

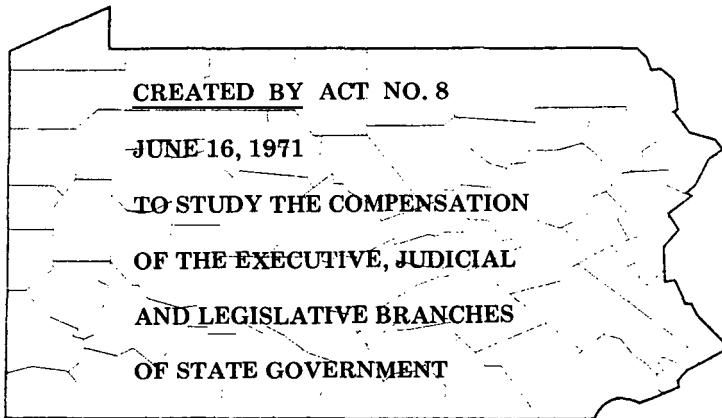
# Commonwealth of Pennsylvania



Report Of

## Commonwealth Compensation Commission

June 1972





REPORT OF  
COMMONWEALTH COMPENSATION COMMISSION

JUNE 1972

*Additional copies of this report can be obtained at the Commission office in Room 308, South Wing, Main Capitol Building, Harrisburg, or by writing to the Commonwealth Compensation Commission, P. O. Box 795, Federal Square Station, Harrisburg, Pennsylvania 17108.*



## COMMONWEALTH COMPENSATION COMMISSION

Responsibilities and Functions

ACT NO. 8

APPROVED June 16, 1971

EXTRACT

"There is hereby established an independent commission to be known as the "Commonwealth Compensation Commission," hereinafter referred to as the "commission," consisting of five members, two of whom shall be appointed by the Governor, one by the Chief Justice of the Supreme Court, one by the President Pro Tempore of the Senate and one by the Speaker of the House of Representatives..."

"The commission shall make an exhaustive study of the salaries, emoluments, retirement benefits, mileage, per diem, travel and other expense allowances and reimbursements of the Governor, the Lieutenant Governor, the cabinet officers (including the Auditor General and the State Treasurer), the justices and judges of the Supreme Court, the Superior Court, the Commonwealth Court, the courts of common pleas, the Municipal Court of Philadelphia and the Traffic Court of Philadelphia, and the officers and members of the General Assembly. As soon as is practicable after the effective date of this act for the initial report and thereafter for subsequent reports, on or before the commencement of each term of the General Assembly the Commission shall submit to the Governor, the Chief Justice, the President Pro Tempore of the Senate and the Speaker of the House of Representatives its report establishing such salaries, emoluments, retirement benefits, mileage, per diem, travel and other expense allowances."

"The initial report shall take effect immediately, unless, within sixty days following the date of submission hereof the General Assembly shall, by concurrent resolution reject the report, in whole or part, or enacts legislation as hereinafter provided in this section... That portion of the report which is not inconsistent with the resolution or legislation so adopted shall have the force and effect of law as herein provided."

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## COMMONWEALTH COMPENSATION COMMISSION

*Appointed by the Governor:*

DR. RICHARD F. SCHIER, Chairman  
*Educator*  
*Professor of Government, Franklin & Marshall College*

ROBERT M. WACHOB  
*Former President and Chief Executive Officer (retired),*  
*The Bell Telephone Company of Pennsylvania*

*Appointed by the Chief Justice of the Supreme Court:*

LEWIS H. VAN DUSEN  
*Lawyer*  
*Partner, Drinker Biddle & Reath*

*Appointed by the President Pro Tempore of the Senate:*

HARRY L. ROSSI  
*Lawyer*  
*Partner, Rossi Guerrelli Suter & Casey*

*Appointed by the Speaker of the House of Representatives:*

BERNARD H. SYMONS  
*Business Man - Management Consultant*  
*President, W & L Sales Company*

*Executive Director*  
**Harry P. Griffiths**

*Administrative Assistant*  
**Ann Marie Miller**

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## LETTER OF TRANSMITTAL

June 22, 1972

The Honorable Milton J. Shapp  
Governor of the Commonwealth of Pennsylvania  
The Honorable Benjamin R. Jones  
Chief Justice of the Supreme Court of Pennsylvania  
The Honorable Martin L. Murray  
President Pro Tempore of the Pennsylvania Senate  
The Honorable Herbert Fineman  
Speaker of the Pennsylvania House of Representatives

Gentlemen:

We have the honor to present to you the first Report of the Commonwealth Compensation Commission.

This Report deals with the total compensation of the public officials subject to our jurisdiction, exclusive of retirement benefits. These officials consist of the members of the judiciary, the elected members of the General Assembly and those executive officers whose salaries are presently set by statute. The Commission plans a second report later this year that will be concerned only with retirement benefits.

The Commission in its deliberations and determinations has throughout sought to construct an incentive system, insofar as compensation can do so, that will assure Pennsylvania government the dedicated, qualified and competent leadership its citizens deserve. We believe that our determinations, if accepted, will substantially improve the quality and responsiveness of representative government and of the administration of justice.

In this Report we have pointed out a number of areas that do not fall strictly within our purview but which we believe to have a clear and direct relation to compensation. As a permanent body, the Commission wishes to make clear in this initial Report its intention to monitor the effects its determinations have on achieving the goals of efficient and economical operation

of State government. Should the Commission's expectations of improved performance fail to be realized, it will not hesitate in subsequent reports to make such additional recommendations as it deems appropriate to realize these goals.

In the course of its deliberations the Commission held hearings at which it solicited testimony from the public. A list of the witnesses who appeared before the Commission appears in an appendix to the Report. In addition, the Commission interviewed a substantial number of people in State government and out, and is grateful for the assistance they provided to the Commission. Lastly, the Commission wishes to express its gratitude for research assistance to The Fels Center of Government of The University of Pennsylvania and to the State Division of the Pennsylvania Economy League. The responsibility for the determinations, of course, rests solely with the Commission.

Respectfully submitted,

Richard F. Schier, Chairman  
Harry L. Rossi  
Bernard H. Symons  
Lewis H. Van Dusen  
R. M. Wachob

COMMONWEALTH COMPENSATION COMMISSION  
AN OPEN LETTER TO THE PEOPLE OF PENNSYLVANIA

The members of this Commission are fully aware of the delicate nature of their assignment and the likelihood of controversy surrounding their determinations. The Commission has chosen to discharge its responsibility by relying on a candid appeal to the good sense of the people of Pennsylvania. We believe that an honest exposition of the problems the Commission confronted and the basis for its determinations may achieve a durable solution to the persistent problem of establishing fair and equitable salaries for the top officials of State government.

