

**Hilo, Hawaii
Tuesday, June 3, 2003**

The regular meeting of the Civil Service Commission, County of Hawaii, was held in the conference room of the Department of Civil Service, 101 Pauahi Street, Suite 2, Hilo, Hawaii, on Tuesday, June 3, 2003.

Present:

**Ms. Jeanne Yagi, Chairperson
Ms. Diana Kahler, Vice Chairperson
Ms. Kaliko Chun, Member
Mr. Clarence Souza, Member
Mr. Clifford Kaminaka, Member
Dudley Akama, Deputy Corporation Counsel
Mr. Michael Ben, Director of Personnel
Ms. Lori Nagao, Clerk III**

Chairperson Yagi called the meeting to order at 9:30 a.m.

MINUTES OF MAY 20, 2003

MOTION: Mr. Souza moved that the minutes of May 20, 2003 be approved as circulated. The motion was seconded by Vice Chairperson Kahler and unanimously carried.

UNFINISHED BUSINESS

A) Adopt Proposed Rule Amendments to Title II, Rules of the Civil Service Commission/Merit Appeals Board, of the Rules of the Department of Civil Service, County of Hawaii.

MOTION: Chairperson Kahler moved that the Rules be adopted. The motion was seconded by Mr. Souza and unanimously carried.

NEW BUSINESS

A) Performance Evaluation Procedures for Annual Evaluation of Director of Personnel.

Chairperson Yagi asked Mr. Akama when Mr. Ben's first evaluation should take place. The Commission is required to give Mr. Ben a one-year notice of his evaluation and also inform him of what the criteria will be. Because the Commission has just adopted the Rules, they still need time to develop their evaluation procedures. The question now is whether the Civil Service Commission is required to give Mr. Ben an evaluation come June 2004, or is there an allowance where they can transition into this because the Rules will take effect on June 13, 2003. Mr. Akama will provide an opinion on that at the next scheduled meeting.

The Commission questioned how other department heads are evaluated. Mr. Ben stated that he believes that only Police and Fire evaluate department heads. Mr. Ben will check with other commissions and boards to see what their format and criteria are for their evaluations. Chairperson Yagi asked Mr. Ben to obtain copies of their evaluation forms if possible.

During the Commission's discussions of various evaluation methods, Mr. Souza expressed his concern about how the Commission would evaluate Mr. Ben on points that they wouldn't know about since the Commission only meets with Mr. Ben once a month at scheduled Commission meetings. The Commission does not know Mr. Ben's negotiation skills, his working relationships with staff, etc. These things are on Mr. Ben's job description, but are things that the Commission cannot honestly evaluate him on. Mr. Souza's concern is how the

Commission can evaluate the director if they don't have a day-to-day working relationship with him.

Mr. Kaminaka said the IRS uses a meet/does not meet evaluation, along with a written report reviewing concerns and recommendations. He will share an evaluation booklet he has at the next Commission meeting.

The Commission will begin discussions on the Performance Evaluation Procedures for Annual Evaluation of Director of Personnel at its next scheduled meeting.

DIRECTOR'S REPORT

Mr. Ben reported the following:

1) Mr. Kaminaka has recently submitted an application for a Civil Engineer recruitment and contacted Mr. Ben with his concerns about how that may affect his serving on the Civil Service Commission. If he were to be hired by the County, he is concerned that there may be a conflict with the Civil Service Commission regarding Mr. Ben's decisions.

Mr. Ben doesn't feel that Mr. Kaminaka would be barred from serving on the Commission; but as cases come up, the Commission should know the status of Mr. Kaminaka's application. If it's still pending review and the Commission is looking at an action that Mr. Ben took as director of personnel, that may become an issue.

Another issue is the perception of conflict that the Commission needs to avoid. There are many situations that may arise that may potentially create conflict.

Mr. Souza asked about the legality of this issue. Commission members are appointed by the Mayor and confirmed by the Council. Those are the only two parties that can remove a Commission member.

Mr. Akama suggested that the Commission check with the Board of Ethics since the issue concerns an appearance of impropriety.

Mr. Ben doesn't feel that the question before the Ethics Board should be whether Mr. Kaminaka should be barred from serving on the Commission.

2) The scholarship program that Mr. Ben was working on was given high praise by the Council in the morning of the last Council meeting, but by early evening, they decided to put all the money in their own contingency account.

After he explained that it wasn't the County's money, but the employees' own money, and notwithstanding the Flexible Spending Program has saved the County over a million dollars, they still cut it.

3) The Salary Commission will continue to look at establishing salaries. Now they need to do something about all the other County departments because with the Police and Fire department heads pay increases, they've created a huge gap. They are currently working on developing a tier system.

After eight or nine months of discussing standard of conduct, the Commission has decided to grant the Police Chief and Deputy Police Chief a uniform allowance.

NEXT MEETING DATE

The Commission scheduled its next meeting for July 15, 2003 at 9:30 a.m.

ADJOURNMENT

The hearing adjourned at 10:00 a.m.

Submitted by,

Secretary, Civil Service Commission

APPROVED:

**Jeanne E. Yagi
Chairperson**

lmn