



November 13, 2019, Ad Hoc Willis Study Meeting Minutes
Tacoma Public Library – Moore Branch, 215 South 56th Avenue, Tacoma

The Ad Hoc Willis Study meeting of the Washington Citizens' Commission on Salaries for Elected Officials was brought to order by Teri Wright at 1:01 p.m.

Commission Members Present:

Sandi LaPalm
Gerry Sherman
Steven Starkovich
Larry Turner
Karen White

Commission Members Unexcused:

Libby Hart
Andrew Malidore

Staff Present:

Teri Wright, Executive Director
Lindsay Matthews, Executive Assistant

Teri handed out copies of the meeting minutes from the last Willis Study meeting and made note that there was a minor change to the minutes in regard to Washington being a decentralized state, there are four comparable states plus Washington that are decentralized.

Gerry moved to approve the September 10, 2019 meeting minutes. Larry seconded.

The motion was approved by a unanimous voice vote.

Teri updated the group, she has been attempting to find someone to do a Willis Study with no success yet, and at this point she plans to wait until January to ask for an interagency agreement due to the statewide IT reclassification. She did find out the cost for an interagency agreement would be approximately \$8,000-\$12,000 depending on which branch the Willis Study is done on. The Judicial Branch would be closer to \$12,000 due to the complexity, the Executive Branch would be closer to \$8,000. If an outside consultant is needed the cost would be closer to \$18,000-\$22,000. She is trying to get an interagency agreement to save the Commission money.

Teri then wanted to talk about the issue surrounding the Judicial Branch and the “degree of parity” statement in the Willis Study. The Judiciary views this as equal to, but the Commission has viewed it as a benchmark. She asked Commissioners how they view this statement. Steven made note that several salary setting sessions have taken place since this study and it appears that each Commission has viewed this statement similarly, as a guide or benchmark. Teri reminded

Commissioners that unless duties or responsibilities have changed the Willis Study is still accurate.

Steven reminded Commissioners that at the last meeting Judge Chushcoff said that the nature of trials has become much more sophisticated and complicated with technology.

Larry feels that there is no need for a new Willis Study for the Judiciary because the current Willis Study is still pertinent. He also made reference to the other data points used, like the four other decentralized states salaries, the 12 comparable states salaries, and salaries nationally.

Steven said that he doesn't want to lose the Federal data, he believes it is important as a data point and benchmark.

Teri commented that Commissioners know how important it is to not just look at one piece of data but to view all the information provided. Teri verified that the Willis Study group sounds like they are leaning toward no Willis Study for the Judiciary, but will recommend to the whole Commission that they use the history as a point of order moving forward, even though the Willis Study says "degree of parity" the Commission as a whole has interpreted and used that statement to mean benchmark.

Gerry voiced agreement that the Willis Study for the Judiciary is still relevant and there is no need for a new Willis Study at this time.

Larry said that the way he read the Willis Study was that it said moving toward parity not exact parity.

Teri added that the Willis Study report cannot be altered but the Willis Study group can make a recommendation to the Commission as a whole to say the Commission has interpreted that we believe the statement "degree of parity" meant a benchmark, or whatever the group decides.

Steven looked up the definition of parity online and read it aloud. The first definition he found is: equality as in the amount, status, or character. The second definition he found is: equivalence, correspondence, similarity, or analogy.

Sandi spoke about when the judges presented to the Commission last salary setting session, she remembers they were having a recruitment and retention shortage due to the fact that private attorneys tend to be able to make more money but noted that is a separate issue and would not be addressed with a Willis Study.

Judge Judith Ramseyer verified some of the other data points that the Commissioners look at besides the Willis Study.

Steven added that hearing the state economist's information is also a crucial data point.

Sandi mentioned geographic pay, which addresses cost of living via location.

Larry moved to not have a new Willis Study done at this time for the Judicial Branch. Steven seconded.

The motion was approved by a unanimous voice vote.

Teri explained that once the whole Commission meets she will go over the recommendation made by the Ad Hoc Willis Study group to make sure they agree, then there would be a final vote to adopt the recommendation.

Larry read from the 2004 Willis Study: "A reasonable course of action for the Commission to follow is to move *toward* a degree of parity with the federal bench over time. Such action can be justified in part by the fact that federal judges perform substantially similar work as our state judges but have significantly more job security since they are appointed for life, while the state judges must run for re-election." He suggested the Commission ask the Administrative Office of the Courts to list more states that are similar to Washington and the percentage of similarity. Teri replied that she has asked the Administrator of the Courts those questions but hasn't heard back yet. Larry would like to hear back to get a more broad spectrum of information.

Larry made the point that the Commission doesn't take into consideration the cost of elections for elected officials it sets salaries for and the only group that brings up election costs to the Commission are the judges. Judge Judith Ramseyer replied that judges are prohibited from raising money for their elections, other people can raise money on a judges' behalf but not themselves. Other elected officials can raise money for their elections which is likely why the Commission only hears about election costs from the judges.

Teri then asked to talk about a Willis Study on the Executive Branch.

Karen remembers that the Superintendent of Public Instruction mentioned due to the McCleary decision the job duties had changed, but she thought the duties hadn't changed but the workload had increased. She asked if anyone remembers any other elected officials mentioning significant changes in their job duties. Teri remembers the Lieutenant Governor said the job duties had significantly changed.

Larry added that the Lieutenant Governor had chosen to add more, but not actually had any legislation to change his duties. Teri replied that those are things that the Commissioners need to

decide. If they believe the duties are substantive the Commission can have a Willis Study done to determine if that is the case for the Executive Branch.

Gerry brought up that all Elected Officials are battling with technological advances. Including the Secretary of State with how elections are changing. He doesn't know if the changes are new duties or just changes with time.