Let us first be clear about the scope of the Commission's jurisdiction and the fiscal magnitude of its responsibilities. The Commission is empowered to make salary determinations for a total of 616 state officials, 253 in the legislative branch, 21 in the executive branch and 342 in the judicial branch. If the salary determinations of the Commission are accepted they will, when fully implemented in January, 1975, increase the yearly State budget by \$6,155,300. The compensation of the officials subject to the Commission's jurisdiction presently accounts for less than one-third of one per cent of the State budget. The Commission's determinations would increase that by fifteen hundredths of one per cent.

The Commission is well aware that there is not a large and enthusiastic constituency pressing for higher salaries for State officials. The Commission is also aware that there is a large and enthusiastic constituency that believes, with some justice, that the quality of State government is capable of substantial improvement.

On the one side there is an intractable opposition to any salary increase for any reason whatsoever. Just how large this opposition is cannot be determined with accuracy but it is clearly a substantial political force. Just as clearly it cannot be permitted to prevail if the quality of State government is not to be seriously damaged.

On the other side, there is far too much resistance to obvious and desirable reforms and improvements in the performance of the General Assembly, in the administration of justice, and in the flexibility and responsiveness of the executive branch of government.

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The Commission thus confronts a virtual impasse. Improvement of State government cannot be achieved without a compensation level for top officials that will attract and retain the quality of officials who can bring about the necessary improvements. Improvement in the compensation level cannot secure adequate public support without improvement of State government as a necessary precondition.

One thing is clear to the Commission from its study. Unrealistic limits cannot be imposed on salaries simply because a large number of the forces that determine those salaries are beyond the control of State government. The need for salary adjustments is generated by the rising cost of living, the attraction of comparable positions in government and industry, and the upward pressure of salaries within Commonwealth departments resulting from collective bargaining. All of these factors establish the climate in which the salaries of top level officials must be considered.

The device of a Compensation Commission, composed not of public officials but of citizen-taxpayers, to recommend salary levels for the principal officials of State government offers hope of breaking this impasse. It is a device, with variations, that is used by the Federal government and by at least a dozen other states. If the Commission is to succeed, however, it must enjoy a public support that has been withheld from the General Assembly in its efforts to keep salaries and other compensation current.

The Commission believes that it can succeed if it makes clear from the outset that its salary determinations anticipate improved performance and accountability, and that it proposes, from time to time as in this Report, to suggest where improved performance is to be sought. Increased efficiency, improved delivery of service and operating economies should be well within the capacity of the quality of personnel whose services can be attracted and retained by the compensation levels we are establishing.

The public, therefore, has a large stake in the success of the Commission. The establishment, and continuing review, of the salaries of top level officials of the three branches of State government is simply too haphazard for good government. Rarely have these positions been considered in relation to one another in

fixing compensation and never has there been any device for securing a continuous review of salaries once established.

Public opposition, together with constitutional limitations on altering the salaries during their terms of office of some of the officials subject to the Commission's jurisdiction, have created severe obstacles to a rational compensation policy. Efforts to find substitutes for adequate compensation, as with higher retirement benefits, have served only to increase public resentment further.

The result has been a haphazard and piecemeal process that serves the interest of neither the citizens of Pennsylvania nor their public officials. Salaries have been set in accordance with a predictable cycle that tends to discredit State government and enlarges the already dangerous alienation of citizens from their government.

The absence of any agency for insuring continuous review of the salaries of top level officials has meant that such salaries remain frozen, once fixed, for lengthy periods. The consequences of this, heightened during a period of severe inflationary pressures, are a steady erosion of actual income and a marked deterioration in the morale of public officials. Finally a point is reached where the accumulated pressures for a salary adjustment can no longer be contained. Recruitment and retention of top officials becomes more difficult; the salaries of subordinates reach or surpass their ostensible superiors because these salaries are subject to periodic adjustment; the range of talent and experience available to government becomes constricted; and the willingness of public officials to make further sacrifices begins to approach its limits.

When this point is reached, an effort is made to increase salaries, but that effort, because so long delayed, then requires salary adjustments of such a magnitude that they are seen as exorbitant by many citizens and public opposition is therefore intensified. Eventually, after a political battle that poisons the atmosphere of State government, new salaries are legislated -- and then the same predictable cycle begins again.

It was to remedy this state of affairs that the Commonwealth Compensation Commission was created. It is of the utmost importance that the public realize that the Commission is a permanent body, and that the General Assembly insure its permanence for a sufficient period of time that its adequacy as an instrument for achieving, and maintaining, a rational compensation policy can be fairly assessed.

This is the more true in that the Commission's initial task -- that of fixing adequate salaries for Pennsylvania's top public officials in the light of present realities -- has to be begun after yet another of those long periods in which most salaries have remained frozen. Salaries in the judicial branch have not been adjusted for five and a half years and in the executive for six and three-quarters years. Salaries, as distinct from expense allowances, have not been adjusted for members of the General Assembly since December 1966. It is therefore predictable that charges will be made that many of the Commission's initial recommendations are exorbitant.

This is, regrettably, the price that the Commission, and the General Assembly, will have to pay for years of inaction and some actions which violate basic tenets of sound personnel practices. Yet this price must be paid if the Commonwealth is ever to have a continuing and rational salary policy. The members of the Commission believe that Pennsylvania government, and Pennsylvania's citizens, deserve no less. We are confident that the vast majority of our fellow citizens fully share our belief that the device of a citizen Commission to recommend salaries will, if given a fair trial, prove vastly superior to the manifestly unsatisfactory practices of the past.

## SUMMARY OF DETERMINATIONS

The Commonwealth Compensation Commission, under the authority granted by Act No. 8 of 1971, establishes with respect to the officials enumerated the compensation shown below (Column A) effective on the date of this Report as governed by law and the Constitution except as specified below, and subject to the following:

Existing salaries as established by law prior to the date of this Report (Column B) shall be used in computing "final average salary" and "average non-covered salary," applicable to all classes of benefits for service after the effective date of the salary set forth in Column A, under the State Employees' Retirement Code of 1959, and shall be considered "salary" or "compensation" for purposes of computing member contributions under the same act.

