

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

APPROVED OPEN SESSION MINUTES OF THE COMMISSION'S FOURTH MEETING
JUNE 22, 2022

CALL TO ORDER

Chair Patrick Ono called the June 22, 2022, Salary Commission meeting to order at 9:00 a.m.

ROLL CALL TO ASCERTAIN QUORUM

Chair Ono calling for a roll call to ascertain quorum.

A roll call ensued with Commissioners Trinette Kauai, Howard Leslie, Kenneth Rainforth, Vice Chair Laurie Yoshida, and Chair Patrick Ono present to conduct business. Also present, Boards and Commissions Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Hugo Cabrera, and Human Resources Manager Janine Rapozo.

APPROVAL OF THE JUNE 22, 2022, MEETING AGENDA

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

There was a motion made by Commissioner Kauai to approve the June 22, 2022, meeting notice and agenda. Vice Chair Yoshida second the motion. Hearing no objections, the agenda was approved.

CHAIR'S ANNOUNCEMENTS

Chair Ono announced that the next schedule meeting 9:00 a.m. on Wednesday, July 27, 2022, in the Boards and Commissions Conference Room.

PUBLIC TESTIMONY ON ALL AGENDA ITEMS

There was no public testimony.

APPROVAL OF MINUTES

a) Open Session Minutes of May 25, 2022, Meeting.

Chair Ono called for a motion to approve the minutes.

There was a motion by Commissioner Kauai to approve the minutes of May 25, 2022, meeting. Vice Chair Yoshida second the motion. Hearing no objections, the minutes were approved.

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.

- a) Nash Study.
- b) Salary Data for Engineers and Attorneys.
- c) Salary inversions for 2021 compensation.
- d) Executive Pay for State, City and County of Honolulu, Maui County, Kaua'i County and Hawai'i Island County.
- e) Comparison of County of Department Data and Resident Population
- (f) Legislative Branch.
- (g) Pay Codes by Class/Description.
- (h) Add Pay Codes by Class/Description.
- (i) Executive Salary Recommendations.
- (j) Collective Bargaining Across the Board % Increases Only.
- (k) Collective Bargaining Summary Costs.
- (l) Collective Bargaining Step Movements, Lump Sum Awards, etc. (Non-ATB % Increases.)
- (m) Collective Bargaining Differentials, Other Pay (Difference from 7/1/97 to Present.
- (n) Letter dated March 28, 2022, from Maui Mayor to Maui Council Members.
- (o) Maui news article dated April 8, 2022, regarding Maui mayor, council to receive 5% pay raise starting July 1.
- (p) County of Kauai Financial Overview Presentation Salary Commission dated June 22, 2022.

Chair Ono thanked HR Manager Janine Rapozo for generating all the various reports in such a short period of time. He then called on Ms. Rapozo to brief the Commissioners on items (b) through (o).

HR Manager Janine Rapozo gave a brief presentation on items (b) through (o), that was distributed to the Commissioners at the last Salary Commission meeting on May 25, 2022. Chair Ono stated that the information Ms. Rapozo provided to the Commission gave him great insight as to what the historical across the board percentage salary increases were and what was recently negotiated through arbitration or negotiated settlements.

Ms. Rapozo, in response to Commissioner Leslie's questioning, Ms. Rapozo responded that Unit 11 (HHFA) is out of arbitration and the 19.70% reflected in the Report is the percentage that was negotiated in the contract. Unit 12(SHOPO) and Unit 15 (Ocean Safety Officers) are still in arbitration, the county is hopeful that the percentage will stay within the 14.35% range like the other bargaining units which is somewhat the indication. Historically SHOPO's numbers are slightly higher than the other bargaining units. She explained that Unit 15 was established four years ago and is relatively new, and at a time was part of Unit 3 (clerical). Unit 15 union representatives tried to establish that ocean safety officers are first responders and therefore should be paid at the firefighter's level. The county (employer) responded that ocean safety

officers are not first responders, they are considered as 2nd responders which is what prior the arbitrators have said, and like she mentioned earlier Unit 15 still in arbitration.

