

SCR141

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Written Testimony

SCR141 REQUESTING A STUDY OF SYSTEMS OR PLANS THAT MAY ACCOMMODATE THE DEPARTMENT OF EDUCATION'S NEED TO RETAIN, PROMOTE, AND COMPETITIVELY COMPENSATE PROFESSIONAL EMPLOYEES IN CERTAIN AREAS WITHOUT REQUIRING THOSE EMPLOYEES TO ASSUME SUPERVISORY RESPONSIBILITIES

Testimony by the Legislative Reference Bureau
Ken H. Takayama, Director

Presented to the Senate Committee on Education and Housing
and Senate Committee on Labor

Monday, March 15, 2010, 1:15 p.m.
Conference Room 225

Chairs Sakamoto and Takamine and Members of the Committees:

I am Ken H. Takayama, Director of the Legislative Reference Bureau. Thank you for this opportunity to testify on S.C.R. No. 141. The Bureau takes no position either for or against this measure, but has the following observations and concerns:

1. If the Legislature wants us to conduct this study, we will do the best we can with the resources that we have.
2. The Bureau does not have any familiarity, much less expertise, with the civil service or the DOE's classification and compensation plans referred to in the measure.
3. The measure requests the Bureau to "assess the classification and compensation plans of public, local, and national K-12 and higher education organizations and institutions."
 - The scope of this provision is overly broad. As school districts across the country, with the exception of Hawaii, are organized at the local level (generally county or municipality level), there are literally thousands of potential classification and compensation plans for educational

organizations at the K-12 levels alone, without the addition of thousands of higher education organizations and institutions to consider.

- Also, it is unclear if the intent is to look at all types of classification and compensation plans or only those involving unionized employees. If the latter, we are uncertain how we would systematically identify those jurisdictions whose education employees are unionized.
 - Gathering, reviewing, and managing such data alone would consume enormous staff time, with very little return.
 - Further, being unfamiliar with classification and compensation plans, it is not at all clear to us that such plans can be easily compared to one another for purposes of making any useful assessment as to which is "better."
4. The measure also requests the Bureau to "recommend systems or plans that may accommodate the Department of Education's need to retain, promote, and competitively compensate professional employees in areas that require special skills without requiring those employees to assume supervisory responsibilities."
- The Bureau does not have any familiarity with what the DOE's "needs" are with respect to their professional employees who are "in areas that require special skills" nor are we familiar with what function such employees fulfill and thus would be at a disadvantage in trying to recommend classification and compensation plans that would accommodate those needs.
5. The measure requests the Bureau to include "collective bargaining issues surrounding the possible establishment of a classification and compensation system in the Department of Education similar to the executive/managerial system at the University of Hawaii."
- The Bureau does not have any familiarity with the executive/managerial system at the University of Hawaii nor do we have any expertise with collective bargaining issues.
 - We would do our best to ascertain what collective bargaining issues have been raised in connection with UH's executive/managerial system.
6. The measure requests the Bureau to consider "expanding Educational Officer studies previously conducted by the Department of Human Resources Development to develop clear and concise class specifications for the Educational Officer classes that allow for positions to be classified into higher Educational Officer levels without requiring assumption of supervisory responsibilities."
- As this language is presently drafted, it is unclear to us whether the "professional employees in areas that require special skills" that appear to be the focus of the study are *in fact* "educational officers," whether we are being asked to consider expanding the category of "educational officers" to *include* such employees, or whether we are being asked to consider an *additional* category of employee in the study.

- Further, without additional identifying information, it is unclear what these studies are, when they were done, and, thus, whether they are readily obtainable. For example, a quick search of the Bureau's library card catalog turned up a 1994 study entitled, "A Review of the Educational Officer Classification and Compensation Program" that was done by the Auditor; and a 1990 DOE study entitled, "Report of the Educational Officer Classification, Compensation Appeals Board," but no studies by DHRD (or Department of Personnel Services). If these are the studies to which the measure refers, it would seem that more useful information may be derived from the entities that originally conducted the studies expanding their earlier studies.
7. The measure requests the Bureau to include the "advantages and disadvantages of a system, similar to the University of Hawaii executive/management system, that allows for negotiations of initial salaries within established ranges, allowances for salaries outside of established ranges with proper approval, and salary adjustments based on performance evaluations rather than on across-the-board adjustments."
 - Again, the Bureau has no familiarity with UH's executive/managerial system, but we would do our best to assess what are seen as the advantages and disadvantages.
 8. If the Committee intends to pass this measure, we would respectfully request that the Bureau's role be reconsidered to address paragraphs (2) and (4) relating to the "collective bargaining issues raised in connection with UH's executive/managerial system" and "advantages and disadvantages of a system, similar to the University of Hawaii executive/management system, that allows for negotiations of initial salaries within established ranges, allowances for salaries outside of established ranges with proper approval, and salary adjustments based on performance evaluations rather than on across-the-board adjustments."
 9. As is normally the case with studies by the Bureau, our study would reflect the efforts of generalists rather than experts or specialists.
 10. Finally, the Bureau would be willing to assist this Committee with any draft or report you may require on this measure.