<u>A</u>	<u>B</u>
Annual Salary	Retirement Base

## WITH RESPECT TO EXECUTIVE OFFICERS:

Governor	\$60,000	\$45,000
Lieutenant Governor	\$45,000	\$32,500
Auditor General	\$42,500	\$32,500
State Treasurer	\$42,500	\$32,500

## Cabinet Officers:

Attorney General	\$40,000	\$25,000
Secretary of Education	\$40,000	\$30,000
Secretary of Public Welfare	\$40,000	\$25,000
Secretary of Transportation	\$40,000	\$25,000
Secretary of Environmental Resources	\$37,500	\$25,000
Secretary of Health	\$37,500	\$25,000
Secretary of Labor and Industry	\$37,500	\$25,000
Secretary of Revenue	\$37,500	\$25,000
Commissioner, Pennsylvania State Police	\$37,500	\$25,000

	<u>A</u> Annual Salary	<u>B</u> Retirement Base
Adjutant General	\$35,000	\$25,000
Secretary of Agriculture	\$35,000	\$25,000
Secretary of Banking	\$35,000	\$25,000
Secretary of Commerce	\$35,000	\$25,000
Secretary of the Commonwealth	\$35,000	\$25,000
Secretary of Community Affairs	\$35,000	\$25,000
Insurance Commissioner	\$35,000	\$25,000
Secretary of Property and Supplies	\$35,000	\$25,000

WITH RESPECT TO THE STATE JUDICIARY:

Supreme Court:

Chief Justice	\$52,500	\$38,000
Associate Judges	\$50,000	\$37,500

Superior Court:

President Judge	\$49,500	\$36,000
Associate Judges	\$48,000	\$35,500

Commonwealth Court:

President Judge	\$49,500	\$35,000
Associate Judges	\$48,000	\$34,500

Courts of Common Pleas:

President Judges:

Allegheny County	\$42,000	\$30,500
Philadelphia	\$42,500	\$30,500
Dauphin County	\$41,000	\$33,000

Other Courts of Common Pleas:

<u>No. of Judges</u>	<u>District Population</u>		
6 or more	Over 150,000	\$41,000	\$30,500
3 to 5	Over 150,000	\$40,500	\$30,500
3 to 5	100,000-150,000	\$40,500	\$28,000
3 to 5	Under 100,000	\$40,500	\$27,000
1 or 2	100,000-150,000	\$40,000	\$28,000
1 or 2	Under 100,000	\$40,000	\$27,000

Philadelphia, Administrative Judges of

Divisions of Common Pleas Court:

Divisions of 6 or more judges	\$41,000	\$30,000
Divisions of 5 or less judges	\$40,500	\$30,000



	<u>A</u> Annual Salary	<u>B</u> Retirement Base
Allegheny County, President Judges of Divisions of Common Pleas Court:		
Divisions of 6 or more judges	\$41,000	\$30,500
Divisions of 5 or less judges	\$40,500	\$30,500
Judges of Common Pleas Courts:		
Allegheny County	\$40,000	\$30,000
Philadelphia	\$40,000	\$30,000
Dauphin County	\$40,000	\$32,500
Other Courts of Common Pleas:		
<u>District Population</u>		
Over 150,000	\$40,000	\$30,000
100,000-150,000	\$40,000	\$27,500
Less Than 100,000	\$40,000	\$26,500
Philadelphia Municipal Court		
President Judge	\$36,500	\$21,000
Judges - Members of the Bar	\$35,000	\$20,000
Judges - Not Members of the Bar	\$18,500	\$16,500
Philadelphia Traffic Court		
President Judge	\$19,500	\$17,500
Judges	\$18,500	\$16,500
Retired Judges called back to perform duties.	\$125 per court day	

Judges of the courts enumerated above shall be paid 12 cents per mile for mileage reimbursement to which they are entitled by law.

WITH RESPECT TO THE GENERAL ASSEMBLY:

Members of the Senate and House of Representatives other than members of the Senate elected in the general election held in 1970.	\$19,200	\$ 7,200
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In addition to the above salary, each member of the General Assembly shall be reimbursed for actual expenses incurred for lodging and meals while away from home on official legislative business, official postage, staff and other expenses incidental to legislative duties, not to exceed \$6,000 per year and subject to uniform limitations and procedures established by rules of the Senate and House of Representatives.

With respect to reimbursement of travel expenses between their homes and the State capitol, members of the General Assembly shall be paid 12 cents per mile circular for each week a member was in attendance at the session.

The changes in compensation and expenses (other than salary) herein established shall become effective as soon as the salary changes herein set forth with respect to the same offices shall take effect.

Members of the Senate elected in the general election held in 1970.

Because of the existence of a possible constitutional prohibition against an increase of salary or mileage with regard to those members of the Senate elected at the general election held in 1970, those members of the Senate, numbering 25, shall, during the remainder of their present terms, continue to receive the salary, mileage and expenses presently granted to them by law, but in addition, such members of the Senate shall receive an expense allowance of \$9,600 in recognition of the increased costs attendant to their office. The right to receive the additional expense allowance herein granted shall terminate at the end of the current term of those 25 members of the Senate or sooner, in the event the constitutional prohibition above referred to does not apply, in which case, those members of the Senate shall receive the salary, expenses and mileage granted herein to the other members of the Senate and House of Representatives. The change in expense allowances established herein shall become effective as soon as the salary changes set forth with regard to the other members of the Senate and House of Representatives take effect.

Silence by the Commission upon the establishment of salaries, emoluments, retirement benefits, mileage, per diem, travel and other expense allowances, and reimbursements of any Commonwealth officer subject to its jurisdiction is intended as a determination that there shall be no change in existing compensation except as may be made by the General Assembly or under executive authority as provided by law.

# EXPLANATION OF DETERMINATIONS

## FOREWORD

In arriving at its decisions, set forth in the foregoing Summary of Determinations, the Commission obtained and studied a substantial volume of descriptive information, statistical data and testimony relative to compensation trends or practices in public and private employment. The following sections of this Report explain the manner in which this information and other guiding factors were applied in formulating the Commission's determinations affecting each of the three branches of State government.

The Commission has the responsibility to make determinations concerning retirement benefits affecting the personnel subject to its consideration. The significance of this responsibility is heightened by the fact that any new salaries to be established could have an automatic effect upon retirement benefits and their related costs.

The provisions of the State Employees Retirement Act are very complex and it has not been possible, in the limited time available for preparation of this initial Report, to make a detailed analysis of their application to executive officers, the judiciary and the legislators. A Commission study of retirement benefits is now underway.

