

COUNTY OF HAWAII
SALARY COMMISSION
February 21, 2003

MINUTES

Mr. Tanaka, Chair Pro Tem, called the meeting to order at 1:30 p.m. in the Conference Room of the Department of Civil Service, 101 Pauahi Street, Suite 2, Hilo, Hawaii.

Present:

Mr. Yoshiichi "Joe" Tanaka, Chair Pro Tem
Mr. Tsukasa Ishii, Member
Mr. Gerald Kita, Member
Mr. Paul Mann, Member
Mr. Joel Nye, Member
Mr. J. William Sanborn, Member

Excused:

Mr. Jason Hashimoto, Vice Chair
Mr. Glenn Hara, Member
Mr. Michael R. Ben, Director of Personnel

Absent:

Mr. Richard Rego, Member

Others present:

Mr. Michael R. Ben, Director of Personnel
Mr. Craig Masuda, Deputy Corporation Counsel
Ms. Joney Nitahara, Personnel Program Specialist
Ms. Velma Y. Menezes, Secretary-Reporter

STATEMENTS FROM THE PUBLIC

Ms. Laura Ward of the Fire Commission stated the following:

When she and Mr. Fergerstrom left the previous meeting, they were of course disappointed that they had not accomplished what they came for. However, they are also grateful for some of the communications that came up during the meeting.

They appreciated comparisons between the Police Chief and the Fire Chief, as well as some of the statements that did come up. They still do not agree with them. They do believe that the Police Chief and Fire Chief sit on the same level of importance. They are both public safety officers; they are both out there for the County's protection.

The communication with the Salary Commission caused them to go back and look over their research, whereupon they realized that they had missed a couple of issues. They had gone over EMS quite graphically and had also discussed that everyone knows the Fire Department fights fires. However, the Fire Department is also search and rescue. They also are hazmat. In comparison with public safety and danger, search and rescue is a very dangerous position. A fire personnel was recently injured during a search and rescue that put him in the hospital for months. It is not an easy job.

Hazmat has to do with international terrorism, including anthrax, which has added to the Fire Department's scope of responsibility. Personnel has had to receive additional training.

They had discussed a tiered pay schedule that worked in a tier form at separate levels. They did talk with the other Fire Commission members to work out some numbers and would suggest that it be a three-tier form. They would like to see the \$87,237 figure as the bottom figure of the tier, which would be the lowest pay the Fire Chief could receive, with the second tier being \$91,599, 5% above \$87,237, and the Police Chief's current salary. The third tier could be an incentive, as the Fire Chief gains more experience, at \$96,179, again 5% above the second tier.

Ms. Ward went through the strategic plan that she had distributed to Salary Commission members. The booklet included the Fire Commission's current evaluation of the Fire Chief. The Fire Commission does evaluate its Chief annually, and that evaluation process form is actually in the strategic plan booklet. Therefore, having the Fire Chief rise on the tier schedule would be based on his ability to create the strategic plan, follow the strategic plan, find ways, not only in the plan, for moneys, for personnel, for everything, and his ability to not only to see ahead to create this plan but also to follow it. His evaluation is also based on that.

Mr. Sanborn commented that one issue is to get parity for the Fire Chief and Deputy Fire Chief. Whether that raise becomes the lower level or the middle level or the upper level when the Salary Commission takes up the tiered system is something that can be handled in the future. The second issue is that the Fire Commission does have existing officers that are in there who have been working hard and deserve to be promoted and rewarded for what they're doing. There is no doubt that there is considerably more responsibility for the Fire Chief, although not necessarily more than the Police Chief's, but the Fire Chief does have areas of authority and responsibility that other fire departments don't have. Other than that the only concern he has is where are they in the mix of other islands and in the mix of job responsibility based upon pay.

Ms. Ward noted that an observation by one of the Salary Commissioners at the last meeting was that the Police and Fire Chief have always been paid the same in the County of Hawaii. For the first time, the Police Chief is making more than the Fire Chief. That's never been the case before. With the exception of Kauai for the outer islands, the Police Chief and Fire Chief are paid the same. Kauai's Fire Chief makes a little bit less than their Police Chief because of a very big difference in personnel.

