REPORT OF FINDINGS ON ADJUSTMENTS TO THE COMPENSATION PLANS

PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD

JANUARY 3, 2002

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The Rules of Practice and Procedures for the Public Employees Compensation Appeals Board can be viewed in previous PECAB Report Findings.

STATE OF HAWAI'I
PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD
LEIOPAPA A KAMEHAMEHA BUILDING, 14TH FLOOR
235 S. BERETANIA STREET
HONOLULU, HAWAI'I 96813

PART I - INTRODUCTION

The Public Employees Compensation Appeals Board has concluded its review of the Tentative Compensation Plans (white collar and blue collar) submitted by the Conference of Personnel Directors. Hearings for appeals filed against the Plans were conducted on Maui on October 8, 2001, on Hawaii on October 10, 2001, and on Oahu on October 15, 2001.

The Report of Findings is hereby submitted.

Hearings were conducted in accordance with the policies and rules of practices and procedures established for the Board. The decisions of the Appeals Board were based on its consideration of testimonies presented by the appellants (employees or their representatives, departmental representatives and unions) and representatives of the Conference of Personnel Directors and the review of reports, earlier Board actions, class specifications, and organizational charts.

In those proceedings, the Appeals Board was guided by the objective to maintain the proper relationships between classes of positions within each part of the Compensation Plans and within and between political jurisdictions.

The Appeals Board expresses it appreciation to appellants, union representatives, departmental officials, the Conference of Personnel Directors, and other interested parties for their assistance and cooperation throughout these proceedings.

Respectively Submitted,

Gladys Kotaki, Chairperson
State of Hawaii

Bill P. Thibadeau
County of Hawaii

Goro Hokama
County of Maui

Robert Cohen
County of Kauai

PART II

SUMMARY OF ACTIONS ON APPEALS

JURISDICTION	TOTAL	WITH DRAWN	DISMISSED	NOT GRANTED	GRANTED
State of Hawaii	3	-	1	1	1
C&C of Honolulu	2	-	-	2	0
County of Maui	1	-	-	1	0
All jurisdictions	1	-	-	1	0
TOTALS:	7	-	1	5	1

PART III

FINDINGS-PRICING RATIONALE

State of Hawaii, The Judiciary, Hawaii Health Systems Corporation,
City and County of Honolulu, and Counties of Hawaii, Maui and Kauai

All BU-04 classes

All BU-04 classes

Action: No change.

This appeal by the Hawaii Government Employees Association (HGEA) seeks to reprice all classes in Bargaining Unit 04, White Collar Supervisors, one salary range upward. The subject classes are full supervisory classes involving responsibility for planning, directing and coordinating the work of their respective work units. Responsibilities include supervising, assigning and organizing the work unit; formulating and recommending policies, procedures, workflow and schedules; establishing work schedules; establishing and maintaining procedures and manuals; assuring adherence to established requirements; reviewing job performance evaluation of subordinates; and other related supervisory duties.

The HGEA argues that the complexity and scope of responsibilities of classes in Bargaining Unit 04 are not properly recognized. Specific references made include decreased staff levels and increased workload, reduction in budgets and decreased resources, greater employer demands and expectations, increased accountability and pressures on the job, changes in clientele and public mood and sentiment toward public workers, EEOC, sexual harassment, workplace violence and an increase in dangerous and volatile clientele, increased personnel problems becoming part of the workplace problem, grievances and other adversarial interactions with subordinates and their unions, an increasing role in addressing human resources problems, an increasingly litigious society, rapidly changing technology affecting the way business is conducted, pressure from the forces of privatization, and changes in laws, rules and regulations. A one-salary range increase is requested to recognize the promotional step upward and the gaining of full supervisory responsibilities. The union points out that this one salary range upgrade will provide a legitimate reward to present and future supervisors for accepting a higher level of responsibility. This action will maintain the existing internal and external pricing alignment of all classes within the bargaining unit.

The State counters that the above factors as presented by the union are not unique to employees in the BU-04 classes but rather, applicable to most employees in all of the bargaining units and therefore should not be utilized to reprice all BU-04 classes. The State also points out that the repricing of classes in this bargaining unit would most likely trigger similar requests from classes in other bargaining units and would have a major financial impact on all the jurisdictions.

The Board finds that the factors cited by the union are not unique to classes in BU-04. Therefore, the Board denies the pricing appeal.

State of Hawaii

Group II

Management, Staff and Allied

Vocational Rehabilitation Manager I, SR-24, BU-13

Action: No change.

This appeal by the Hawaii Government Employees Association (HGEA) seeks to reprice the Vocational Rehabilitation Manager I from SR-24 to SR-25 based on comparison with the State class Vocational Rehabilitation Specialist V, SR-24, BU-13.