The Commission recognizes that the levels of Pennsylvania retirement benefits were developed in years past to serve as a form of delayed compensation to offset relatively low salary levels. It cannot, however, overlook the fact that excessive pension levels may result without justification if salaries are raised and maintained in the future at more appropriate amounts.

Because of these problems, the Commission believes that the application of retirement benefits and costs to higher salaries should not take place at this time. The Commission therefore determines that the salaries used in computing "final average salary" for benefits and in computing "salary" for contribution purposes under the State Employees Retirement System for the classes of personnel under its jurisdiction shall remain at the levels existing immediately prior to the issuance of this Report, until completion of its detailed examination and analysis of the retirement system.

## THE EXECUTIVE BRANCH

Under the terms of Act No. 8 of 1971 which created the Commonwealth Compensation Commission, the Commission is authorized to make determinations concerning the compensation, including retirement and other emoluments, of the Governor, Lieutenant Governor, the elected fiscal officers, and members of the cabinet.

There being no statutory recognition or definition of the term "cabinet", the Commission relied upon a list obtained from the Governor of his formal appointments to this body. These include all of the heads of executive departments whom he appoints and whose salaries are set by statute. Also included are several executive officers whose salaries and, in several instances, whose titles are not fixed by law. The Commission's determinations are limited to those officials whose positions and salaries are established by the constitution or by law. This is based on the assumption that salaries of cabinet positions which are presently subject to the discretion of the Governor and his Executive Board will continue to be so determined, and that appropriate relationships will be maintained between such salaries and those recommended by the Commission.

With respect to the top-echelon executive positions under its jurisdiction, the Commission determines that salaries of elected officials should be at a higher level than those paid appointed officials. A principal reason is that elected officers have final and direct responsibility to the electorate.

The Commission finds that there are considerable variances among appointive executive department head positions in the difficulty and complexity of their respective responsibilities. Acknowledging that it has been the tradition to compensate department heads at a uniform salary level, regardless of size of the agency or the nature of their responsibilities, the Commission believes that this tradition is neither realistic nor in accordance with customary practice in other endeavors.

Reflecting the foregoing policies, the Commission makes the following determinations as to salaries:

With respect to the elective officials: Governor - \$60,000; Lieutenant Governor - \$45,000; Auditor General - \$42,500; State Treasurer - \$42,500;.

With respect to appointive statutory department heads: the Commission determines that these positions be compensated at these annual salary levels: \$35,000; \$37,500; and \$40,000. The assignments of 17 department head positions to the three salary levels are shown in the "Summary of Determinations" section of this Report.

In establishing differential salary determinations, the Commission relied primarily upon a comprehensive evaluation of executive branch positions made in 1969 by a private and widely-recognized personnel consultant, Edward N. Hay Associates. With the assistance and participation of state government personnel specialists, and utilizing uniform rating methods and criteria, positions were evaluated and ranked according to their relative executive "know-how", "problem-solving" and "accountability" requirements.

The resulting evaluations were converted into point ratings, which in turn were matched against Commonwealth salary scales and salaries paid for jobs with similar responsibilities in private industry. This made it possible to test the internal consistency of the Commonwealth's compensation pattern and its relationships to salaries paid by private employers.

The Commission staff consulted with representatives of the Governor's Office of Administration to verify the current validity of the executive rankings, and to adjust them for changes in position titles and responsibilities since the date of the survey.

The Commission is aware that any method of measuring the relative demands and difficulties of executive positions, particularly those in the public service, can be subject to differences in personal value judgments. Nonetheless, the 1969 study is the most comprehensive and systematic evaluation of Pennsylvania's executive personnel available. Furthermore, the Commission is aware that the methodology used in the study is widely utilized and accepted by other governments and private employers. Therefore, it believes that the results of this analysis are the most valid and reliable basis available for assignment of executive positions to the variable compensation levels recommended.

The Commission suggests that the Governor's administrative staff conduct regular and continuous up-datings of the evaluation ratings of executive positions, taking into account changing functions and responsibili-

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ties, and that the results be made available to the Commonwealth Compensation Commission for future review of assignments of executive personnel among differential pay classifications.

In contemplating the broad policy considerations which influence the determination of proper and adequate general levels of executive compensation, the Commission gave considerable weight to the conviction that optimum performance in delivery of Commonwealth public services, and the economical utilization of its tax and other resources, greatly depend upon the management leadership and skills of its top executive officers.

The Commonwealth has been fortunate to enjoy the services of many competent individuals in its top executive positions. Also, it must be acknowledged that higher compensation will not in all instances assure better qualified incumbents. Nevertheless, the Commission firmly believes that fair and adequate compensation will enhance the Commonwealth's ability to compete for the most qualified executive personnel available. This, in turn, should produce tangible improvements in productivity, performance and economy throughout the executive branch of the Commonwealth's government.

It is with this conviction and the expectation that higher salaries will secure a devotion of full time and energies of the recipients that the Commission has arrived at its determinations.

Other and more specific factors and considerations which influenced the Commission's decisions with respect to executive compensation were the elapsed time since the most recent pay increase granted; changes in cost of living and trends of pay increases for other public and private occupations; current compensation levels in comparable executive positions in other governments and in private industry; the "compression" effects of depressed and rigid statutory salaries of top executives upon salaries of their immediate subordinates; constitutional restrictions upon the frequency of compensation adjustments; and the sometimes unfavorable conditions of employment associated with top managerial Commonwealth positions. Certain of these factors which played a major part in the Commission's deliberations and decisions deserve elaboration.

With respect to time lapse, the Commission took into special consideration the fact that the statutory salary levels of the elective and appointive top executive officers were last increased in September 1965, to take effect when constitutionally permissible. For most department head positions, the increase in salary from \$20,000 to \$25,000 annually was postponed until the beginning of the next Governor's term in January, 1967.

If the constitutional restrictions are held by the Courts to apply to the determinations of this Commission, salary increases now established by this Commission (with the exception of those provided for the Auditor General and State Treasurer and except for subsequent interim appointments) presumably will be deferred until the Governor's present term of office expires in January 1975, and will remain fixed until 1979. Under such circumstances, the established salary increases for most appointed department head positions, spread over an elapsed period of eight years since the most recent adjustment, would represent an average annual cumulative increase of from four to six per cent.

This little more than compensates for the steady increases in costs of living from 1967 to the present date. For illustration, a 1967 salary of \$25,000 would, in terms of reduced purchasing power, be equivalent to an annual salary of approximately \$20,000 five years later in 1972. It is safe to assume that further dollar-erosion will occur before 1975.

