

**Hilo, Hawaii
Tuesday, July 18, 2006**

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, July 18, 2006.

Present:

**Mr. G. Rick Robinson, Chair
Mr. Clifford Kaminaka, Vice Chair
Mr. Joel Cohen, Member
Ms. JoAnne Balberde-Kamalii, Member
Mr. Michael R. Ben, Director of Personnel
Mr. Michael J. Udovic, Deputy Corporation Counsel
Ms. Velma Y. Menezes, Secretary-Reporter**

Excused:

Ms. Kaliko Chun, Member

Chair Robinson called the meeting to order at 9:30 a.m.

MINUTES OF MAY 16, 2006

MOTION: Mr. Cohen moved that the minutes of May 16, 2006 be approved as circulated. The motion was seconded by Mr. Kaminaka and unanimously carried.

COMMUNICATIONS

A) Communication No. 06-08, dated June 28, 2006, from Lincoln S. T. Ashida, Corporation Counsel, regarding Office of Information Practices Opinion No. 06-04 concerning the authority

of agencies to redact certain information of third parties contained in public written testimony submitted to boards and commissions.

Mr. Udovic explained that this particular opinion deals with the release of confidential information which becomes available as a result of people testifying in open hearings and the ability to redact such personal identifying information. For example, when a person signs up to testify at a public hearing, that doesn't mean that that individual's personal information such as name, address, phone number, etc., becomes public.

Chair Robinson asked about Civil Service Commission appeal hearings, when the appellant asks for an open hearing. Is the information they give available to the public?

Mr. Udovic replied in the affirmative. However, that information for witnesses testifying at the appeal hearings could be redacted.

UNFINISHED BUSINESS

A) Schedule workshop for a discussion on the annual evaluation of Director of Personnel.

Mr. Cohen reviewed his background notes with the Commission that he had made of previous discussions during the last process.

He noted that the Commission basically is responsible for the evaluation of the Director of Personnel and started discussions awhile back on the process. They did a questionnaire that was sent out both internally and externally (such as the State level), and twenty-six responded to it. They weren't really clear as to exactly what organizational staffing levels the comments came from. Approximately 75 questionnaires were distributed. Out of the twenty-six that responded to this questionnaire, eleven of them identified themselves, so the Commission didn't know who the other fifteen were.

The questionnaire covered a number of different areas in strategic planning, communication, etc. Without going into details, there were some issues that came up that were discussed. The Commission reviewed it over a two or three month period and communicated the information to the Director. The Director was then given an opportunity to respond to some concerns that were brought forward from the questionnaire process.

Basically, the Commission's intent was to get feedback. It didn't necessarily have to be negative things, but an overall picture of how the rest of the world understood what was happening within this department and particularly the performance of the Director.

There is still work to do regarding the format and evaluation tool. The key is that this should be a positive process. In fact, all of performance evaluation should be a positive process to get an overall profile of what's happening. It should also be a communication tool.

Mr. Cohen believes that more effort needs to be done to ensure all employees in the organization are getting written feedback. He has other notes and recommendations that can be discussed later.

Mr. Kaminaka commented that one of the problems with the evaluation was that it was hard for them to measure it. A lot of the responses were subjective, and Mr. Ben responded to some of those issues. The Commission will have to come up with something measurable in this upcoming workshop and make it more objective than subjective.

Ms. Balberde-Kamalii suggested contacting someone at the University in the sociology or psychology department as a possible resource to ask for guidance, not necessarily to develop the tool.

Mr. Cohen noted that Mr. Ben's position description is very long and detailed.

Mr. Ben explained that his position description identifies various functional areas. It's basically written to say that the Director of Personnel has overall responsibility for each of those areas although he's not the practitioner in each area. The bottom line is, however, that he's the person who gets sued. So although it identifies all the different functional areas involved, basically the job description says he has overall responsibility for those areas.

Chair Robinson suggested looking at the job description as well in the context of this workshop and perhaps shorten it if it's possible. The Commission can schedule the workshop for its next meeting. He agreed that it would be helpful to have someone at the University give their input.

Ms. Balberde-Kamalii stated that she had a particular person in mind, Dr. Cheryl Ramos, who's the department head for the Department of Psychology. If and when the time comes, and the Commission would like her to, she can touch bases with Dr. Ramos.

Mr. Ben noted that the evaluation process involved the survey the last time. He asked whether it was the Commission's decision to continue that, or is the Commission going to explore other ways of accomplishing the task? At the point the Commission decides that the survey is one of the tools that will be used, the Commission may want to have Dr. Ramos come in at that point.