Mr. Dale Fergerstrom of the Fire Commission added the following:

At the last meeting, the issue of danger with the Police Department versus the Fire Department was raised. Mr. Fergerstrom worked in the Police Department for 26 years and retired recently. In comparing patrol officers and the basic fireman, there is a difference. Patrolmen do tend to work by themselves. Firemen tend to work in groups. The individual policeman does tend to have more responsibilities and decision making where he doesn't have an immediate supervisor, as opposed to the Fire Department. As one goes up in the ranks of the Fire Department, the responsibilities and the job itself, when compared to the Police Department, become very, very similar. The fireman works ten 24-hour days of the month, as opposed to a policeman who will work for twenty 8-hour days. When talking about the chiefs, the Fire Chief and the Police Chief are getting paid salaries that are based on 8 hours a day, 5 days a week. The reality is that both the Fire and Police Chiefs work 6 days a week, 12 hours a day.

In discussing the differences between the Fire Chief and Police Chief, people many times may look at it from the responsibilities of their subordinates rather than from what they are doing. The responsibilities and the pressures that they come into are very similar, as with the issue of international and interstate cooperation that was brought up. With the bio-terrorism issue where terrorists in the past would use bombs and guns, the first responders were the police in those kinds of situations. Now, with biological agents, hazardous materials come into play, and the first response in these cases is the Fire Department. Therefore, the Fire Commission is looking for individuals who can think, plan, and come up with resources and a whole strategic plan that addresses these things because the decision process that these chiefs make affects the lives of the firemen and policemen. The life and death circumstances that both their subordinates work under are diminished or at least compensated for by adequate planning and adequate training. That means qualified people are needed and needed to be retained.

Mr. Fergerstrom asked that when the Commission considers these things, that it takes a look at the Chief's job. If the Commission is going to compare anything, compare the chiefs' jobs, not field jobs.

Mr. Nye stated that regardless of where the Commission sets the Fire Chief's pay, if it isn't \$91,000, it isn't because they're penalizing the Fire Chief or that they don't think that his job is as important as the Police Chief's. What the Fire Chief may be more victimized by is that when the Salary Commission set the Police Chief's pay, the Salary Commission overreacted in granting that figure. Mr. Nye believes that basically the Police Chief's pay should probably have been \$87,000

rather than \$91,000; and there's a possibility that they may have to go back and look at the Police Chief's pay in relation to the Fire Chief's pay.

In response to a comment by Mr. Kita on the hierarchy of positions and responsibilities within the Police and Fire departments, Mr. Fergerstrom explained that the Police Department has more people. Many of the responsibilities handled by the Assistant Chiefs in the Police Department are handled by the Deputy Fire Chief in the Fire Department. That's in addition to the Deputy's responsibilities. The Fire Chief and Deputy Fire Chief split up more of their responsibilities than do the Police Chief and the Deputy Police Chief. The Police Chief and Deputy Police Chief have their Assistant Chiefs. The Fire Chief and Deputy Fire Chief also have Assistant Chiefs, but their responsibilities correspond more toward a Major's in the Police Department than toward the Assistant Chiefs. There is a gap. Many of the administrative responsibilities that are handled by Majors in the Police Department are handled by the Fire Chief and the Deputy Chief.

APPROVAL OF MINUTES OF JANUARY 17, 2003

MOTION: Mr. Sanborn moved that the minutes of January 17, 2003 be approved as circulated. The motion was seconded by Mr. Nye and unanimously carried.

COMMUNICATIONS

A) Communication No. 03-02, dated January 20, 2003, from Elroy Osorio, Jr., commenting on the Salary Commission's review of executive salaries for the Fire Department.

MOTION: Mr. Kita moved that Communication No. 03-02 be received and filed. The motion was seconded by Mr. Mann and unanimously carried.

B) Communication No. 03-03, dated January 22, 2003, from Laurie Kaneta, commenting on the Salary Commission's review of executive salaries for the Fire Department.