By comparison, salaries of Pennsylvania's public school teachers increased during the five year period 1966 through 1971 by 41 percent. Average salaries of State employees gained by 49 percent from 1967 to 1972.

During those same five years, expansion of the total dimensions of Commonwealth management responsibility is indicated by a growth of 35 percent in the total number of state employees, and an all but doubling of total State expenditures.

From testimony received from department heads and other Commonwealth authorities, and from an analysis of the results of the 1969 Hay Associates survey, the Commission was impressed that a major impediment to sound compensation policy and competent administrative performance is the "compression" impact of substandard department head salaries upon the compensation available for deputies and other second-echelon management and technical or professional positions directly below the department head level.

With certain exceptions, under an order of the Executive Board, employee salaries may not exceed those of their department heads. As a consequence, some 77 second-echelon administrators and specialists presently are prevented from receiving salaries to which they would otherwise be entitled under the Commonwealth's "equal pay for equal work" salary plan. There is clear evidence that this artificial "compression" of top-level management salaries is a serious impediment to recruiting and retaining the most qualified available managerial talent.

The Commission is convinced that the most practicable and logical solution to overcoming this impediment is to relieve the salary compression by raising statutory executive salaries to adequate and competitive levels, as represented by its determinations set forth herein.

The Commission has discussed and reviewed the possible "ripple" effect of such an increase, as it might result in proportionate salary increases in subordinate ranks of supervisory and non-supervisory employees. Inasmuch as salaries of employees in the middle-management and subordinate ranks are currently subject to organized contract negotiations, it would appear that the "ripple" effect of increased department head salaries would be limited to supervisory administrative positions above the rank of bureau head. According to the present employment patterns, it appears unlikely that more than a minimal number of individual positions would be affected.

The aforementioned 1969 Hay Associates survey revealed that salaries for virtually all top management positions in Pennsylvania fell below the 1969 levels of the lowest-paying industrial firms compared in the analysis. Aggravating this discrepancy is the probability that executive salaries paid by private industry have been increased progressively during the past three years, while the salaries of the Commonwealth's top executives have remained at a fixed level. The three salary levels established by the Commission would rank Pennsylvania, in terms of compensation levels, about midway between the lowest and the average salaries paid by industrial companies in 1969, according to the results of the 1969 analysis.

While the Commission believes that comparisons with salaries paid by other state governments is not necessarily a valid and reliable standard, it has nevertheless compared both present and proposed executive salaries with those paid to apparently comparable posi-



tions in other states. Salaries which it establishes for both elective and appointive officials would apparently rank Pennsylvania (the third largest state) among the three highest-pay states for most positions for which data are available. By contrast, when ranked according to current salary levels, only 3 of Pennsylvania's appointed department heads are paid as much as the top ten of their counterparts in other states, and three (Secretaries of Health, Transportation and Environmental Resources) rank among the lowest-paid of their counterparts in the 50 states.

Testimony received in hearings and personal interviews with representative incumbents of top executive positions supplied considerable evidence to the Commission of the personal and family sacrifices customarily incurred by those accepting cabinet-level positions. These are generally attributable to the relatively short expected tenure, the necessity of being headquartered in Harrisburg and the restrictions on reimbursement for job-related expenses which require considerable non-reimbursed personal outlays for such expenses. The Commission is also aware that no formal standards are established fixing the annual vacation or sick leave allowed appointed department heads.

The Commission believes that personal living expenditures for maintaining a dual residence in Harrisburg should be taken into account in establishing the salary figure, but should not be subject to direct reimbursement. The Commission believes that actual and reasonable expenses incurred in the performance of a cabinet officer's duties should be reimbursed fully under proper controls. It suggests that the Executive Board, within whose jurisdiction this authority lies, should review and if necessary revise expense reimbursement regulations to accomplish that purpose. It suggests also that the Executive Board establish uniform leave policies governing department heads.

Concerning retirement benefits, testimony which the Commission received from current incumbents would indicate that limited tenure for most cabinet-level officials rarely would make them eligible for a "vesting" interest in the employer-financed future retirement benefits. For them, participation in the retirement system represents a benefit of questionable value. It is the intention of the Commission to include this matter in its comprehensive study of the employee costs and benefits of the Commonwealth retirement system.

## THE JUDICIARY

Determination: that the salaries of Judges of the Courts of Common Pleas be raised to \$40,000 per year and the salaries of judges of the appellate and lesser courts be adjusted accordingly. The salary base for computing retirement benefits shall remain at its present level.

In January of 1966 Governor Scranton signed a bill prescribing the present salaries of the judiciary and those salaries went into effect a year later on January 1, 1967. The rise in the cost of living in the five and one-half years since that time has been 22.7 per cent. During this period judicial salaries have remained frozen because of the absence of any provision for an annual adjustment for a cost of living increase. This resulted, during the period 1967 through 1971, in the loss of \$25,000 of income on a base salary of \$30,000.

Put another way, had there been an escalator provision in judicial salaries patterned after national average increases in compensation in the private sector of the economy the results would have been as follows:

1967	4.7%	\$31,410
1968	6.3%	\$33,389
1969	6.7%	\$35,626
1970	5.9%	\$37,728
1971	6.5%	\$40,180

The above table makes clear the cumulative results of the absence of any continuing salary policy. If salary adjustments are to come only at intervals of five or six years, then the sums required to "catch up" and reestablish the previous base become very large in absolute numbers. The raises then dictated by simple equity become difficult to defend to those who are unaware of the length of time since the previous adjustment.

The Commission is also persuaded that efforts must be made to achieve some comparability between the salaries of trial judges in Pennsylvania and the salaries of judges of the federal District Courts. Our present determinations establish parity, but the Federal Commission on Executive, Legislative and Judicial Salaries (the Federal counterpart to this Commission) is scheduled to report new recommendations to the President before the end of this year. Since that Commission recommended salaries of

\$47,500 in 1968 (subsequently reduced to \$40,000 by President Johnson), it is hard to believe that parity will be the case for long.

This problem is a serious one and illustrates the extent to which many salary pressures on State officials are beyond the control of State government. Of the 31 active judges now sitting on the three Federal District Courts in Pennsylvania, 12 are former Pennsylvania State court judges. This includes six on the Bench in the Eastern District of Pennsylvania; four of the nine in the Western District; and two of the four in the Middle District.