Chair Robinson stated that since she's had some experience in facilitating something like this, it may be helpful to have her at their initial meeting to help them flush out the ideas as to where they choose to go.

Mr. Ben stated that he doesn't think a psychologist or someone in that field knows HR. Her expertise might be in doing the survey, but in terms of how to go about doing an evaluation of an HR function, he wouldn't necessarily turn to that person as being the expert.

Chair Robinson asked Mr. Ben what his recommendation would be as far as an evaluation process at their level.

Mr. Ben stated that the Commission needs to decide exactly what it is that they want to evaluate on. He really can't offer the Commission anything, as he doesn't believe annual evaluations are any good. It is the worse thing in HR according to the stats. He, himself, is looking at a kind of different evaluation system where it's not an annual evaluation system but an ongoing evaluation system based upon what really are the objectives in doing performance appraisals.

Mr. Ben further stated that he doesn't annually evaluate his EMs (division heads). As he's instructed all of them, he expects them to carry out their work assignments. He will suggest, praise as necessary, and applaud accomplishments, but more importantly, he will tell them where he thinks their shortfalls are. At that point it's incumbent upon him to notify them then and there. What happens every year with these annual performance evaluations is that the supervisors wait until the performance evaluation to do it, and that's totally wrong.

He personally doesn't do JPRs and doesn't believe it's supposed to be in the law in the first place because it's a management issue, not a legal issue. He's in that process right now of re-evaluating the system of evaluations. He's looking at just satisfactory or unsatisfactory. If it's unsatisfactory, have the division head fill in all the details about what they've done up to this point.

Chair Robinson stated that JPRs are a reflection of what a person did the past year with regards to goals and objectives that they set the previous year. He asked whether Mr. Ben had goals and objectives for his various divisions.

Mr. Ben stated that each division has set its own goals that have been submitted as part of what the department is going to be doing in the upcoming fiscal year. It's all specified. A report is done to evaluate where they are at six months, then a final report is submitted identifying what goals were met or not met; if not met, then what attributed to that so that adjustments could be made as necessary.

Chair Robinson asked whether the Commission had set goals or objectives for him for the coming year.

Mr. Ben replied in the negative. There is reference in the rules now that states the Commission needs to sit down with the Director to identify what they expect in the coming year.

Chair Robinson noted that the Commission needs to set goals and objectives for Mr. Ben as a function of this JPR.

Mr. Cohen stated that he agrees with Mr. Ben as far as the paper shuffling situation and the negativity of performance management. For most people it becomes a negative thing. The expectation is that everybody does a 100% topnotch job. That should be the expectation. Then there needs to be documentation, and along the line there has to be some communication. As far as mutually specifying what the manager and employee agree upon (call it objectives), they should support it so that it doesn't become a negative thing. Although they had good discussions during this process, he, for one, wants to stay away from the negative and basically keep it positive.

Mr. Ben noted that Mr. Cohen was referring to the fact that a lot of the evaluations came in focusing in on negative issues.

Ms. Balberde-Kamalii stated that that's a good telling point. Respondents were rehashing things from a long time ago, and that's the telling sign that they felt they didn't have an avenue or arena to vent it, so they'll take whatever they can and throw it out. With her job, they have set goals and objectives for her students, and they did it as a team. They review it every six weeks or three months, depending on the situation, and six months and so on. Parts of it can be revised, because any kind of evaluation is what she calls a live document that will be revised and changed as situations change. She does tend to like that more as opposed to an annual JPR, which does instill some type of fear. Some people tend to use it in a more negative fashion than what it's really intended to do.

If Mr. Ben's job description is so long that people are making comments, then it might be more cumbersome than anything else. So they could possibly look at revising that and looking at different things.

Mr. Ben noted that the Commission had asked him to write up his position description. Mr. Ben noted that he's never seen job descriptions for chief executives, and basically he's the chief executive HR for the County. All the department heads are really chief executives for the various departments, and in all his thirty years, he's never seen a job description for that kind of position. However, he can understand why the request, as it's something that they would like to be able to read and understand what the position does. At one point, the Salary Commission did the same thing and asked all the department heads to submit a description of what they do.

Chair Robinson noted that it's really more informative for those who want to know what Mr. Ben does rather than it is a guide for Mr. Ben as to what Mr. Ben should be doing.