MOTION: Mr. Kita moved that Communication No. 03-03 be received and filed. The motion was seconded by Mr. Mann and unanimously carried.

C) Communication No. 03-04, received January 23, 2003, from Lori Cannon-Salis RN, CCRN, CRFN, MSN, commenting on the Salary Commission's review of executive salaries for the Fire Department.

MOTION: Mr. Nye moved that Communication No. 03-04 be received and filed. The motion was seconded by Mr. Sanborn and unanimously carried.

D) **Communication No. 03-05**, dated January 23, 2003, from Horace S. Hara, Chair, County of Hawaii Police Commission, responding to the Salary Commission's proposal on the Standard of Conduct Compensation for the Police Chief and Deputy Police Chief.

MOTION: Mr. Sanborn moved that Communication No. 03-05 be received and filed. The motion was seconded by Mr. Nye and unanimously carried.

UNFINISHED BUSINESS

A) **Election of Chair, Vice Chair, and Secretary for Calendar Year 2003**

Nominations were open for Chair.

Mr. Kita nominated Mr. Sanborn for Chair. Mr. Sanborn nominated Mr. Kita for Chair, and Mr. Nye nominated Mr. Tanaka for Chair.

Mr. Tanaka declined the nomination stating that he is heading a major project with the teacher retirees and is also caught up with caregiving.

MOTION: Mr. Mann moved that nominations be closed. The motion was seconded by Mr. Sanborn and unanimously carried.

Discussion:

Mr. Nye stated that he polled several members before the meeting and feels it might be a better idea to find out if there's anyone present who really wants to be the Chair rather than forcing someone into a position he doesn't want to be in.

Mr. Tanaka respectfully noted Mr. Nye's comments.

Mr. Kita stated that while he would be willing to serve, his work responsibilities at present have been quite demanding, and he has had to leave the meetings on several occasions.

Mr. Sanborn stated that while he'd be happy to serve as the Vice Chair, he can't claim the same work-related issues; therefore, he'd have to say he'll be happy to serve in whatever capacity he's voted in.

The Commission voted on the Chair. There were 4 votes for Mr. Sanborn and 1 vote for Mr. Kita.

Mr. Ben asked whether a majority of the quorum or a majority of the Commission members is needed.

Mr. Masuda responded that in this case the Chair is going to have to vote. Mr. Masuda suggested that the vote be retaken.

A vote was retaken, and Mr. Sanborn was elected Chair by a 5-1 vote.

Mr. Sanborn asked that Mr. Tanaka serve on his behalf for the rest of the meeting.

Nominations were open for Vice Chair.

Mr. Sanborn nominated Mr. Kita, and Mr. Kita nominated Mr. Tanaka.

MOTION: Mr. Mann moved to close the nominations. The motion was seconded by Mr. Kita and unanimously carried.

A vote was taken for Vice Chair. The vote was 3 for Mr. Kita and 2 for Mr. Tanaka.

Mr. Masuda noted the 3-2 vote and stated that a vote of 5 is needed.

MOTION: Mr. Kita moved to defer the election of the Vice Chair to the next meeting. The motion was seconded by Mr. Mann and unanimously carried.

Nominations were open for Secretary.

Mr. Kita nominated Mr. Nye.

MOTION: Mr. Ishii moved that nominations be closed. The motion was seconded by Mr. Mann.

Discussion:

Mr. Nye asked for clarification on the secretary's duties.

Mr. Ben responded that traditionally the secretary has assumed the role of keeping discussions going and headed in the right direction, while the Chair was responsible for the conduct of the meeting. The secretary took the affirmative action of keeping discussions moving.

A vote was taken. The vote was 4 for Mr. Nye. Mr. Nye abstained from voting.

Mr. Kita called for a revote, as the Chair had not voted.

A revote was taken.

Mr. Nye was elected Secretary by a 5-1 vote.

B) Standard of Conduct Compensation for Chief of Police and Deputy Chief of Police.

Mr. Tanaka noted that there was a motion on the floor to postpone the matter until a response was received from the Police Commission. The Police Commission did respond indicating that the standard of conduct compensation should not be hinged on an evaluation.