The Commission believes that it is shortsighted public policy for Pennsylvania to provide a training ground for the lawyer without judicial experience who, after he acquires experience and expertise and maturity, then moves on to the Federal bench.

Other states do not, of course, hire Pennsylvania judges away, but a comparison of Pennsylvania judicial salaries with those of other states does, nonetheless, enlarge our perspective.

Despite the fact that Pennsylvania is the third most populous State in the Nation, in the matter of salaries paid judges in trial courts of general jurisdiction we are tied for 13th with Massachusetts and South Carolina which pay all of their trial judges \$30,000, and we trail New York, Georgia, New Jersey, Illinois, Michigan, Louisiana, California, Alaska, Delaware, Maryland, Wisconsin and Hawaii. Insofar as the highest appellate courts are concerned, we trail New Jersey, California, Illinois, New York, Michigan, and tie Louisiana. Except for Ohio, all of the States bordering Pennsylvania, including Maryland which ranks 18th in population, and even Delaware which is 47th, pay their trial judges more than the maximum paid in Pennsylvania in our largest counties. Of the top ten States in population rank (California, New York, Pennsylvania, Texas, Illinois, Ohio, Michigan, New Jersey, Florida, and Massachusetts), Pennsylvania trails all but three in trial judge salaries, and if averages rather than maximum figures are used, we are 8th, even Florida outranking Pennsylvania.

The Commission believes that the judicial salaries it is establishing are overdue and do little more than

reestablish salary levels permitted to erode over more than five and a half years of an absolute salary freeze. At the same time, however, the Commission believes that its salary schedule, if accepted, is adequate to attract and retain judges of a caliber to insure an efficient and competent administration of justice in Pennsylvania.

Indeed, the Commission has expectations accompanying its salary determinations which go to the heart of improving the court system and the performance of court personnel. It knows of no special law of economics which applies to the judiciary. There must be some relationship between productivity and compensation.

It is apparent to us as a result of our survey that all judges are not equally able, nor are they equally conscientious. Under these circumstances it is very difficult to justify a flat increase in salary for all judges on the same court. However, to deny the judges a substantial increase would penalize the many able, industrious and competent judges for the failings of their less productive brethren. Since this is a continuing Commission, the present members believe that pay increases for judges should in some way be conditioned on an improvement in the judicial system which, collectively, they are operating.

The Supreme Court is now, by the Constitution, empowered to operate the entire unified judicial system throughout the state. The Commission believes that the Supreme Court should develop criteria for determining which judges are, and which judges are not, doing an adequate job. The increases paid out to the judges should be in some way contingent upon the judges meeting the criteria established by the Supreme Court to determine the adequacy of their performance.

As a result of establishing these criteria and securing the information necessary to determine the extent to which the criteria are being met, the following objectives, for example, could be secured:

1. The case production per judge consistent with a fair trial could be increased.
2. Accountability by judges of the time spent in the court room and on other work could be established and maintained.

3. Decisions held under advisement might be rendered on a limited time basis.

All of us know that some judges are less conscientious and effective than others. We believe it is now within the power of the Supreme Court to take account of this fact and to devise corrective procedures.

More specifically, we believe that the Supreme Court should be willing to exercise the power given to it by the 1968 amendments to the Judiciary Article of the Pennsylvania Constitution, to

- (a) Staff and operate a centralized system for controlling the entire state judicial system.
- (b) Eliminate politics from the operation of the system, if it in fact exists. This is much more likely to be present at the local level than at the State level.
- (c) Prescribe rules and regulations for the operation of the courts, including the number and salaries of court officers and an outline of their duties and fringe benefits. Court employees should normally retire, not later than age 70.
- (d) Prescribe rules and regulations for the administration of the court system through regulating not only pay differentials between judges but also their vacations, hours of work, number of case assignments, sick leave, and any other terms and conditions of employment that are relevant.
- (e) Make it a practice to assign judges where they are most needed instead of where they are physically located, with the objective that all judges would carry a full and equal work-load. To this end the Commission is establishing uniform salaries for all Common Pleas judges regardless of the population of the counties in which they are based. If individual judges are not willing to cooperate to this end, the matter should be referred to the Judicial Inquiry and Review Board established by the Constitution, which would have the power to modify salaries

or suspend, retire or remove such judges. If any judge is unable to do a full day's work he should be suspended or retired and the legislature should be notified accordingly. The Supreme Court should, of course, only attempt to control the decision-making process through the exercise of its judicial function. However, the Supreme Court should control the work load of each judge and the outside activities of the judges. The Supreme Court should also control court-related facilities such as probation and parole officers, the sheriff's office, the prothonotary, and the like. In communities where there is a sufficient population and case load, the Court can, if it so desires, delegate its monitoring function to a local court administrator, but someone should monitor the activities of the court as far as possible on a day-to-day basis.

The Judicial Inquiry and Review Board itself should exercise its jurisdiction in order to eliminate from the system judges who cannot or will not carry a full case load.

In addition, the government, including the judges, should continue to work toward the establishment of a satisfactory merit selection plan for the appointment of judges. These plans have worked well for many years in other states. They should be imported into Pennsylvania to avoid the consequences of having judges who are appointed solely or primarily as a reward for their prior political service. When confidence in the courts is lost, our liberties cannot be protected. Such confidence must be restored.

In short, any permanent salary increase should be conditioned upon securing increased efficiency in the performance of the work of the judges affected. The increases set forth in this Report for judges are made conditional upon a satisfactory level of performance being established and maintained. This is largely the responsibility of the Supreme Court of Pennsylvania, although assistance in securing this result can hopefully come in considerable measure from the local judges and other elements of the judicial system at the local level. For instance, the implementation of the standards of conduct and performance developed by the Supreme Court should be a responsibility of the judges throughout the State.

## THE GENERAL ASSEMBLY

Determination: that except for the members of the Senate elected in the general election held in 1970, the salary of the members of the General Assembly be raised to \$19,200 and that the present \$8,400 unaccountable expense account be repealed and replaced by reimbursement for actual expenses not to exceed \$6,000 per year for which each member of the General Assembly shall be made accountable; that with regard to the members of the Senate elected in the general election held in 1970, the salary, mileage and expenses presently granted to them by law continue until their present term expires, but in addition, such members shall receive an expense allowance of \$9,600 in recognition of the increased costs attendant to their offices. The right to receive the additional expense allowance shall terminate at the expiration of their present elected terms of office, or sooner in the event the constitutional prohibition hereinbefore referred to is not applicable, in which case those members of the Senate shall receive the salary, mileage and expenses granted herein to the other members of the Senate and members of the House of Representatives.