The Vocational Rehabilitation Manager I manages, supervises and coordinates a program of vocational rehabilitation and allied services for a neighbor island county. Specific comparison referenced is the type I supervisory concept of the comparative class, Vocational Rehabilitation Specialist V, which functions as a supervisor of an operating unit responsible for planning, assigning, coordinating and evaluating the work performed by a group of vocational rehabilitation specialists and allied rehabilitation service positions and assuring that appropriate services are provided to the geographic or other service area.

Subject class was initially established in August 1993. This was in response to a request of the Department of Human Services to recognize and separate the three neighbor island managerial positions from other supervisory vocational rehabilitation specialist positions and place them in subject class intended to be assigned to the Excluded Managerial Compensation Plan (EMCP). Decision 95, issued by the State of Hawaii Public Employment Relations Board, requires that any position excluded from collective bargaining be subject to concurrence from the affected union. The State requested such concurrence, to place the subject class in the Excluded Managerial Compensation Plan. The affected union, HGEA, did not concur with the exclusion, resulting in the State taking final action to price subject class at SR-24.

HGEA contends that there is a clear and distinctive difference in the scope of duties and responsibilities between the two classes (subject and comparative). Subject class is a branch manager responsible for a county-based program located on a neighbor island and is responsible for multiple programs. The comparative class, Vocational Rehabilitation Specialist V, is a section head, working on Oahu under supervision of the Oahu Branch Administrator, Vocational Rehabilitation Manager II, EM-03. While the comparative class has supervisory responsibilities, the class' complexity and scope of responsibility is limited as a result of its lower organizational responsibility and lack of branch responsibilities that are assumed by the VRM II. The union believes that based on the differences in level, complexity and scope, subject class was improperly priced initially.

The State counters by stating that the comparative class, Vocational Rehabilitation Specialist V's complexity and intensity of work operations are similar.

Both classes serve primarily as immediate supervisor of a small, comparable staff. It was pointed out that the Board, in its 1993-94 findings, confirmed the State's position when it found that "the subject class is appropriately priced in relation to the class Vocational Rehabilitation Specialist V also at SR-24 due to the similarity of programs and size of organizations supervised."

The Board denies this repricing appeal.

Group X

Trades, Equipment Operation and Allied

University Locksmith, BC-07, BU-01

Action: Reprice to BC-09.

The appellant seeks to reprice the University Locksmith from BC-07 to BC-09 based on comparison with the City and County's Parking Meter Mechanic, BC-09, BU-01. The University Locksmith is responsible for maintaining, overhauling, repairing and installing a wide variety of mechanical and combination locking mechanisms in doors, office equipment, and safes and for the administrative responsibility for a locksmith shop serving a large agency. The Parking Meter Mechanic is responsible for repairing, maintaining and testing a variety of parking meters and similar registering devices in a meter repair shop or in the field.

The appellant argues that subject class' responsibilities and overall level of work are similar to the comparative class. Comparability is based on the huge diversity of locks, locking devices, and security systems; skilled use of specialized equipment; application of problem solving techniques; ability to work on integrated systems; ability work in a fully self-directed manner and its zero error performance requirement.

The State counters by arguing that the benchmark classes in the Trades, Equipment Operations and Allied Group (i.e., Carpenter I (S) and Painter (S) both at BC-09), are performing higher skilled tasks in their respective specialties. In terms of minimum qualifications, comparative classes require more years of work experience than the subject class. The comparative class, Parking Meter Mechanic is also recognized as performing higher level skilled work in repairing, maintaining and testing a variety of parking meters and similar registering devices. On the other hand, they find the subject class to be stronger than the Mechanical Repair Helper, BC-05 (S; BU-01) because it does not have any technical supervision and has been given credit for "shop responsibility."

The Board finds that subject class' complexity and overall level of work are comparable with the Parking Meter Mechanic and therefore reprices subject class to BC-09.

City and County of Honolulu

Group I

Clerical and Allied

Fingerprint Classifier II, SR-14, BU-03

Action: No change.

This appeal by the HGEA seeks to reprice Fingerprint Classifier II, from SR-14, BU-03, to SR-16 based on comparison with the City's Legal Clerk III, SR-14, BU-03 class.

The Fingerprint Classifier II independently analyzes, classifies and files fingerprint records and databases; searches of fingerprint files and compares prints for identification purposes; and prepares abstracts of criminal records. The Legal Clerk III performs a wide variety of legal clerical work in support of staff attorneys to include preparing, checking and processing legal forms, documents and related materials; locating and abstracting information from legal files and records; and gathering and organizing relevant material for use in legal proceedings.