MOTION: Mr. Nye moved that the matter be tabled for awhile. The motion was seconded by Mr. Kita.

Discussion:

Mr. Nye reiterated that when the Police Commission came to the Salary Commission for the \$91,000, the Salary Commission overreacted. To throw another \$1,000 on top of that doesn't seem logical. Also, the Police Commission either does not want to bother with or does not want to assume the responsibility of grading the Police Chief on his performance, which should be very much a part of their duties just like it is with the Fire Commission. Mr. Nye stated that he would like to table this indefinitely, as the Commission has too many other things to look at in the process.

Mr. Ben stated that the standard of conduct differential is not a pay for performance issue. The standard of conduct differential is a differential awarded to police officers because they are held to a higher standard in the public's eye when it comes to conduct, not only on the job, but 24 hours around the clock. The Police Commission is not, in any way, trying to shirk its duties to evaluate the Police Chief. They have done that every year. It's open to the public, and the press is always there to pick it up. The Salary Commission will be changing the purpose of the standard of conduct differential if they base it on performance.

Mr. Nye clarified that his intent is to put this matter on the back burner, probably 3-5 months down the road.

Mr. Tanaka noted that in between that time, any Commission member who wishes to bring it out may do so.

A vote was taken on the motion. The motion was unanimously carried.

C) Review of executive salaries for the purpose of establishing appropriate salaries for County executives pursuant to Section 13-28 of the County Charter.

1) Fire Department

Mr. Tanaka recalled that at the last meeting there was a lack of a quorum therefore the Commission could not decide upon the issue. Mr. Tanaka asked Mr. Masuda whether they have to bring the original motion back.

Mr. Nye contended that there was a quorum and the motion needed to needed to pass unanimously.

For clarification, Mr. Masuda suggested that the Chair repeat the motion so everyone is clear on the motion.

Mr. Tanaka stated that Mr. Sanborn moves for the Fire Chief and Deputy Chief to receive the effective salaries as mentioned in the minutes of the January meeting. He asked for a second to the motion.

Mr. Mann seconded the motion.

Discussion:

Mr. Kita stated that based on information that they've been provided through this Commission meeting and other items, he feels very strongly that the Commission didn't only make a move to hire a Police Chief and just throw numbers in the air. They're a little more responsible than that. He does agree with Mr. Nye that they might have been hasty in order to appease some people; however, the issue has passed at this time. He has read all of the documentation that was presented, including documents that were provided earlier. He feels it is the Commission's responsibility to set the Fire Chief's salary at the same parity as the Police Chief at this time and to accept some recommendations about tiering for future uses. The Fire Chief and Police Chief are similar in level of responsibility, so there shouldn't be any disparity.

My Nye stated that it brings them back to wherever they set this at. Are they at the bottom of the tier or the top of the tier?

Mr. Kita stated that it would be at the bottom right now with the possibility of increasing it in the future based on performance, especially with the strong sense of strategic planning and the organization that the Fire Chief has shown in his capacity.

In support of his motion, Mr. Sanborn noted that while the Commission has made a lot of progress, they've been very slow in moving with some positions. The Commission needs to get into more than just Police and Fire, and they've spent a lot of time on Police and Fire. His motion is to propose to get the salary level up as close as they can under the circumstances to fix something that hasn't been fixed since 1993. It's only fair that they address this issue now. Secondly, they haven't discussed implementation.

Mr. Nye recalled that when Commissioner Hara first implemented his three-year plan for all the department heads, the department head salaries were around \$69,000. This three-year plan was for a 27% increase. If they were to take that \$69,000 and give them the full 27%, the figure would be somewhere around \$87-88,000 a year. Therefore, he would be favoring the \$87,000 because it's more around what they were looking at from the beginning. He's more apt to support that line of thinking than tying everything to the Police Chief at this stage of the game.

Mr. Kita noted that the 27% was a result of numerous years of movement with the bargaining unit employees who had consistent increases over a period of time. Mr. Kita referred to figures in the A-18 schedule showing \$89,818.08 at level A increasing to \$92,395.20.

