

COUNTY OF KAUAI SALARY COMMISSION
4444 RICE STREET, PIIKOI BUILDING,
BOARDS AND COMMISSIONS CONFERENCE ROOM SUITE 300
LIHUE, HAWAII 96766

MINUTES OF THE COMMISSION'S THIRD MEETING
MAY 25, 2022

CALL TO ORDER

Chair Patrick Ono called the May 25, 2022, Salary Commission meeting to order at 9:00 a.m.

ROLL CALL

Prior to Chair Ono calling for a roll call, it was noted for the record that Vice Chair Laurie Yoshida was unable to attend the meeting because of prior work obligations.

A roll call ensued with Commissioners Trinette Kauai, Howard Leslie, Kenneth Rainforth and Chair Patrick Ono present to conduct business. Also present, Boards and Commissions Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Andrew Michaels.

Invited Guest:

Human Resource Manager, Janine Rapozo

APPROVAL OF AGENDA

Administrator Ellen Ching requested that the agenda be amended by striking out the effective date January 1, 2023, in item SC 2022-5. She noted that striking out the date would give the Salary Commission latitude should the body decide to submit a salary resolution.

Chair Ono called for a motion to amend the agenda by striking out the effective date January 1, 2023, indicated in item SC 2022-5.

There was a motion by Commissioner Kauai to amend the agenda by striking out the effective date January 1, 2023, as indicated in item SC 2022-5. Commissioner Rainforth seconded the motion. Hearing no objections from the four Commissioners present, a roll call vote ensued, the motion carried.

CHAIR'S ANNOUNCEMENTS

Chair Ono welcomed new Commissioner Howard Leslie to the Salary Commission. Commissioner Leslie introduced himself and shared with the Commissioners some background history about himself. He stated that he's happy to be here and looks forward to contributing to the Salary Commission.

The next scheduled meeting will be on Wednesday, June 22, 2022, at 9:00 a.m.

Chair Ono called for a motion to approve the next meeting date.

There was a motion by Commissioner Rainforth to approve the Salary Commission's next meeting date scheduled for June 22, 2022. Commissioner Kauai seconded the motion. Hearing no objections from the four Commissioners present, a roll call vote ensued, the motion carried.

PUBLIC TESTIMONY ON ALL AGENDA ITEMS

There was no testimony.

APPROVAL OF MINUTES

a) Open Session Minutes of February 23, 2022, Meeting.

Chair Ono called for a motion to amend or approve the minutes.

There was a motion by Commissioner Kenneth Rainforth to approve the minutes of the February 23, 2022, meeting. Commissioner Kauai seconded the motion. Hearing no objections from the four Commissioners present, a roll call vote ensued, the minutes were approved.

SC 2022-4:

Discussion and decision-making on amending a motion made on January 19, 2022, that suspended any discussions regarding the Commission's decision on submitting a salary resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for Fiscal Year 2022/2023.

Chair Ono asked the Commissioners if they had any questions related to item SC 2022-4. Hearing none, Chair Ono stated that he would be calling for two separate motions, the first motion is to amend the motion that was adopted on January 19, 2022. The second, motion is to allow the Salary Commission to begin discussions on submitting a salary resolution for fiscal year 2022/2023.

At this juncture , Chair Ono called for a motion to amend the previously adopted motion on January 19, 2022, that suspended any discussions on submitting a salary resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for Fiscal Year 2022/2023.

There was a motion by Commissioner Kauai to amend the previously adopted motion on January 19, 2022, to suspend any discussions regarding the Commission's decision on submitting a salary resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for Fiscal Year 2022/2023. Commissioner Rainforth seconded the motion. Hearing no objections, from the four Commissioners present, the motion carried.

Chair Ono called for a second motion to begin discussions on submitting a salary resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for Fiscal Year 2022/2023.

There was a motion by Commissioner Kauai to begin discussions on submitting a salary resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for Fiscal Year 2022/2023. Commissioner Rainforth seconded the motion. Hearing no objections, from the four Commissioners present, the motion carried.

There being no further discussion, Chair Ono moved to item SC 2022-5.

SC 2022-5:

Discussion and decision-making on submitting a salary resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code.

Chair Ono called on Human Resource Manager II Janine Rapozo to address the Commission.

HR Manager Janine Rapozo introduced her herself. She informed the Commissioners that her presentation today would be on materials that were submitted to the Commission prior to today's meeting that included inversion numbers, executive salary jurisdiction comparisons, job description for engineers and salary data for engineers and attorneys.

Executive Salary Jurisdiction Comparisons Report

Ms. Rapozo explained that report reflects all the different salaries for the executive branch positions from across the state including the year 2019 which is the year the Kauai executive positions received their last salary increase. Ms. Rapozo pointed out that come July 1, 2022, salary increases for all state and Maui County executive branch positions will occur. It was also noted that HR had difficulty trying to compare the exact salaries among the state jurisdictions because some of them have different types of departments. Regarding the City and County of Honolulu employees the report does not reflect any new increases (yet) and as she mentioned before Kauai executive branch employees last salary increase was on July 1, 2019.

Ms. Rapozo, in response to questioning by Commissioner Leslie, responded that the report reflects the maximum salaries for each individual position. She explained that apart from the Kauai Salary Commission the other counties the department head would receive the maximum salary because there's no option for the Salary Commissions to go below the maximum salary.