The HGEA contends that subject class' level of work exceeds that of the comparative class in terms of the technical analysis. The union points out that positions in subject class must be able to determine, decide, analyze, and classify fingerprints, requiring application of technical knowledge broader than that exercised by referenced class. The technical knowledge of the Henry Classification Method and its application in the utilization of the statewide Automated Fingerprint Identification System (AFIS) is one example of this higher-level technical skill. Subject class is charged and vested with greater responsibility and consequences for liability of their actions and determinations, particularly in serving as expert witness in court proceedings. Additionally, working in a support unit for law enforcement has far reaching consequences and added responsibilities in terms of individual rights and freedom. Subject class trains and oversees lower level classes in the series as well as non-technical clerical positions in the unit.

The City responds that the Board in previous appeals reviewed subject class in 1990, 1995, 1997 and 1999 found that subject class was properly priced at SR-14. In this appeal, subject class offers the Legal Clerk III as the comparative class. The City argues that although both classes are involved in the criminal justice system, the work performed is separate and distinct. The comparative class is priced in relation to the State's Legal Clerk, SR-14 (S; BU-03) and Secretary II, SR-14 (S; BU-03) classes whereas subject class is priced in relation to the Fingerprint Classification Clerk III, SR-14 (S; BU-03); Fingerprint Identification Technician, SR-17 (C&C; BU-03), and Criminal Identification Technician III, SR-14 (S; BU-03) classes. The City finds that the level and scope of work, as well as the consequences of action taken, have already been adequately recognized in the existing pricing of subject class. This repricing appeal would disrupt the existing relationship of subject class to the Fingerprint Identification Technician, SR-17, that was established by the Board in 1997.

The Board reaffirms its prior findings and concludes that the Fingerprint Classifier II is properly priced at SR-14.

Group III

Recreation

Musician I, SR-15, BU-03

Action: No change.

The HGEA seeks repricing of the Musician I from SR-15 to SR-17 based on comparison with City's Graphic Artist II, SR-17, BU-03 class. The HGEA also requests repricing adjustments to other classes within the Musician series to maintain internal alignment if this appeal is granted. The Musician I plays a musical instrument and/or its related double at the sixth level of difficulty with acceptable skill and technique. The Graphic Artist II prepares graphic renderings in various media involving independent determinations as to subject matter, theme and coloring primarily for informational and promotional purposes.

The union and the appellants contend that the primary difference between the subject and comparative classes is that the demands of the subject class outweigh that of the comparative class. The subject class is required to perform before a live audience in conjunction and harmony with a group of other members of the subject class in order to fulfill the artistic requirements of their class. The subject class is required to be accurate and picture perfect when fulfilling their artistic skills as an audience is not forgiving. The comparative class, on the other hand, has the luxury of not having to be perfect at each demonstration. The nature of work of subject class is to entertain, educate, inform and promote music as fine art. The comparative class' nature of work is to illustrate and promote art capturing in still and motion pictures used for entertainment, education, information and promotion purposes. However, with the advent of computers and computer-generated software, the comparative class has an easier time producing their final product. Also, all levels in the Musician series play music at the highest level of difficulty (sixth level). The comparative series reflects a progression of greater scope and complexity of work at the subsequent higher levels. In terms of years of experience, all musicians possesses10.8 years of playing experience and 9.7 years of musical studies as compared to the comparative class which requires a high school education and four years of graphic art experience. Finally, work performed by the comparative class reflects work done independently; while subject class performs musical parts in coordination and harmony with the assigned group.

The City argues that repricing is not warranted due to fact that PECAB repriced subject class from SR-13 to SR-15 in 1996, recognizing the fact that subject class plays one or more musical instruments at the most difficult level. Therefore, additional recognition for the same reason is not warranted. Comparison of the experience of Musician incumbents with the minimum qualification requirements of the comparative class is not appropriate. The former reflects the experience of all employees including career service employees, while the latter reflects the minimum or entry requirement. The City points to the minimum

qualification requirements of both subject and comparative classes to substantiate their claim. The Musician I class requires “training and/or experience of sufficient scope and quality to competently perform the required duties and responsibilities of the applicable position.” This means the ability to perform at the sixth level of difficulty. The comparative class, on the other hand, requires “a combination of education and experience substantially equivalent to graduation from high school and four years of graphic art experience involving layout, skilled lettering and illustrative work.” Therefore, the City demonstrates that comparative class’ scope and level of work performed exceeds that of subject class.

The Board finds that the comparative Graphic Artist II class is stronger than the subject Musician I class and therefore takes a no change action on this appeal.

The Judiciary

None.

Hawaii Health Systems Corporation

None.

County of Hawaii

None.

County of Maui

Group II

Administrative, Fiscal and Allied Occupations

Records and Identification Manager, SR-24, BU-13

Action: No change.