The American people, including the people of Pennsylvania, have always placed a high value on representative government but a low value on their representatives in government, especially State government. Indeed, this disparity between admiration for the institution of representative government and lack of respect for those who are responsible for its working has reached such a high level as to seriously jeopardize democratic government.

This is a situation that cannot be permitted to deteriorate any further if a serious crisis in public confidence is to be avoided. The situation is not unique to Pennsylvania. Indeed, that it is not is a measure of the crisis. Although legislatures contribute to their poor public image, the public, too, must bear a generous measure of the blame.

The General Assembly presents the extreme case of the problem of State government in Pennsylvania. Its work and its responsibilities have grown massively in the last decade or two. Yet it has been reluctant at times to adopt the internal reforms that would enable it to be a more effective legislature performing its increased responsibilities. The public, too, has a conception of the General Assembly that is at least a generation out of date. As a

result, the public withholds from the General Assembly the popular support for its reform and modernization that would in turn make that reform and modernization possible.

The Commission believes that it is necessary to say bluntly to the people of Pennsylvania -- your state legislators are underpaid and understaffed and they have been for years.

And the Commission believes also that it is necessary to say bluntly to the members of the General Assembly -- unless you persuade the people of Pennsylvania of a recognition of your true responsibilities, you will be at the very center of a spiraling crisis of State government.

The Commission has, therefore, several determinations to make about compensation together with recommendations for improving the quality of legislative performance.

First, on the question of salaries. This situation is, quite frankly again, a mess. The salary of a member of the Pennsylvania General Assembly is \$7,200 a year. This salary was set in July of 1965 and went into effect for those members of the General Assembly elected in 1966.

This salary is clearly inadequate, yet public resistance to its increase has been met with the provision of an unaccountable expense allowance now, since June of 1971, set at \$8,400. The unaccountability of this expense allowance has itself generated a great deal of public resentment, although in fairness to the Legislature the Commission notes that accountability must be made to the Internal Revenue Service to avoid taxation on that portion genuinely expended in connection with legislative duties.

The first objective of the Commission is, therefore, to make clear what is salary and what is allowed for actual expenses incurred by legislators.

In arriving at its salary determinations, distinguishing between the members of the Senate elected in the general election held in 1970 and the other members of the Senate and House of Representatives, the Commission was keenly aware of the existence of an apparent Constitutional prohibition which may be applicable to those Senators elected in 1970. Whether the constitutional prohibition is in fact applicable is a legal question which must be resolved



elsewhere. Assuming that it is applicable, the Commission has chosen to insure a parity of treatment which will phase out at the expiration of the present elective term of those Senators and at the same time recognizes the increased costs which have become attendant to their office.

The Commission believes that its salary determinations for members of the General Assembly are not out of line with those determined for the officers of the other branches of the Commonwealth government, nor with those of other comparable State legislatures. The salary determination the Commission has made for the members of the General Assembly is identical with that set in 1971 for members of the California legislature and is \$800 less than that recently recommended by the New York Compensation Commission for that state's legislature.

The basis for the Commission's salary determination is the assumption that, with this salary, members of the General Assembly will give their top occupational priority to their legislative responsibilities. Some sixty members of the General Assembly now describe their occupation as "legislator," (a development of which the public must be made aware since twenty years ago not a single member of the General Assembly so described himself). The Commission does not expect every member of the General Assembly to be a full-time legislator in the sense that he has no other occupation or earned income. It does expect that legislators will be full-time when the General Assembly is in session.

Members of the General Assembly have been singularly ineffective in conveying to the public any clear sense of the burden of work they carry. The public, in its turn, clings to an obsolete notion that being a state legislator is a two or three day activity two or three months a year.

The General Assembly passes on the programs embodied in a budget in excess of three and one-half billion dollars. It oversees, or should oversee, the performance of the executive departments which administer this budget. By comparison with other public officials, it should be noted that county commissioners in Pennsylvania counties with populations between 250,000 and 500,000 receive yearly salaries of \$20,000 and are responsible for budgets in the magnitude of eight to ten million dollars.

Above all, each member performs a representative function. He serves as ombudsman for the people in his

district in their relations with State government.

This last is an invaluable, and a time-consuming function. The Commission was impressed by the large number of members who testified that they were on call 24 hours a day, seven days a week the year around on behalf of their constituents. It is ironic that a public which imposes such a burden on its representatives has been so resistant to adequate compensation for them.

The Commission was also impressed by the large number of members of the General Assembly who testified that they thought the problem of staff assistance was at least as critical, if not more so, than the problem of their compensation. They placed a higher value on being equipped with the tools to perform their functions than on their own salaries. This finding will come as a surprise to many, because it conflicts with their image of the General Assembly, but that is simply additional testimony to the depth of the popular misconception about their State legislature.

In establishing \$6,000 as the maximum expense for which legislators are to be reimbursed, the Commission has taken only the most modest step in allowing for at least some secretarial assistance for legislators. Our determination is, in fact, for \$1,000 less than the Legislative Modernization Commission recommended in 1969. Another index is provided by noting that the clerk-hire allowance for a member of Congress is \$157,000 and these members represent districts only twice the size of a Pennsylvania senatorial district.

The Commission has acted on a frankly pragmatic basis. The unaccountable nature of present expense accounts makes it impossible to determine an appropriate expense level from experience. Monitoring actual expenditures for a year or two should give a future Commission the evidence necessary to act with greater confidence than its present members feel warranted.

The Commission also feels called upon to note here that truly substantial staff assistance is inextricably linked in the public mind with the size of the Legislature.

The Commission takes no position concerning the size of the Legislature. Our jurisdiction does not extend to this matter, and moreover the decision as to the size

of the Legislature is not, for the most part, a financial decision. Every proposal for reducing the size of the General Assembly is accompanied by a proposal for increasing its staff. Probably as much would be spent on the one as would be saved on the other.

What is clear to the Commission, however, is that the public will not accept a substantial increase in staff support for a Legislature of the present size. A reduction in size might increase legislative efficiency at the cost of closer relationships with constituents. Some will think this a price worth paying. Some will not. The Commission does not believe the case for either side is self-evident. It contents itself with noting that size fixes rather narrow limits on staff support in the present climate of opinion, and it is unlikely that any future Commission will be able or willing to ignore this fact.