Mr. Cohen noted that usually the higher up a person is, the shorter the job description. It basically comes down to supervising and managing, and the different functional areas can be listed under one heading. It should all be on one page.

Chair Robinson noted that an annual review should be an outgrowth from a job description. These issues can be discussed at the workshop for August 15.

NEW BUSINESS

MOTION: Mr. Cohen moved to amend the agenda to include a July 13, 2006 communication from Michael R. Ben, Director of Personnel, to James Halvorson, Esq., Department of the Attorney General, regarding a draft "decision and order granting appeal" in the matter of the appeal of Troy Familiar.

The motion was seconded by Mr. Kaminaka and unanimously carried.

The communication was assigned No. 06-09 and taken up under New Business.

Mr. Ben clarified that the discussion needs to be limited to logistical matters concerning the case. While his letter is really addressing merit issues, the Commission can't get into that.

Chair Robinson asked whether they need to reopen the hearing.

Mr. Ben stated that the Commission will probably have to, but what the Commission actually ends up doing will depend a lot on how Mr. Halvorson replies. He would expect a response before August 15. In Mr. Ben's mind it's just a simple issue. They're either going to come in and ask to meet and either open the case or discuss something, or they're going to say they're right and they stand by what's on record. If they stand by what's on record, the Commission won't have the option of reopening the case, as in essence they had made a "bench" decision at the hearing.

Chair Robinson confirmed that the Commission had announced their decision. There were some issues that were raised, which Mr. White researched and responded accordingly. Mr. Ben had written a letter to Mr. Halvorson, and if he responds that they stand by the original advice given to the Commission, then they won't reopen the hearing. However, if they come back and have some concerns, it's possible they could reopen the hearing and address the items.

Chair Robinson stated that it can be put on the agenda for the Commission's next meeting, however, he'd like to have it after lunch and use the morning for the workshop.

DIRECTOR'S REPORT

Mr. Ben reported the following:

1) Mr. Ben introduced Charmaine Kamaka, the division head for the Health & Safety Division. At one time, Chair Robinson had requested that Safety do some graphs to visually show what's happening since Civil Service took over the function in 2000. Ms. Kamaka came on board in July 2001.

Mr. Robinson gave the following background information:

The previous Commission had asked for a briefing from the Safety Coordinator, who was then under the Mayor's Office, for an update as to the number of outstanding claims and the annual amount being paid out by the County, since the County's self-insured. It became pretty obvious to the Commission that there really wasn't a clear accounting or understanding at that point of what the claims were and what they were actually costing, so they initiated a Charter amendment to allow the transfer of the workers' comp and safety function to the Civil Service department to be administered at this level rather than by a Mayoral appointee who seemed to change every so often.

Mr. Ben explained that with Ms. Kamaka coming on board, they have in fact taken measures to reduce the claims and get a grasp on stopping the increase and the cost, while at the same time getting County people back to work.

Ms. Kamaka distributed and reviewed the charts with the Commission.

She stated that she and the division made a conscientious effort to reduce the number of open claims on the books. Right now, they have about 448 open claims on the books. Open claims are those that remain open from the beginning of time. They will always have a level that is open because in the State workers' compensation laws, medical is open for life.

Ms. Kamaka reviewed the dramatic reduction in the cost over the years, as shown in the graphs, which is significant in that medical costs are going up.

Mr. Udovic noted that Corporation Counsel handles the bulk of the appeals to the DLIR Appeals Board. They probably have 15-20 cases at the most. They have also established a system to collect money back from claims and are being more active in pursuing people who have caused injuries to County employees as well.

2) Civil Service has three new positions – one HR professional in Classification & Pay; a paraprofessional, who will service the administration; and a clerk. There currently is a vacant Labor Relations position, and one division head will be retiring. The department is in the process of filling the positions and making modifications to the office to find space for them. The training officer has moved to the training room, so his office space is available. His move doesn't present a problem, as they have weekly meetings with the division heads.

One employee from the Recruitment and Examination division is on long term absence.

Chair Robinson requested that the division heads give 30-minute presentations to the Commission on their functional areas. It was decided that this be planned for the September meeting.

NEXT MEETING DATE

The Commission scheduled its next meeting for August 15, 2006, at 9:30 a.m.

ADJOURNMENT

The hearing adjourned at 10:58 a.m.

Respectfully submitted,

Secretary, Civil Service Commission

APPROVED:

**G. Rick Robinson
Chair**

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