



NEWS

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State salaries: taxpayer's right to easy access v. some level of privacy

Currently pending is HB 35 sponsored by Rep. Michael W. Tryon (R-Crystal Lake) and, as of this writing, co-sponsored by over two-dozen other Representatives. This legislation mandates, among other things, the creation by the Department of Central Management Services (CMS) a website to be known as the Illinois Accountability Portal for direct access to "a database of all current State employees and individual consultants, sorted separately by name, agency, and position title, listing for each their current pay rate and year-to-date pay." (If passed to be known as 20 ILCS 405/405-335). And through amendment #1, within 12 months of enactment, the website is to be created.

As of this writing, HB 35 was placed on 2nd reading on February 10, 2009 and amendment #1 had been referred to Rules Committee.

From published reports, there are varying views on this new "easier" access to public employee salary information. Everyone acknowledges that public employee salaries are subject to FOIA requests. Public employees work for and are paid by the people of the State of Illinois. And, we have all seen newspaper articles with State employee salaries – whether recent hires or long-term employees changing jobs. There are purportedly some websites which provide this data already in some format. The debate seems to center on why should the State of Illinois readily publish this information on a website?

The State's largest employee union, the American Federation of State, County and Municipal Employees (AFSCME) has objected to HB 35 indicating that there is no public policy reason to place such data online. No one wants a neighbor or stranger to learn (for no good reason) how much money they earn. Should rank-and-file employee salaries be readily available for public dissemination? There appears to be no objection to gross salary ranges for specific titles. Bargaining unit employees have published pay grades for numerous titles and step increases over the course of time. This legislated website, however, does not appear to take into account or consideration issues of longevity, educational requirements, or any other factors that could explain or shed light on a given salary.

The movement for legislation of this nature appears to be tied to the ongoing efforts at openness and transparency in Illinois

government in the wake of our recent national exposure. Entities driving these efforts are the legislature's Joint Committee on Government Reform and Governor Quinn's new Illinois Reform Commission.

Accuracy of data can be a concern also. As written, one would presume the data would only be "salary," but that could easily encompass overtime pay which, in some agencies with the low numbers of employees, may result in a large amount of mandatory overtime, which would artificially inflate actual base salaries.

Employees in sensitive positions – whether regulatory or quasi-judicial – could be faced with difficulties. What happens if the regulated and/or investigated taxpayer throws unnecessary barbs (about their "high" salary) at the State employee who is simply doing their required duty? Has a conflict been created? Must the employee be recused from the matter? In this circumstance, no employee could step in to take over since all the data is public for every employee.

Proponents contend the information would provide transparency, deter favoritism in issuance of pay raises, and deter any efforts at "ghost payroll" (no-show jobs for which pay is drawn). Claims of discrimination could more easily be raised if information is easily accessible.

The internet makes all things possible. The question may ultimately be – when is enough information enough?

C. Kirbach

Upcoming Events:

Government Bar Association:

- March 23 – March Luncheon @ Maldaner's: Judge Mills
- April 23 – April Luncheon @ Maldaner's: TBD
- May 21 – May Luncheon @ Maldaner's: Judge "Rudy" Braud
- June 13- Abraham Lincoln CLE Diamond Tour
- June 16 – 5 – 7:00 PM: Annual Meeting @ Corkscrew

Sangamon County Bar Association:

- June 4 – SCBA Smoker: Location/Time TBD

Central Illinois Women's Bar Association:

- March 17 – Pro Bono Opportunities Luncheon @ Charles and Limey's 11:45 AM
- April 20 – Cheryl Niro & Professionalism Luncheon
- May 19 – Judge Sanchez & Rules of Evidence Luncheon

Annual Holiday Party Brings Back Familiar Faces

This year's annual holiday party last December at D.H. Browns gave Government Bar Association Members a time to unwind, have a beverage and enjoy great food (thanks Barb – and Frank too!!). The weather decided to cooperate until the later hours when Springfield got hit with some nasty ice; however, there were no reported accidents by the attendees so we will chalk it up to a successful event.



The GBA also held a silent auction at the holiday party that helped raise over \$500 towards our annual scholarship fund that aids law students seeking a career in a government related legal profession. Winners within the silent auction were treated to various wines, books, gift certificates and other packages.



January Luncheon: Illinois National Guard

Colonel Rich Fox, the Chief Legal Officer of the Illinois National Guard, talked about the role of the military lawyer at the GBA's January Luncheon. Col. Fox discussed his background as a civilian in-house counsel for a large insurance company based in Bloomington, IL. He was called up on "active duty" while several judge advocates were called to serve in Afghanistan and Iraq.

Col. Fox gave a brief history about the Judge Advocate's Office and how it has played an important role in policy decisions for military matters throughout its conception. Their

attorneys play a vital role for deployed soldiers working on everything from wills to power of attorney documents that help families while their enlisted members are called to service. Furthermore, the Judge Advocate's Office works with civilian contractors to meet the military's basic supply needs and deal with discipline issues when soldiers are accused of violating the law.



February Luncheon: Springfield's Chamber of Commerce Tackles Tough Environment with Q5 Initiative

Gary Plummer, President and CEO of the Greater Springfield Chamber of Commerce, explained a 5 year initiative by the Chamber that was designed to create and retain 4,500 jobs by 2012 through a mechanism called "Q5". Q5's goal was to raise \$4.3 million in investment funds to support the program from various entities, labor interests and government bodies but ended up obtaining \$5.2 million in pledged support. Q5 has just started its 3rd year and within the first 2 years, they report that they are more than 1/3 of the way to hitting their target. Gary acknowledged that this current year would be their most challenging.

Q5 has elected to focus on the Mid-Illinois Medical District, work force development and the infrastructure needs of Sangamon County to make the region more attractive to outside entities wishing to relocate. Some highlighted initiatives include improving east-Springfield development with micro-loans for small businesses and the Continuum of Learning which assists education needs from pre-k to professional development (see www.continuumoflearning.com for more information).

Elections Coming UP!!

If you would like information about becoming more involved with the Government Bar Association, please contact Arden Lang who is chairing the nomination committee. If you want to get involved but don't want to run for office, feel free to contact Ed or Rob to find out how (see contact information below).

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