Ms. Rapozo, in response to Commissioner Kauai's questioning, clarified that Unit 15 represents the ocean safety officers, not Unit 14 as reflected in item (m). Initially only Unit 14 existed which was a combination of the state sheriffs, and the ocean safety officers, but at the last legislative session the legislators created Unit 15 because trying to negotiate for two different agencies that have two different job descriptions but are part of the same bargaining unit was very difficult.

Commissioner Leslie commented that the news article that HR Manager Rapozo provided to the Commission made him realize that the numbers negotiated makes a difference for different mind sets.

With no further questions or comments from the Commissioners, HR Manager Janine Rapozo left the meeting at 9:20 a.m.

Vice Chair Yoshida pointed out that the Maui Salary Commission approved a three (3) year salary resolution. She asked if the Charter only allows the Salary Commission to do a one -year salary resolution. Administrator Ching stated that she would defer the question to Deputy County Cabrera to opine on. She then asked DCA Cabrera on behalf of Chair Ono if the Commissioners could have executive session to allow the other Commissioners to ask questions like Vice Chair Yoshida's question to which Deputy County Cabrera replied sure.

With no further questions, Chair Ono called for a motion to enter Executive Session.

At 9:20 a.m., Administrator Ching began to cite the Hawai'i Revised Statutes to take the meeting into Executive Session. Pursuant to Haw. Rev. Stat. ("H.R.S.") § 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 H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

Chair Ono called for a motion to enter Executive Session.

There was a motion by Commissioner Rainforth to enter Executive Session. Commissioner Kauai second the motion. Hearing no objections. At 9:22 a.m., the Commissioners entered Executive Session.

At 9:49 a.m. the Commissioners reconvened in Open Session.

Chair Ono called for a motion to move forward with submitting a Salary Resolution pending the County Attorney's opinion on whether the Commission is permitted to submit a multi-year salary resolution or just a one-year salary resolution.

Commissioner Rainforth asked Chair Ono if the Commission could propose a salary resolution first and then deliberate to which Staff explained that because no motion was made Chair Ono could allow Commissioner Rainforth to make the motion.

Motion on the floor

Commissioner Rainforth moved that the Salary Commission submit two (2) salary resolutions for the next fiscal year and the fiscal year after that.

The first resolution is a 5% salary increase for the positions the Salary Commission has jurisdiction over.

The second salary resolution is if the first resolution fails, the Salary Commission would have a back-up resolution that would provide a 5% salary increase for the Chief of Police, Fire Chief, County Engineer, Manager and Chief Engineer for the Water Department, County Attorney, First Deputy County Attorney, Prosecuting Attorney, First Deputy Prosecuting Attorney, including all the respective Deputies. Vice Chair Yoshida second the motion.

Discussion

Commissioner Rainforth pointed out that as part of its discussion the Commissioners should address what the percentage it wants to recommend, whether it wants a multi-year or not, whether the Commission wants the first salary resolution to be across the board, whether the Commission wants the second salary resolution, and so forth. He stated that all those issues need to be addressed so the Commission can stay on track.

Vice Chair Yoshida commented that Commissioner Rainforth indicated in his motion that the first salary resolution would include an across-the-board salary increase for the positions the Salary Commission has jurisdiction over.

At this juncture, Administrator Ching asked for a five (5) minute recess so staff could make copies of the 2019 Salary Resolution to distribute to the Commissioners.

At 9:55 a.m. Chair Ono called for a five (5) minute recess.

At 10:00 a.m. Chair Ono called the meeting to back to order.

Chair Ono asked relative to having a second salary resolution would include the mayor and the councilmembers as well to which Commissioner Rainforth replied that it would include everybody.

Vice Chair Yoshida pointed out that the first resolution includes everyone and no new positions. She asked if the Director of Human Resources has a deputy to which Administrator Ching

responded no and said for the purpose of clarification to her understanding (based on Commissioner Rainforth's motion) the first salary resolution is a 5% across the board salary increase for the position include in Part 1 of Salary Resolution 2019. The second salary resolution includes a 5% salary increase for the positions in Part 2, except for the Managing Director, so her question to Commissioner Rainforth is he excluding the Managing Director.

Vice Chair Yoshida stated that she would like the Salary Commission to recommend a salary resolution that covers two and half years. Effective January 1, 2023, and then July 1, 2023, and then July 1, 2024.