There are, however, some matters about which the Commission proposes to make recommendations for improvements that it expects to follow from its salary determinations. These concern matters for which the case seems to the Commission to be self-evident, and they concern themselves with those aspects of the General Assembly's management which have aroused widespread criticism and which have contributed so substantially to the decline in public support for the Legislature.

The Commission endorses the creation of the Legislative Audit Advisory Commission to audit contingency funds made available to the legislative leadership, and it strongly urges that the audit of such funds be made at least annually and the results of such audit be made available for public examination.

The Commission also wishes to single out and add its endorsement to two recommendations made by the Legislative Modernization Commission.

*A legislative information and service department be established on a professional and non-partisan basis to which legislators can turn for information or services for their constituents from state departments and agencies.*

*There be established a joint committee of equal numbers of members of the House and Senate, appointed by the Speaker of the House and Presi-*

*dent pro tempore of the Senate, to be known as the Joint Administrative Management Committee, and to have responsibility for establishing uniform policies with respect to the administrative, financial and personnel management of the Legislature, including such matters as personnel work-weeks and hours; job classification, qualification and pay plans (but not appointment of staff); purchasing of supplies and equipment; office space assignment and maintenance; printing and publications; accounting systems; etc. The direct responsibility for administrative functions and housekeeping services for the House and Senate remain in the Chief Clerk of the House and Secretary of the Senate, subject to general policies established by the Joint Administrative Management Committee to which periodic management and financial reports should be made. Under the supervision of the Joint Administrative Management Committee, a modern and comprehensive personnel system, encompassing all legislative staff be developed, installed and maintained, governing the uniform job qualifications, specifications, and classification, compensation, discipline, working hours and conditions, fringe benefits and other related matters, provided individual appointments of staff reside in the appointing authorities designated by law.*

The Commission believes that its determinations for the General Assembly, if accepted, constitute modest and prudent first steps in restoring the vitality and respect that the State legislature must enjoy if State government is to meet its responsibilities.

The Commission is aware, in making its salary determinations, that the Citizens Conference on State Legislatures has recommended that, "Compensation of legislators in the larger states should range from \$20,000 to \$30,000 a year." As the Commission has sought to make clear in this Report, both the public and the members of the General Assembly have a responsibility for meeting the expectations of each other. If each will do so we may begin to eliminate what John N. Gardner has called the irony "that a people who will fight and die for the principle of self-government are so negligent in maintaining the vitality of the instruments through which that self-government is provided."

## CONCLUSION

The Commission wishes to conclude this Report by recording its conviction that existing provisions of the Pennsylvania Constitution which prohibit altering the salaries of members of the General Assembly or of public officers after their election or appointment, if that is the case, do not serve the public interest. If these prohibitions are found by the Courts to be applicable to the determinations of this Commission they make impossible the establishment, at a given moment of time, of a fair and equitable salary for the public officials subject to the Commission's jurisdiction.

The Commission would, under such circumstances, be confronted with a crazy quilt of compensation patterns in which some receive increases in December of this year, some in January of 1973 and some not until January of 1975. In the case of these last, the Governor for example, the Commission is recommending in 1972 a salary that will not begin until 1975 and which must then prevail until January of 1979. A rational salary policy is not possible under these conditions.

Whatever purposes these provisions may have been intended to serve when they were written into the Pennsylvania Constitution a century ago, they are inappropriate today. The Federal Constitution places no such restriction on members of Congress or on appointed officials and there is no evidence that this absence has led to the abuses which were feared by the authors of the Pennsylvania Constitution. The Commission strongly urges the General Assembly to take steps to secure their elimination from the Constitution of Pennsylvania.

## APPENDIX

### WITNESSES WHO APPEARED BEFORE THE COMMISSION AT ITS HEARINGS

- William C. Archibald, Esquire  
*President, Delaware County Bar Association*
- Harold Cramer, Esquire  
*Chancellor, Philadelphia Bar Association*
- Edgar D. Free  
*President, Harrisburg Area Chapter, Public Personnel Association*
- Joseph Gallagher, Esquire  
*Chairman, Judiciary Committee, Pennsylvania Bar Association*
- Morris Gerber, Esquire  
*Vice Chairman, Montgomery County Bar Association*  
*Member, Judiciary Committee, Pennsylvania Bar Association*
- The Honorable Joseph R. Glancey  
*President Judge, Philadelphia Municipal Court*
- The Honorable Gerald A. Gleason  
*Judge of the Court of Common Pleas of Philadelphia*
- John Harhigh  
*Harrisburg Area Chapter of the Public Personnel Association*
- Dennis C. Harrington, Esquire  
*President, Allegheny County Bar Association*
- A. Evans Kephart, Esquire  
*State Court Administrator, Supreme Court of Pennsylvania*
- H. Paul Kester, Esquire  
*Chairman, Judiciary and Procedures Committee, Bucks County Bar Association*
- Joseph T. LaBrum, Esquire  
*Member, House of Delegates, Pennsylvania Bar Association*
- The Honorable Thomas F. Lansberry  
*Judge, Court of Common Pleas, Somerset County*

The Honorable Herbert S. Levin

*Judge, Court of Common Pleas, Philadelphia*

The Honorable Edwin E. Lippincott

*Judge, Court of Common Pleas, Delaware County and member,  
Pennsylvania Conference of State Trial Judges*

William H. Mitman, Esquire

*Member, Executive Committee, Chester County Bar Association*

Isidor Ostroff, Esquire

*Chairman, Committee on Judicial Compensation and Retirement,  
Philadelphia Bar Association*

Robert Phelps

*Executive Secretary, Pennsylvania State Education Association*

Henry T. Reath, Esquire

*Secretary, Judicial Council, Philadelphia*

Benjamin D. Rocuskie, P.E.

*Pennsylvania Society of Professional Engineers*

Bernard Segal, Esquire

*Former President, American Bar Association  
Former Chairman, Federal Commission on Judicial and Congressional  
Salaries*

Conrad M. Siegal

*Fellow of the Society of Actuaries. Consulting Actuary, Harrisburg*

The Honorable P. Richard Thomas

*President, Pennsylvania Conference of State Trial Judges*

Albert F. Unger

*Assistant Executive Director, Pennsylvania School Boards Association*

Alexander Unkovic, Esquire

*President, Pennsylvania Bar Association*

Mrs. D. C. Valsing

*Legislative Chairman of the League of Women Voters of Pennsylvania*

*In addition, the Commission interviewed a substantial number of people during the course of its deliberations.*