

Legislative Analysis



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House Bill 4022 as reported from committee

Sponsor: Rep. Ryan Berman

Committee: Oversight

Complete to 3-24-21

Analysis available at
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BRIEF SUMMARY: House Bill 4022 would amend the Electronic Open Access to Government Act to require employee salary and general benefit information to be listed on the state's website, in addition to the information currently required to be posted under that act.

FISCAL IMPACT: House Bill 4022 may increase costs for the Department of Technology, Management, and Budget (DTMB) and the Civil Service Commission. (See **Fiscal Information**, below, for a detailed discussion.)

THE APPARENT PROBLEM:

The salary and value of benefits for public employees are considered public information, and any person may file a request under the Freedom of Information Act (FOIA) to obtain information specific to a particular employee. However, if a person is interested in how much a state worker in a particular field makes, there is currently no quick and easy way for the public to access such information. Legislation has been proposed to require employee salary and benefit information to be included on the state's website.

THE CONTENT OF THE BILL:

The Electronic Open Access to Government Act requires DTMB to include, accessible to the public at no cost, links on the state's website to the function and contact information for each executive branch department and its major divisions and subunits. Among other things, the act currently requires the information for each department to include a description of the primary functions of each major division or subunit of the department and telephone numbers and email addresses for the public to contact the department, division, or subunit. This information must be updated quarterly.

House Bill 4022 would amend the act to require that the information for each department include a list of the department's employees that includes the position title, classified or nonclassified civil service distinction, salary, and general benefits information for each employee. The list could not include a name, initials, email address, Social Security number, phone number, street address, or other information that could be used to identify an employee or an employee's beneficiary.

The bill would take effect 90 days after its enactment.

MCL 15.451

BACKGROUND INFORMATION:

House Bill 4022 is identical to HB 5015 of the 2019-20 legislative session. That bill was passed by the House of Representatives and reported from the Senate Oversight committee.

FISCAL INFORMATION:

House Bill 4022 may increase costs for DTMB and the Civil Service Commission. Ongoing costs would vary depending on the amount of information that is interpreted to be required by the bill's language and whether any additional personnel support would be needed to collect, organize, and update the information quarterly. The amount of time and personnel resources required to compile the report would depend on factors such as whether salary means employee base pay or all actual income and pay received in the prior quarter, the level of information required for "general benefits" information, the types of state-paid workers and contractors considered to be non-classified, and whether information is reported in the aggregate or by individual employee. DTMB could incur additional part-time or full-time FTE costs depending on these reporting requirements.

DTMB's Office of Financial Management anticipates that an additional staff member would be needed to satisfy the bill's requirements. With an additional necessary staff member, the bill is estimated to cost \$128,000 in the first year and \$110,000 for each subsequent year. The additional \$18,000 would be associated with programming costs to collect data from state departments and to publish the information online.

The bill would have no fiscal impact on local units of government.

ARGUMENTS:

For:

The bill would address the issue of public access to state employee compensation by requiring the state's website to list employee salary and general benefit information for each employee. The bill would apply to civil service and other state agency employees. No names or personally identifiable information could be included, just a list of job titles with related salary, general benefit information, and whether the position was classified or unclassified. Currently, the House of Representatives provides similar information in an easy-to-access format. Supporters of the measure believe that the bill would increase governmental transparency and accountability, as well as save citizens time and money otherwise spent filing a FOIA request. Since the information is linked to a title, rather than to an individual employee, the bill in its current form provides a level of protection from identity thieves or stalkers and addresses other safety concerns that earlier versions of the legislation did not.

Against:

Although the bill has been scaled back from earlier versions regarding the specificity of the information to be provided, there is still opposition. First, the salary range for position descriptions can already be found on the Michigan Civil Service Commission website under Job Specifications. Second, the state employs tens of thousands more employees than do smaller public entities such as the House of Representatives, and therefore could produce a very bulky list. Further, it is not clear what would constitute "general benefit information" so

as to satisfy that requirement, as “benefits” could include more than just basic health, vision, and dental insurance.

POSITIONS:

The Mackinac Center for Public Policy indicated support for the bill. (2-11-21)

The Department of Technology, Management, and Budget indicated a neutral position on the bill. (2-11-21)

The following entities indicated opposition to the bill (2-11-21):

- Michigan Corrections Organization
- Service Employees International Union (SEIU) Local 517M

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Michael Cnossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.