

State payroll closed to public

Employees, jobs, salaries available in most states

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Ever wonder how much money a state trooper makes?

How about snowplow drivers, state park managers or highway workers?

If you lived in many states, the answers would be as close as your computer or the local library.

In South Dakota, you can't find out.

The Argus Leader has made repeated requests over the past four months for a list of state employees and their salaries. State officials have refused to reveal the salaries for the vast majority of South Dakota's roughly 14,000 employees, their positions or even the department in which they work.

Making the employee list public would be against the law, according to a lawyer who represents the state.

That prevents South Dakotans from knowing whether their tax dollars are spent wisely.

It also keeps residents and employees in the dark about whether they are overpaid or underpaid, whether state workers with political or family connections get paid more, and a host of other questions.

"If the public's money is paying it, it seems to me the public is entitled to know the information - who and how much they are paying," said Sen. Dave Knudson, a Sioux Falls Republican who is the majority leader in the state Legislature.

Jay Stewart, executive director of the Better Government Association, puts it even more bluntly.

"It's arrogant," said Stewart, whose Chicago-based organization ranked South Dakota last in the nation for access to public records six years ago.

"These are your tax dollars, and the government should have an obligation to tell you what it spent your money on," he said.

Massachusetts found residents wanted to know

The state's refusal to release salaries of most state workers comes as many other states are taking steps to make the information even more accessible to the public. In at least a dozen states, the information is on the Internet, according to an Argus Leader survey.

In Massachusetts, the Boston Herald put the salaries of state workers on its Web site June 6 and quickly learned they are wildly popular with the public.

"We had 31/4 million page views in one day, and it was so many that it crashed our entire site," Editor-in-Chief Kevin Convey said.

"It's got the whole city talking and yapping," Convey said.

It also angered some.

"We've gotten a couple death threats," Convey said.

He notes that people who make death threats "almost never" carry them out.

Easy to see employee pay in neighboring states

Minnesotans, North Dakotans and Iowans are able to find out - with relative ease - how much their state workers are paid.

In Iowa, "it's always been public information as long as I can remember," said Terry Branstad, who was Iowa's governor from 1983-1999.

"They are paid with tax money, so it seems to me that taxpayers have a right to know that information," said Branstad, a four-term Republican governor, now president of Des Moines University.

The Iowa Legislature even uses its Web site, www.legis.state.ia.us, to post the salaries of state workers. From there, the public also can find out how much employees spend on the taxpayer's dime outside the office.

"There's travel and meals and all kinds of stuff like that," said Deb Madison-Levi, a spokeswoman for the Iowa Department of Administrative Services. Iowa's salary book is published every November and is available to the public in paper form or as a CD-ROM. Both versions cost \$49.82.

In Missouri, a state official was asked whether salaries are public. The next day, the Argus Leader received an e-mail with the name, title and salary of every state employee there.

In North Dakota, salaries are a public record.

"We have a pretty open public record law in North Dakota," said Laurie Sterioti Hammeren, director of human resource management services.

Gov. Mike Rounds would not respond to requests for interviews, and his office did not provide the requested list of workers and their pay. A private lawyer hired by the governor's office, Neil Fulton, wrote a letter to the Argus Leader explaining why the state would not comply with the

request.

"The State is bound by applicable statutes and administrative rules limiting what personnel information can be released and how," Fulton wrote.

Basically, the state officials say that South Dakota law does not require that a list of employees, their job titles and salaries be kept. Therefore, they say, such information is not open to the public, because the open records law says only those records that are required by law to be kept are open to the public.

Fulton also refers to an administrative rule that limits how the state could make the information public.

In South Dakota, "we all know that information is in government somewhere because those people are reporting for work every day, and they're getting paid," said Jon Arneson, a lawyer for the Argus Leader.

'Herculean task' to compile lists of salaries, state says

Social security numbers and other personal information in payroll records is removed before the data is made public in other states, and Arneson said the newspaper is not seeking any sensitive information about state employees here.

The information on a specific employee's title and salary can be obtained if a request in that person's name is made, the state officials say. But staff lists or salary information kept by department or agency, they maintain, is not public.

South Dakota Bureau of Finance and Management Commissioner Jason Dilges offered one other reason for the state's refusal to provide the employee information: It would take too much work to compile it.

"Given that you have requested this information for all state employees, this is a Herculean task that would take someone away from doing their job for a significant period of time," Dilges wrote March 15, in response to the Argus Leader's request.

That response is similar to one given earlier this year by the South Dakota Department of Public Safety in refusing to release a list of drunken drivers arrested at sobriety checkpoints.

Three S.D. agencies provided salary information

Many states use payroll records to share salary information with the public. Three South Dakota state government offices - the Public Utilities Commission, the school and public lands office and the auditor's office - did release their staff lists and salaries when asked by the newspaper.

The six-employee Office of School and Public Lands promptly supplied a copy of its salaries, which ranged from \$32,000 to \$73,865.

"It was easy for us - we're probably the smallest agency in state government, so we just put it together and got it done," Deputy Commissioner Jennifer Toscana said.

"We're public servants, and we feel like if this is the kind of information people want to know, they should be able to find out," Toscana said.

The Public Utilities Commission also released the salaries of its 30 employees, as did the Office of the State Auditor.

Local governments in South Dakota provide such information upon request. In Sioux Falls, employee names and salaries can be sorted in various ways from the city's computerized payroll system, said Jennifer Holsen, the city's director of human resources.

School districts in South Dakota have published teachers' salaries as well.

The state Legislature could take action to open up the records.

"If the Legislature feels that providing a database of employee salaries is something the public ought to have, they can tailor a law specifically to that, or they can make it broader than that," said South Dakota Attorney General Larry Long.

"The balance that has to be made there is the rights of the public to know and the rights of the employees, frankly," he said.

Potential intrusion of privacy, state workers group argues

For employees, there are potential drawbacks, especially in a relatively small state.

"Obviously, these people work for the state of South Dakota, and they are public employees, but I do think there would be a level of uncomfortableness with your neighbor knowing how much money you make and those types of things," said Corey Landeen, executive director of the South Dakota State Employees Organization.

In Pierre, a city of about 15,000, employees are likely to know many people in town. That's not the case in larger state capital cities such as St. Paul.

Another potential problem with making state salaries public: Employees might learn about inequities in pay, which could lead to hard feelings. Co-workers who haven't been in state government as long are paid more, for instance.

In North Carolina, a newspaper found widespread inequities in how state workers were paid - and how they got pay raises, according to a report from the Investigative Reporters and Editors Journal.

State employees there who were close to powerful people such as the governor and state lawmakers got special treatment in getting pay raises, according to reports from the News & Observer in Raleigh, N.C.

A key question, then, is whether the public good gained from exposing such inequities outweighs the privacy concerns of employees.

For Stewart, the question is not a close call.

"This is such a basic matter in almost any other state," he said. "Imagine if that happened in Congress ... you wouldn't stand for it, and South Dakotans shouldn't stand for it."

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