Mr. Ben reported that before this Commission, all department heads were paid equal. That decision was made by Mayor Carpenter way back in 1986 or so. While he doesn't have any personal problem with the Commission granting pay increases across the board, the Commission has now taken the approach that it wants to distinguish between department heads for undetermined factors. The Commission is doing that with no knowledge whatsoever of what these two gentlemen do in their positions. The Commission has heard third parties tell them what they think these two gentlemen do, and it's been based on how they're performing. Commissioner Fergerstrom made an excellent point. The Commission needs to look at the Chief's job, not the role that's being performed below. The Commission needs to find out exactly what the Chief of Police does. They need to get the Fire Chief in here to explain what he does as Fire Chief. The Commission has not done that. The last Commission that tried to develop a tier system took over a year developing distinguishing factors, and when they did so and went to Council, Council had different ideas. This Commission hasn't even gotten to that. This Commission has just listened to whatever people want to say and has not even gone to the department itself to find out exactly what they're doing.

Mr. Kita thanked Mr. Ben for his comments and stated that he agrees with him. He suggested that before continuing, the Commission review the study that was done in 1992, which is very accurate and very distinct.

Mr. Nye stated that he thinks the Fire Commission had given them far more information than what the Fire Chief could have given them. They probably could have gotten a little more information from the Police Commission. If they back peddle to the old method of paying everybody across the board, then they'll either have to raise every department head to \$91,000, or they'll have to back peddle on the Police Chief. They'll have to do one or the other to bring everybody into parity.

Mr. Ben explained that his point was that if the Commission wants to go down that path, they should start looking at the departments to find out what the differences are to justify the different tiers they're going to have. The Commission should base it on something more concrete than what it has so far.

Mr. Tanaka commented that the dangers Mr. Ben mentioned is very clear, and the Commission is going down a dangerous path. They've been looking at one department and assigning a salary, and then looking at another department. At other meetings Mr. Tanaka had made a point that the Commission has to attain some kind of comparability among the different departments first. That was not his idea originally but something he got through previous people who were on this Commission. Mr. Tanaka referred to a letter from Vice Chair Jason Hashimoto back in July, who reminded them that they need to have a relationship developed between the different departments and then put the numbers in. The numbers will become easier if the Commission can determine the relationship based on fair

criteria in saying which department is more important than the next, etc. Then when that's established, they can look at numbers.

Mr. Sanborn restated his motion from the January 17, 2003 minutes.

MOTION: Mr. Sanborn moved that the Fire Chief's pay level be increased to \$87,237 and the Deputy Fire Chief's salary to \$83,083 with the starting date to be determined in a separate motion.

Mr. Tanaka noted that the motion had been seconded by Mr. Watanabe.

Discussion:

Mr. Tanaka asked whether later on down the road the Commission can change the figures on this motion if it's passed.

Mr. Masuda responded in the affirmative. There is no effective date, so the Commission is going to have to amend the basis of it somehow. The numbers can be changed, and the Commission can revisit the whole motion. It will be an entirely new motion.

A vote was taken on the motion. The motion was defeated 2-3.

MOTION: Mr. Nye moved that the Commission set the Fire Chief's pay at \$84,000 and the Deputy Fire Chief's pay 5% down.

The motion died for lack of a second.

- 2) Assistant Corporation Counsel
- 3) Deputy Managing Director

MOTION: Mr. Nye moved that items 2 and 3 be deferred until next month. The motion was seconded by Mr. Kita.

Discussion:

Mr. Nye noted that the Mayor has filled the Deputy Managing Director position, and it's too late to do what he had wanted to do.

A vote was taken on the motion. The motion carried unanimously.

Mr. Kita requested that a discussion of the evaluation factors (see last page of July 10, 2002 communication from Michael R. Ben, Director of Personnel, to the Salary Commission) be placed on the next agenda.

NEXT MEETING DATE

The Commission scheduled its next meeting for Friday, March 21, 2003, at 1:30 p.m. Ms. Menezes will try to reserve the conference room of the Department of Liquor Control.

ADJOURNMENT

The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Chair

vym