The HGEA seeks to reprice the Records and Identification Manager from SR-24 to SR-26 based on comparison with the City and County of Honolulu's Criminalist IV, SR-26, BU-13 class. Subject class plans, directs, and coordinates the overall operations and activities of the Records and Identification Section of the Maui Police Department, including supervision of a police crime laboratory concerned with the physical, chemical, instrumental and microscopic analyses of evidence in connection with crime detection and law enforcement work and assuming the responsibility of a departmental records management program, including the development and implementation of pertinent policies and procedures. The comparative class plans, directs and coordinates the overall operations and program activities of a police crime laboratory concerned with the physical, chemical, instrumental and microscopic analyses of evidence in connection with crime detection and law enforcement work.

The HGEA argues that the nature of work of both classes are similar for pricing purposes because both classes plan, direct and coordinate the overall operations and activities of a police crime laboratory concerned with the physical, chemical, instrumental and microscopic analyses of evidence in connection with crime detection and law enforcement work. The comparative class, located in the Honolulu Police Department, is located in the Crime Laboratory Unit which is responsible for performing functions relating to the scientific aspects of police work, whereas subject class has additional responsibilities in administering the central repository for all departmental evidence records, police reports, fingerprints and gun registrations. As the scope of subject class' work exceeds that of the comparative class, upward repricing is warranted.

The County of Maui responds that subject class is properly priced based on the following: (1) the Honolulu Police Department's laboratory and the Maui Police Department's laboratory are not comparable in size, scope and complexity. The Maui laboratory is staffed by one Criminalist II, SR-22 position, whereas the Honolulu lab has a staff of 20, including four Criminalist III, SR-24 positions, four Criminalist II, SR-22 positions, one Senior Questioned Documents Examiner, SR-24 position, and one Questioned Documents Examiner II, SR-18 position; (2) the Honolulu lab performs serology and exudates analysis, DNA testing, trace evidence analysis, and questioned document analysis whereas the Maui lab only performs drug analysis; (3) the responsibility for the records and evidence management program does not exceed the scope and complexity of the responsibility for the crime lab; (4) subject class' subordinate staff in the records and evidence management program is primarily clerical and technical in nature;

(5) responsibility for planning and organizing a centralized records management program exists in other classes such as the Records Management Analyst IV, SR-22 (K; BU-13), which served as the pricing comparison in the establishment of this class; and (6) the minimum qualifications requirements of subject class do not exceed those of the comparison class.

The Board finds that subject class is properly priced at SR-24, in relation to the referenced Criminalist IV, SR-26, class.

County of Kauai

None.

APPEALS WITHDRAWN

None.

APPEALS DISMISSED

CLASS TITLE	SALARY RANGE	JURISDICTION	APPELLANT
Deputy Sheriff II	SR-18	State	HGEA

PART V

INDEX OF ACTIONS ON APPEALS

CLASS	SALARY RANGE		PAGE
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PART VI

LETTER

STATE OF HAWAI'I
PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD
LEIOPAPA A KAMEHAMEHA BUILDING, 14TH FLOOR
235 S. BERETANIA STREET
HONOLULU, HAWAI'I 96813

January 2, 2002

Mr. Davis Yogi, Chairperson
Conference of Personnel Directors
c/o Department of Human Resources Development
235 South Beretania Street, Room 1400
Honolulu, Hawaii 96813

Dear Mr. Yogi:

The Public Employees Compensation Appeals Board (PECAB) recently concluded its review of the tentative compensation plans for the State, the Judiciary, the City and County of Honolulu, and the Counties of Hawaii, Maui and Kauai.

On January 4, 2000, PECAB requested the State conduct a classification review of the Deputy Sheriff and Conservation and Resources Enforcement Officer (CREO) series to address the pricing relationships between both series and propose appropriate adjustments to the salary range assignments as applicable. PECAB further requested that the Conference of Personnel Directors (CPD) submit a report of its findings to the 2001 PECAB.

Lacking knowledge or notification of any review or action taken, the Hawaii Government Employees Association (HGEA) filed a repricing appeal on behalf of the Deputy Sheriffs. The State's Department of Human Resources and Development (HRD) informed PECAB that the requested study was initiated in January 2001, and is in progress. As a result, the State indicated that the current repricing appeal was improper because a classification review of the two series is currently being conducted.

In response to PECAB's request for an informal legal opinion regarding this matter, Deputy Attorney General Daniel Morris opined, "PECAB appears to lack jurisdiction of the matter (hearing the current request) based on Rule 14-31-3(c)." Based on this opinion, the current appeal was dismissed.

The current PECAB feels that HRD's non-compliance with their 2000 request ignored the wishes of the Board and damaged its integrity. It is therefore requested that the classification review be expedited and completed as soon as possible and that the parties filing the appeal be kept informed of its progress.

Thank you for your attention to this matter. If there are any questions or concerns, please call Susan Akana, the Board's secretary at 587-1104.

Sincerely,

Gladys Kotaki, Chairperson
State of Hawaii

Bill P. Thibadeau
County of Hawaii

Goro Hokama
County of Maui

Robert Cohen
County of Kauai