Salary Inversions Report

Ms. Rapozo stated that one of the problems the Kauai County's Department Heads often face is that their subordinates' wages are higher than that of them. In preparing the report, Ms. Rapozo pointed out that HR took each individual position's base pay and included two columns one reflecting additional pay and the other column reflecting other pay.

The report also reflects the Department Heads whose subordinates are making more wages than them when looking at the total compensation. As such, recruiting from within departments (police and fire) is pretty much non-existent because the employee would have to take a significant cut in pay and in most cases, the position does not allow for any overtime compensation.

Ms. Rapozo, in response to questioning by Commissioner Leslie, responded that other/additional pay may involve 24/7 standard of conduct pay, uniform/gun allowance and vehicle allowance if the person has a subsidize vehicle.

Ms. Rapozo, in response to questioning by Commissioner Rainforth, responded that all additional and or other pay could also mean temporary assignments or stand-by duty whereas the employee would receive an extra 25% in pay.

Administrator Ching stated that she would be resending all materials to each individual commissioner except for the Nash Report, that way, if the commissioner has any additional questions, he or she could ask their questions at the next meeting.

Salary Data for Engineers and Attorneys

Ms. Rapozo noted that the information showing the annual base pay for engineers and attorneys was previously presented to the Salary Commission back in November 2021, and that the information has not changed since.

At this juncture, Ms. Rapozo asked the Commissioners if they had any additional questions on the data reflected in the reports.

Ms. Rapozo, in response to questioning by Chair Ono, responded that according to her records the Maui County Salary Commission voted to increase by 5% the pay for Maui's mayor and council members effective July 1, 2022. Currently, Maui mayor earns \$151,979 but with the 5% increase come July 1, 2022, his salary would amount to \$159,578 as indicated in the Executive Salary Jurisdiction Comparisons Report. Another example is, currently the governor's annual salary is at \$175,944 but come July 1, 2022, his salary would increase to \$180,348 (2.5%) a difference of \$4404.00. She noted that both the executive branch and the legislative branch has a six (6) year plan of upcoming raises from 7/1/2019 – 7/1/2024.

Ms. Rapozo, in response to questioning by Chair Ono, responded that the Nash Study is an very old study and was done before her time. In short, the Nash Study was done to investigate all the civil service positions including excluded managerial positions and try to figure out if those positions were classified correctly by grade, and although the Study kind of spilled over to the executive branch it focuses was to try to properly classify the excluded managerial positions based on their duties.

Commissioner Kauai stated that a former and current Commissioner, the Nash Study helped the previous Salary Commission justify to council the advantage of having fixed salary increases for the managerial positions. She thanked Ms. Rapozo and her team for preparing the reports.

Ms. Ching, in response to questioning by Commissioner Kauai, responded that the report showing all the collective bargaining units across the board percentage increases would be provided to the Commissioners by the next Salary Commission meeting.

Ms. Rapozo, in response to questioning by Commissioner Kauai, responded that although the County does budget for the maximum salary caps.

Ms. Rapozo, in response to questioning by Commissioner Leslie, responded that although a department head may not necessarily get the maximum salary cap the County would still have to budget for the maximum cap because it will give the appointing authority the ability to give their respective department head an increase throughout the year especially if their performance meets expectations. As for the unexpended monies, if a department does not utilize the monies the money would go back into the general fund at the end of the fiscal year. As for who has the power to repurpose the monies, the Department Head has the flexibility to repurpose their overall budget.

Chair Ono thanked Ms. Rapozo and the HR team for putting together the information. There being no further questions or comments, Chair Ono moved to item SC 2022-6.

At 9:32 a.m., Ms. Rapozo left the meeting.

SC 2022-6:

Discussion and decision-making on establishing a policy on allowing the Salary Commission reasonable administration of oral testimony.

Administrator Ellen Ching explained that according to the Office of Information Practices a commission or board must afford all interested persons an opportunity to submit data, views, or arguments , in writing on any agenda item. A Commission must also provide for reasonable administration of oral testimony which is what the policy proposes and is in accordance with HRS 92-3 and the Office of Information Practices guidance.

Typically, a chair of a board or commission when accepting public testimony would give a person 3 minutes to provide testimony; however, according to OIP that's problematic but rather than amend the Salary Commission rules to address that single issue it would make more sense to wait until the Commission make other significant changes to the rules. So until such time, she would like to recommend that the Salary Commission adopt the policy which is before the Commission today.

There was a motion by Commissioner Kenneth Rainforth to establish a policy to allow the Salary Commission reasonable administration of oral testimony. Commissioner Kauai seconded the motion. Hearing no objections from the four Commissioners present, the motion carried.

Requested Agenda Item to be placed on the Salary Commission's June 22, 2022, meeting agenda

Discussion and decision-making on designating two (2) Commissioners to represent the Salary Commission at a future Council meeting to answer any questions as it relates to recommendations on establishing salary resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code.

Adjournment

There being were no further business, at 9:36 a.m., Chair Ono declared the meeting adjourned.

Submitted by:
Mercedes Omo, Support Clerk

Approved as circulated June 22, 2022
Approved as amended _____ see minutes of June 22, 2022, meeting.

Patrick Ono, Chair Salary Commission