons that, I believe, reserves that function to the Civil Service Commission is that they are able to pay closer attention to all of these matters involved.

Mr. Balthazar: Does the department head have discretion whether to give an employee compensatory time off or overtime?

Mr. Izumi: We define overtime as anything in excess of 8 hours a day or 40 hours in a week. If an employee works an hour overtime, he is given overtime at the rate of 1½ hours. He takes the 1½ hours overtime as compensatory time off.

Mr. Balthazar: He is not paid?

Mr. Izumi: No.

Mr. Young: What is the civil service law that says that some employees can be paid cash in lieu of compensatory time off?

Mr. Izumi: If they cannot take compensatory time off in a 30-day period, then they can be paid cash.

Mr. Yokouchi: Where can citizens go to get information on position classification pertaining to a particular job?

Mr. Izumi: If it is a particular job in the County of Maui, they may come to our office. If it concerns a State position, they'd have to write to the State Department of Personnel Services.

ADJOURNMENT:

After thanking the members of the Civil Service Commission and the staff of the Department of Civil Service for spending their time with us, the Chair adjourned the meeting at 3:20 p.m.

NEXT MEETING:

October 3, 1963, at 7:30 p.m., in the Board Chambers with the County Clerk's Office and the Office of the Chairman and Executive Officer (interior operations).

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary