




April 11, 2023

**FISCAL AND POLICY NOTE**

TO: Jennifer A. Jenkins  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Malcolm Moody - *MM*  
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-038-2023 Pay Transparency

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CB-038-2023 (*Proposed and presented by:* Council Members Blegay, Oriadha, Burroughs, Ivey, and Dernoga)

Assigned to the Government Operations Fiscal Policy Committee (GOFP)

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AN ACT CONCERNING PAY TRANSPARENCY for the purpose of requiring Prince George's County Government to develop, publish and make easily accessible by digital system the salary information for public employees to promote an open and honest exchange with the public, county government employees, and external stakeholders related to the compensation, classification, and pay of all public employees.

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**Fiscal Summary**

**Direct Impact**

*Expenditures:* Minimal additional expenditures likely.

*Revenue:* No revenue impact likely.

## **Indirect Impact**

Potential reduction in costs associated with processing Public Information Act requests associated with employee salaries.

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## **Legislative Summary:**

CB-038-2023, proposed and sponsored by Council Member Blegay, Oriadha, Burroughs, Ivey, and Dernoga was presented on March 14, 2023, and was referred to the Government Operations Fiscal Policy (GOFP) Committee. The Bill would require the County to develop, publish, and make easily accessible by digital system the salary information for public employees to promote an open and honest exchange with the public, County government employees, and external stakeholders related to the compensation, classification, and pay of all public employees.

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## **Current Law/Background:**

### *County Open Data*

By CB-010-2023,<sup>1</sup> which is scheduled to be enacted by the Council on April 11, would add §2-528 to 2-536 to the Code, “Open Data Plan,” which would make certain public data sets available through a web portal prominently displayed on the internet; requiring the County to maintain technical standards for publishing public data sets; requiring the County to maintain technical standards for publishing data sets; requiring the County Executive or their Designee to enhance the County Open Data Portal and develop an Open Data Plan; and generally relating to general provisions. Any costs of additional data sets would be included in the costs associated with CB-010-2023 which have yet to be fully calculated.

The current Prince George’s County Code, under Subtitle 2. Administration, of the County Code, does not include any guidelines or mandates for making public data sets available and the role of the County Executive or their Designee in developing an Open Data Plan. The bill would be the first in expanding these requirements within Subtitle 2 of the Code and contemplates broader and more up-to-date data access than is currently provided.

### *Public Employee Salaries as Public Records*

The Maryland Code, General Provisions Article, § 4-101<sup>2</sup>, part of the Public Information Act (PIA), includes within the definition of “public record” a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision. This provision was not in the original PIA but was added by a separate amendment in 1973<sup>3</sup>. The Maryland

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<sup>1</sup> [CB-010-2023](#)

<sup>2</sup> [MD. General Provisions Code Ann. § 4-101 \(2021\)](#)

<sup>3</sup> See [Chapter 63, Laws of Maryland 1973](#)

Attorney General in 1998 also stated that a “public record” explicitly encompasses the salaries paid to employees, including bonuses and performance awards<sup>4</sup>. Records that fall under this definition cannot be withheld as personnel records and must be made available to the public if requested under the Public Information Act.

*Relevant similar Legislation/Initiatives:*

Montgomery County currently has the gross pay and overtime pay for all active, permanent employees of the County during the Calendar Year (CY) of 2019 - 2022<sup>5</sup>. The County previously enacted Bill 23-12<sup>6</sup> on December 4<sup>th</sup>, 2012, which required that the County make certain public data sets (PDS) available on a single web portal online, which is like the requirements of CB-010-2023.

The City of Baltimore has also included data on their government employees from FY 2011 – FY 2022<sup>7</sup> on their Open Data portal that came because of Information Technology (IT) initiatives taken by the city. The data includes information on an employee’s name, job title, agency ID/name, hire data, annual salary, gross pay, and the corresponding Fiscal Year.

Also, the government of Washington DC provides the public the ability to see employee salaries by agency through two methods. The public can search for a specific employee or agency through the search function provided on the DC Department of Human Resources (DCHR) website<sup>8</sup>. The other method is also provided by the DCHR that provides a quarterly update<sup>9</sup> to the salaries of public employees. The data includes information on the Office an employee works at, appointment type, name, title, grade, annual rate of pay, and start date.

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**Resource Personnel:**

- Devan Martin, Chief of Staff, District 6

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**Discussion/Policy Analysis:**

*Provisions of CB-038-2023:*

The proposed Bill would establish §16-244 under Subtitle 16<sup>10</sup> of the County Code that would require the County to make available to the public a public data set on a web portal or digital

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<sup>4</sup> [Opinions of the Attorney General 192 \(1998\)](#)

<sup>5</sup> [Montgomery County Employee Salaries](#)

<sup>6</sup> Montgomery County Council – [Reference No. Bill 23-12](#)

<sup>7</sup> [Baltimore City Employee Salaries](#)

<sup>8</sup> [Public Body Information Search Tool](#)

<sup>9</sup> [Public Employee Salary Information - DC](#)

<sup>10</sup> [Subtitle 16. - Personnel](#)

system that includes the compensation, classification, and pay of all County public employees. Under this Bill the Public Employee Data Set would include but not limited to, the following:

- County Employee Name
- Department/Agency
- Job Title
- Current Annual Salary

In addition to requiring the creation of a Public Employee Data Set, the Bill requires that the data shall be:

- Made available for download
- Published in a format that permits automated process
- Be updates annually
- Made available without any registration or license requirement or restriction on use

Additionally, the County shall require a third-party providing the data set or application utilizing the data set on behalf of the County to identify the source and version of the public data set and describe any modification made to the data set.

Given that the County already has an established data web portal,<sup>11</sup> and that the Council will likely have enacted CB-010-2022 by the time of enactment of this Bill, publishing the data set containing the required information should not result in significant additional costs.

While employees may have privacy concerns about the publication of their salaries, this information, albeit somewhat dated, is available on third-party websites<sup>12</sup> whose proprietors likely acquire this information via public information requests and then profit from publishing it. As noted above, public employee salary information is a public record subject to disclosure under the Maryland PIA. Proactively disclosing the information would demonstrate the County's commitment to transparency and accountability without disclosing information that is not otherwise subject to public inspection.

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### **Fiscal Impact:**

- *Direct Impact*

Enactment of CB-038-2023 is likely to have a minimal adverse fiscal impact on the County, as any costs will essentially be part of expenditures related to the development and execution of the Open Data Plan outlined in CB-010-2023 and the creation of additional data sets.

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<sup>11</sup> <https://data.princegeorgescountymd.gov/>

<sup>12</sup> For example, see <https://openpayrolls.com/>

- *Indirect Impact*

Enactment of CB-038-2023 will likely have an indirect impact of saving any costs associated with the processing of PIA requests for County employee salaries. Any savings would be related to the number of requests rendered unnecessary by the proactive disclosure required under the bill and the amount of staff time that would otherwise be spent responding to those requests.

- *Appropriated in the Current Fiscal Year Budget*

No

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**Effective Date of Proposed Legislation:**

The Act shall take effect forty-five (45) days after it becomes law.

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If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.