Commissioner Rainforth agreed and asked Vice Chair Yoshida to make the motion.

Procedurally, Administrator Ching stated that Vice Chair Yoshida could propose the amendment as along as Commissioner Rainforth who is maker of the motion, and Vice Chair Yoshida who second approves the amendment

Amended Motion

Vice Chair Yoshida moved to amend the original motion to provide a 5% across the board salary increase with the effective years of January 1, 2023, July 1, 2023, and January 1, 2024.

Commissioner Rainforth accepted the amended motion. Being the maker of the second motion Vice Chair Yoshida accepted the amendment as well.

Commissioner Leslie second the amended motion.

Discussion

Commissioner Leslie pointed out that Commissioner Rainforth's second resolution is going to create situation where most of the positions in Part 2, are going to be making more than the mayor.

To further clarify, Administrator Ching stated that first part of the motion is to provide a 5% across the board salary increase effective January 1, 2023, July 1, 2023, and July 1, 2024. The second part of the motion is if the first resolution fails, then a 5% increase would be provided for the positions listed in Part 2, of the 2019 Salary Resolution except for the Managing Director.

Commissioner Leslie asked why the second part of the motion didn't include the Managing Director. Vice Chair Yoshida responded that it is to prevent the managing director from making more money than the mayor.

Administrator Ching noted that is the motion that is on floor.

Commissioner Kauai stated that the Commission should keep things simple and just recommend a 5% across the board salary increase otherwise there's going to be inversions.

Commissioner Rainforth called for a point of clarification; the amendment has been voted on yet. Commissioner Kauai noted that there was no vote because the Commission is still in discussion.

Vice Chair Yoshida stated that the only vote that is needed is to accept the amendment to which Commissioner Leslie agreed. DCA Cabrera advised Chair Ono to call for the vote to accept the amended motion that clarifies the effective dates/years.

Chair Ono called for the vote. Hearing no objections. The motion carried 5:0.

Commissioner Kauai reiterated that the Commission should make things simple and just provide a 5 % across-the-board salary increase for all the positions with an effective dates/year of January 1, 2023, July 1, 2023, and July 1, 2024.

Vice Chair Yoshida stated that should the resolution fail and there is no back-up salary resolution does the Commission need to reconvene to do another salary resolution.

Administrator Ching stated that if the Commission wants to get a resolution to go over to council it needs to submit a resolution by September 9, 2022. Council would then have sixty (60) days, if they do not move on the resolution, in effect, the resolution will pass. Hypothetically, if the Commission wants to have a Plan B it could adopt a motion that should that resolution fail, the Commission would like to do a secondary salary resolution.

It would take a supermajority for council to vote the resolution down, in the meantime both DCA Cabrera and herself would be ready with salary resolution number 2, but it would most certainly bump into the elections.

Commissioner Rainforth asked if it was possible to submit the resolution earlier to which Vice Chair Yoshida stated that the earliest would be at the Commission's next meeting in July. Administrator Ching suggested to submit a resolution after the primary election. Commissioner Leslie asked if the Commission would be asking the councilmembers to vote on giving themselves pay raises to which Vice Chair Yoshida stated that no, their salaries would be effective after the next election.

Commissioner Leslie asked if the motion should be amended further to not include the council to which Vice Chair Yoshida stated that council has the option to exclude themselves from taking a pay raise. Commissioner Rainforth added that council can also go line by line to make changes.

Vice Chair Yoshida asked if another amendment is needed to not submit a secondary resolution.

Commissioner Rainforth stated that the motion is to drop the secondary resolution to which Commissioner Kauai replied yes.

Commissioner Rainforth said he would second the motion for the purpose of discussion.

Administrator Ching clarified that the motion is to amend the motion by providing a 5 % increase across the board effective January 1, 2023, July 1, 2023, and July 1, 2024, pending the County Attorney's review, and the Commission's review of the draft salary resolution and to drop the secondary salary resolution.

Discussion on the amendment

Commissioner Rainforth stated that he was going to vote against the motion. He feels that the Commission should have an alternative back-up because it doesn't know how council is going to react to the dollar amount.

