

**HAWAII ADMINISTRATIVE RULES**

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 2 EDUCATION

PART I PUBLIC SCHOOLS

CHAPTER 52

EDUCATIONAL OFFICER CLASSIFICATION/COMPENSATION

APPEAL SYSTEM

**§8-52-1 Purpose.** The purpose of this chapter is to establish a classification and compensation appeal system for educational officers of the department of education. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-2 Definition of terms.** As used in this chapter:

"*Affected classes*" means the unappealed classes in the same series of the appealed class.

"*Affected persons*" means persons affected by the classification/compensation plan who believe that their respective positions are improperly classed or that their respective classes are improperly priced.

"*Appellant*" means an educational officer who files a classification appeal; and an educational officer, the exclusive representative, or the Department in a pricing appeal.

"*Board*" means the educational officer classification/compensation appeals board.

"*Chairperson*" means the chairperson of the educational officer classification/compensation appeals board.

"Class" or "Class of work" means the logical and reasonable grouping of duties and responsibilities and their identification with respect to kind or subject matter of work, level of difficulty and responsibility, and qualification requirements of the work, so that positions which conform substantially to the same class will receive like treatment in the matter of title and salary assignments.

"Compensation plan" means the schematic listing of educational officer position classifications and the salary ranges as assigned in the Department of Education Educational Officer Classification/Compensation System.

"Department" means the Hawaii state department of education.

"New class" means a class which did not exist within the classification/compensation plan at the time of the last biennial review and represents a new concept of work for which an initial pricing action was taken.

"Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party in a proceeding.

"Pricing" means the process of assigning classes to appropriate salary ranges.

"Pricing appeal" means a formal request to change the compensation plan or salary range assignment of a class. [Eff. NOV 28, 1988]  
(Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-3 Administration of board.** (a) The chairperson of the board shall be responsible for the administrative functions of the board.

(b) Appeal hearings and board meetings shall be scheduled at the discretion of the board chairperson.

(c) All decisions, orders and other actions of the board shall be authenticated or signed by the chairperson. [Eff. NOV 28, 1988]  
(Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-4 Hearing and notice.** (a) In appeal cases, all appeal cases, all appellants shall be given an opportunity for a hearing as scheduled.

(b) The notice of hearing shall include a statement of:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is to be held;  
and
- (3) That the appellant may retain counsel or be represented if the appellant so desires. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-5 Records of hearings.** The board shall keep an accurate record of the appeal matters discussed and the views of the participants. The record shall include, but not be limited to:

- (1) The date, time, and place of the meeting.
- (2) The members of the board recorded as either present or absent;
- (3) The substance of all matters proposed, discussed or decided; and a record, by individual member, of any votes taken; and
- (4) Any other information that any member of the board requests be included or reflected in the minutes. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-6 Validation of decisions.** A majority of two (2) votes is necessary to validate any decision made by the board. Validated decisions shall be binding on both parties. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-7 Appeal of action.** (a) Any classification or pricing action by the department on an educational officer position, whether to change a position classification or not, is appealable to board. A classification appeal may be submitted by the incumbent educational officer, or immediate supervisor if the subject position is vacant. A pricing appeal may be submitted by the incumbent educational officer, the exclusive representative, or the department. All petitions for appeal shall be filed with the board within twenty (20) days from the date set by the board for receipt of these appeals.

(b) The appeal shall be submitted on the form prescribed setting forth the basis for the disagreement with the action taken with reference to the work of the position and the relevant class or classes of work. In no case shall an appeal be filed based on work not officially documented on the position description.

(c) An appeal shall clearly state the remedy sought and meet all other requirements specified.

(d) An appellant may be represented by the exclusive bargaining agent or other representative authorized by the appellant.

(e) The appeal of classification action shall take precedence over a pricing appeal by the same appellant. A disagreement on the classification of a position shall be resolved prior to any consideration of the pricing of the subject class. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-8 Pricing.** (a) Pricing for 10-month educational officer classes shall be determined on the basis of relationships among such 10-month classes, and pricing for 12-month educational officer classes shall be determined on the basis of relationships among 12-month classes. Notwithstanding these parameters, any other relevant testimony and evidence may be considered.

(b) Within the respective categories of 10-month and 12-month educational officer classes, there shall be a consistent and logical relationship among classes so that there shall be like pricing for substantially comparable classes and dissimilar pricing commensurate with the degree of substantial differences between related classes.

(c) Reasonable salary relationships shall prevail among educational officer classes within the respective categories in consideration of such factors as nature and scope of authority, level of responsibility and complexity, consequences of actions, interpersonal relationships, and knowledge and skill requirements. Factors deemed relevant shall be considered separately and in combination in pricing determinations. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)

**§8-52-9 Proceedings before the board.** (a) Limitations to appearances before the board shall be as follows:

(1) No person who has been associated with the board as a member, officer, employee, or counsel shall be permitted to appear before the board in behalf of, or to represent in any manner, any party in connection with any proceeding or matter that the person has handled or passed upon while associated in any capacity with the board.

(2) No person appearing before the board in any proceeding or matter shall, in relation thereto, knowingly accept assistance from and compensate any individual who would be barred by this subsection.

(3) No person who has been associated with the board as a member, officer, employee, or counsel shall be permitted to appear before the board in behalf of, or to represent in any manner, any person or agency in connection with any proceeding or matter that was pending before the board at the time of that person's association, unless that person shall first have obtained the written consent of the board, upon a verified showing that the person did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during that person's association with the board.

This subsection shall not apply to any person or agency who has terminated association with the board for a period of five (5) years.

(b) The board, upon its own initiative or upon motion, may consolidate two or more appeals for hearing or for other purposes if they involve substantially the same parties, issues or classes that are the same or closely related, if it finds that the consolidation will be conducive to the proper dispatch of its business.

(c) The following requirements shall apply to the filing of documents:

(1) All appeals and other papers required to be filed with the board in any proceeding shall be filed at the Department of Education, 1390 Miller Street, Room 300, Honolulu, Hawaii 96813, within the time period prescribed by the order of the board. The date of filing shall be deemed to be the date on which the petition is actually received by the board or the date of the postmark, if mailed. Petitions not mailed shall be delivered in person by the appellant or the appellant's representative for time-stamping at the time of delivery.

(2) Appeals shall be made on the appropriate form for classification or compensation (pricing) appeals. The forms shall be made available at all state and district offices, or through the exclusive representative for educational officers. Additional information may be attached to the appeal form being submitted.

(3) Unless otherwise specified, an original and seven copies of all papers shall be filed.

(4) If any document filed in an appeal is not in substantial conformity with the applicable rules of the board as to the contents therein, or is otherwise insufficient, the board on its own motion or motion of any party may strike the document or require its amendment. Five days or the balance of the period for filing, whichever is greater, shall be allowed to submit amended documents. If amended, the document shall be effective as of the date of receipt of the amendment.

(5) All documents filed with or presented to the board shall be retained in its files.

(d) All computations of time shall be based on calendar days, except that when the last day of any computation falls on a non-working day (Saturday, Sunday and holidays), the last day shall be considered to be the first working day after the non-working day.

(e) All decisions made by the board in any appeal shall be served upon the parties participating in the appeal by regular mail or personal delivery, or as otherwise mutually agreed to by the board and the parties involved. [Eff. NOV 28, 1988] (Auth: HRS §302A-620) (Imp: HRS §302A-620)