



STATE OF UTAH
ELECTED OFFICIAL AND JUDICIAL COMPENSATION COMMISSION

W310 STATE CAPITOL COMPLEX • P.O. BOX 145310 • SALT LAKE CITY, UTAH 84114-5310
PHONE: (801) 538-1034 • FAX: (801) 538-1692

December 6, 2016

Governor Gary R. Herbert
350 North State Street, Suite 200
Salt Lake City, Utah 84114

President Wayne L. Niederhauser
Speaker Gregory H. Hughes
Executive Appropriations Committee
Utah State Capitol Complex
Salt Lake City, Utah 84114

To the Honorable Governor Gary R. Herbert, House Speaker Gregory H. Hughes, Senate President Wayne L. Niederhauser, and members of the Executive Appropriations Committee:

Pursuant to Utah law (UCA 67-8-5), the Elected Official and Judicial Compensation Commission (EJCC) is required to report on its study activities and any recommendations from the EJCC. In addition to making recommendations on compensation for statewide elected officials and state judges, the Commission had the added responsibility (starting in 2015) of studying and making recommendations on compensation for the members of the State Board of Education.

The Commission met during the interim to review, deliberate and make recommendations on the following:

1. The legislative/compensation outcomes and additional issues relating to compensation of elected offices, Utah Judiciary, and members of the State Board of Education, and
2. Judicial information needs.

1. Review of Legislative/Compensation Outcomes

The Commission reviewed the legislative changes and compensation outcomes for the statewide elected offices, Utah Judiciary, and members of the State Board of Education. In the 2015 and 2016 General Sessions, the Utah State Legislature enacted a number of sweeping changes in the compensation of Utah's five (5) statewide elected officials and the Utah judiciary. Those actions were based on the recommendations of the EJCC which had been presented to the Utah State Legislature over a period of years.

The salary increases for the statewide elected officials will begin with these individuals' new terms in January. The judicial salary increases were phased in over two years beginning in fiscal year 2016 with the second phase being implemented in fiscal year 2017. In addition, the

Legislature authorized future elected officials' salary adjustments to be implemented via the appropriations process rather than through separate legislation. These were also recommendations from the EJCC.

Amid the Commission's study on the compensation for members State Board of Education, and upon deliberation, the Legislature decided (in the 2016 General Session) to compensate State Board of Education members essentially equivalent to state legislators. Considering this, we recommend the Utah Legislature remove this responsibility from the Commission's duties.

Our Commission is most appreciative of these legislative actions. Given the fact that these large changes are just now being implemented, the EJCC is not making any further recommendations for salary adjustments this year. Again, we would anticipate that any across-the-board salary adjustments for all public employees would also apply to judges and the elected officials as well. Our study efforts this year have focused and will continue to focus on ways to avoid the "lurch" associated with long-delayed salary adjustments that have occurred in the past. We look forward to offering our input into this discussion. I wish to thank the members of the EJCC who have given generously of their time.

2. Judicial Information Needs

Throughout the overall review of judicial compensation, EJCC became aware of a need for an improved process for obtaining judicial hiring information. The judicial hiring information that the Commission on Criminal and Juvenile (CCJJ) provided in 2014 was crucial in making recommendations to increase judicial compensation. As pointed out in that report, an increasingly greater proportion of judicial applicants were from the public sector and conversely an increasingly smaller proportion were from the private sector. Fewer applicants had the civil background/expertise that is making up an increasingly larger proportion of all judicial cases.

Due to staffing and budget concerns, CCJJ this year responded that they were unable to provide some of the same information that the EJCC had previously utilized. We do not question the demands placed on the CCJJ, however the Commission does see judicial hiring information as critical in (1) formulating recommendations overall and (2) for looking at the results of any legislative changes in relation to the recommendations. As such, we recommend that the Legislature appropriate funds and/or add that to the duties of the Commission in statute.

Sincerely,

Roger O. Tew, Commission Chair
Utah State Elected Official and Judicial Compensation Commission