Vice Chair Yoshida stated that she agrees with Commissioner Leslie about not wanting to create a problem by having the Department Heads in Part 2 make more than the mayor. If the Commission wants a back-up resolution it could propose a smaller percent. Her feeling is council is either going pass the resolution or not, so she will support across the board increase.

Commissioner Kau stated that if the ballot question pass, the Commission would have leverage to revisit the salaries.

Commissioner Rainforth asked Vice Chair Yoshida if her concern is people would be making more than mayor to which Vice Chair Yoshida replied yes. Commissioner Rainforth referred to item(d), the City and County of Honolulu the police and fire chief is already making more than Mayor of Honolulu, and the same thing is happening in Maui. The Salary Commission is not setting a precedent because it happened in jurisdictions where they understand that having people want to take those type of positions is difficult. The inversions are another good example, a lot of people are making more than the mayor, so he doesn't think it's an issue.

Vice Chair Yoshida replied that it is for her.

Commissioner Leslie stated that the Commission could add the mayor to Part 2. Commissioner Rainforth stated that he would have to make an amendment. Commissioner Rainforth noted that he doesn't the county had problems with people running for mayor. He stated that retention and trying to fill the hard to fill positions has been a huge issue for the county for a longtime. The purpose of having a second resolution is to try to address those major issues caused by the county not paying enough.

Administrator Ching stated that there is several the department heads and deputies that have been losing ground for the last couple of years. As suggested by Commissioner Kauai that the Commission should make things simple and follow what the bargaining units have arbitrated.

Administrator Ching reiterated that the amended motion is to provide a 5 % across the board increase effective January 1, 2023, July 1, 2023, and July 1, 2024, pending the County Attorney's review, and the Commission's review of the draft resolution and to drop the secondary salary resolution.

Chair Ono called for the vote to amend the motion. Hearing no objections. The motion carried 5:0.

Vice Chair Yoshida asked Administrator Ching if she could explain the process once the salary resolution goes over to council for consideration. Administrator Ching explained that the councilmembers may reject the entire resolution or reject portions of the salary resolutions which they try to in the past, but because they did not have a super majority the previous salary resolution passed.

Administrator Ching clarified that the main motion is to provide a 5 % increase across the board effective January 1, 2023, July 1, 2023, and July 1, 2024, without a secondary resolution, pending the County Attorney's legal review, and the Commission's review the draft salary resolution.

Chair Ono called for the vote. Hearing no objections. The motion carried 5:0.

With no further discussion, Chair Ono moved to item SC 2022-7.

SC 2022-7

Discussion and decision-making on designating two members from the Salary Commission to appear before council to address any questions related to recommendations on establishing the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code.

Chair Ono stated that being that the Salary Commission voted to move forward with a Salary Resolution, he would like to ask for two volunteers to go before the County Council on behalf of the Salary Commission to address any questions the councilmembers may have as it relates to the Salary Resolution.

Administrator Ching noted that she is looking at transmitting the Salary Resolution to council no later than September 9, 2022.

After a brief discussion on the Commissioners schedule's, a decision was made to designate Vice Chair Yoshida as the lead person and Commissioner Kauai to go before the County Council on behalf of the Salary Commission to address any questions the councilmembers may have as it relates to the Salary Resolution.

Chair Ono called for the motion.

Motion

Commissioner Kauai moved to designate Vice Chair Yoshida as the spokesperson for the Salary Commission and she will be there to assist. Chair Ono called for the vote. Hearing no objections. The motion carried 5:0.

Commissioner Leslie moved to designate Commissioner Kauai as the first alternate and he as the second alternate should Vice Chair Yoshida not be able to attend the council meeting. Commissioner Rainforth seconded the motion. Chair Ono called for the vote. Hearing no objections. The motion carried 5:0.

ADJOURNMENT

Being there were no further business to conduct, Chair Ono called for a motion to adjourn the meeting.

There was a motion by Commissioner Rainforth to adjourn the meeting. Commissioner Kauai second the motion. Hearing no objections, the meeting adjourned at 10:31 a.m.

Submitted by:
Mercedes Omo Support Clerk

Approved as circulated on: July 27, 2022.
Approved as amended on:

Laurie Yoshida, Vice Chair Kauai Salary Commission