Lindsay also remembered the Auditor had said their duties had expanded with performance audits.

Sandi mentioned that she believes the McCleary decision, for example, may have changed the duties for many of the elected officials in the Executive Branch. She made the point that adding extra staff to complete tasks is part of the changes but that new staff means overseeing more people and making sure all the new duties get completed. She went over some of the McCleary decision details that she remembers and whom it affected.

Steven asked for clarification on what the Willis Study covers. Teri replied that the Willis Study covers job knowledge, managerial skills, problem solving (which involves independent judgment), size of impact, and freedom to take action. She believes amount of work falls under size of impact and it may be affected if a person were supervising two people versus supervising 40 people.

Steven asked what a new Willis Study would allow the Commission to know that the current Willis Study does not. Teri replied that the Commission would see an increase or decrease to the final Willis point factor numbers.

Sandi pointed out that the Elected Officials are not experts or specialists at explaining their job duties, skills, impact or even changes since the last Willis Study. They are experts at doing the job they were elected to do. Having a specialist get that information from the Elected Officials is the best way for the Commission to receive clear understandable differences.

Larry added that an Elected Official can delegate authority but not responsibility. If a job description has changed then the responsibility has to have changed, not the workload.

Steven asked if the Commission has the money in its budget to have a Willis Study preformed? Teri replied as long as it is an interagency agreement and not an outside consultant doing the Willis Study the Commission does have the approximately \$8,000 in the budget.

Karen said she is interested in a new Willis Study for the Executive Branch.

Teri added that she requests an updated position description each salary setting session, if the elected official believes that the previous position description is still accurate they don't send a new one and she will use the previous position description. Sandi suggested the Commission write an addendum or template of questions to go along with the Elected Officials job description request to assist the Commissioners in understanding changes to the duties or scope of work. Teri suggested that if the Commissioners preferred staff could go through the position descriptions and highlight any changes.

Steven made note that after the meetings where he heard from the Elected Official's on their positions descriptions and job duties he thought that he wished every citizen could hear the Elected Official's speak about their duties, challenges, and workloads because in a non-election context it is very valuable. Teri reminded him that they can, the meetings are recorded by TVW and on their website.

Judge Judith Ramseyer asked if the position descriptions and the presentations from the Elected Officials are how the Commissioners receive the updates to the job responsibilities of each of the Elected Officials. Teri replied yes, and the group voiced their agreement.

Teri asked if the Commissioners would like to have a new Willis Study done for the Executive Branch. Does the group think a new Willis Study would be beneficial for them to see if there is a difference to the job responsibilities, job knowledge, managerial skills, problem solving, size of impact, and freedom to take action?

Karen is leaning towards a new Willis Study for the Executive Branch hearing that job descriptions are changing but is it a difference in the responsibilities or just changes.

Larry doesn't believe that a new Willis Study is needed at this time. From the presentations he didn't see responsibilities changing.

Steven is for a new Willis Study for the Executive Branch. He mentioned he would like to see Willis Studies done in cycles to continue to get updated information.

Sandi spoke about an alternative to a new Willis Study or in-between Willis Studies. Job audits, which are conducted one on one by a professional human resources person. Teri asked how that information would be translated into usable data that is different than the Willis Study and would the Commission not use the Willis Study once a job audit were done. Sandi replied no, not do away with the Willis Study but get a more clear idea if the duties had actually changed in-between Willis Studies. Gerry added that the job audit sounds like a good way to have another piece of data to look at. Larry believes adding job audits would just be comparing information the Commission already has because the Willis Study is very complete and has so much

information. Steven suggested adding a meeting in-between the orientation meeting and the meeting where the Commissioners hear from the elected officials to go over the positions descriptions and changes that can be seen on paper. Commissioners asked if that would be allowable by law. Teri replied that she would need to check with the Assistant Attorney General for verification if the Commission can hold a special meeting before the first regular meeting, because the Commission's order is laid out in RCW and she believes that the Commission is required to at the first meeting set a proposed salary schedule.

Teri shared with the group that she was asked to present in Milwaukie, OR to a city salary Commission. She found it interesting that the city salary Commission doesn't allow any city officials to come to their meetings to present on anything or even to be in the room while the citizen jury is making decisions. The group voiced agreement that they like to have the Elected Officials at the meeting to be able to ask questions of them and hear from them directly regarding changes.

Sandi would like to see a new Willis Study done if it's a question of do a new Willis Study or not get new information.

Gerry is torn but leaning towards seeing a new Willis Study.

Steven made note that even getting the same information is still valuable. Karen agrees and thinks it will give the Commission a better scope of view. Gerry voiced agreement, and added that a new Willis study will give the Commission something solid to view their presentations against. Teri added that the Commission can still request job audits and compare the changes to position descriptions along with the new Willis Study. Larry would really like to see a special meeting to go over the changes and how to read the most important parts of the information available before hearing from the elected officials. Teri will check with the Assistant Attorney General to find out what is allowable and that we continue to follow the mandates and RCW.

Teri verified that the majority of the Ad Hoc Willis Study group would like to see a new Willis Study done. The majority minus one voiced agreement. Teri plans to look for someone to perform the Willis Study for the Executive Branch.

Public Testimony

No members of the public were present.

Judge Judith Ramseyer added that she is thankful she was able to ask questions at the meeting and said if the Commission needs any information or has any questions for the Judicial Branch they are happy to help in any way they can.

Next meeting date will be chosen at the January special meeting.

Larry moved to adjourn the meeting at 2:40 p.m.

Gerry seconded.

The motion was approved by a unanimous voice vote

Teri Wright

Teri Wright, Director

5/13/2020

Date

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