

Legislative Analysis



STATE WEBSITE: INCLUDE EMPLOYEE INFORMATION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5015 (H-3) as reported from committee

Sponsor: Rep. Ryan Berman

1st Committee: Oversight

2nd Committee: Ways and Means

Complete to 2-6-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5015 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.

The act requires the Department of Technology, Management, and Budget (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 5015 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

BRIEF DISCUSSION:

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 currently is no quick and easy way for the public to access such information. The bill would address the issue 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 did not.

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.

FISCAL IMPACT:

House Bill 5015 would increase costs for DTMB related to the initial costs of technological changes and the potential need to cover the ongoing cost of an additional full-time employee to administer the quarterly updated list. The 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.

POSITIONS:

SEIU Local 517M indicated support for the H-3 version of the bill. (1-16-20)

The following entities indicated opposition to the bill:

Michigan Corrections Organization (1-16-20)

Association of State Employees (1-16-20)

UAW (11-7-19)

SEIU Michigan State Council (11-7-19)

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