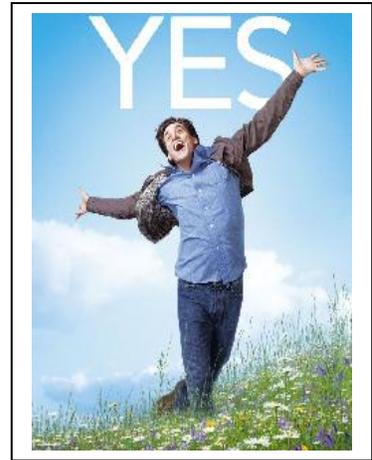


Mitchell's Musings 1-6-14: Just Say "Yes"

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From time to time, we have noted that "freedom of the press" includes the right to exercise editorial judgment and the right not to publish something. In particular, we have noted that while courts have allowed newspapers to obtain and publish wholesale the salaries of public employees on their websites, newspapers don't have to do so since such publication a) invades privacy, b) encourages ID theft, and c) creates opportunities for employee raiding. The last point is particularly important for my home university, since, although it is public, it competes for faculty with private universities which have no corresponding obligation to publish their faculty salaries – and don't.¹



I have noted in the past that to the extent that the public has an interest in public employee salaries – and we are talking top-to-bottom, not just high level executives and elected officials – newspapers could provide salaries and job titles but leave out the names. Of course, some titles – such as city manager – might only apply to a single, easily identified official. But the bulk of occupations would have multiple occupants and would be anonymous. The titles could be compared, say, with similar private sector occupations if the intent is to look at the issue of overpayment or underpayment in the public sector. In fact, the California state controller provides just such name-withheld information for local jurisdictions on his website.² So it is easily done.

Of course, freedom of the press by itself is not the true reason for wholesale publication of public payrolls with names included. What we actually have is the flip side of the reader who says he (it's very likely to be a "he") reads *Playboy* just for the articles. No one believes that statement. The reason for publication of name-included public payrolls is a kind of peeping Tom-ism that newspaper editors know will attract eyeballs to their websites. It is sometimes said defensively by those editors that many of those attracted eyeballs turn out to be those of other public employees. I'm not sure what that observation is supposed to mean, however.

¹ Two California newspapers that publish public payrolls with names included are the *Sacramento Bee* and the *San Francisco Chronicle*.

² <http://publicpay.ca.gov/Reports/Cities/Cities.aspx> and <http://publicpay.ca.gov/Reports/Counties/Counties.aspx>

Public employees are presumably as equally likely to be peeping Toms as anyone else. (And they are equally as unlikely as anyone else to read *Playboy* for the articles.)

In past musings, I have challenged newspapers that publish public payrolls with names included also to publish their own payrolls in the same way. Wouldn't you be curious to know what a newspaper pays the reporter who wrote an article you read? What your favorite columnist is paid? So the publication would attract eyeballs. But, of course, there would be the downsides mentioned above of invasion of privacy, ID theft, and raiding. As a result, no newspaper has taken up my challenge, even though newspapers clearly have access to their own payroll data.

Given the sad state of the newspaper business thanks to the advent of the internet, it's not surprising that the attraction of eyeballs has motivated newspapers to publish public payrolls. The fact that they don't also publish their payrolls means that they are convinced that the downsides outweigh the attractions. But what if it turned out that one of those hot new internet companies DID publish its own payroll (with names)? Wouldn't that change the calculation?

It turns out that there is such a firm!

Salary can be a touchy subject. Asking how much someone makes is usually off limits. Entire businesses are dedicated to projecting how much money a particular position might command. At least one company has made a move to squash the taboo all together. Buffer, an app that manages social network accounts, posted the salaries for its employees online last week. CEO Joel Gascoigne tops the list (\$158,800) which runs to Andrew Yates, a senior iOS engineer (\$107,900), on down to recently-onboarded customer service team member Mary Jantsch (\$70,000), who is still in her trial period for employment. "Transparency breeds trust, and that's one of the key reasons for us to place such a high importance on it," Gascoigne wrote, even including the internal formula for calculating paychecks...³

In short, newspaper editors, the very internet that is undermining your old business model is the home of a trendy private firm that likes to put its own payroll on the web. So I renew my challenge. Editors, publish your own payrolls with names included! You have the freedom of the press to do it. You have the data. As Buffer's CEO points out, it's "transparent" (which is

³ <http://blog.sfgate.com/techchron/2013/12/24/buffer-salaries/>. This item appeared on the website of the *San Francisco Chronicle* which, as the previous footnote indicated, likes to publish public payrolls with names included.

always a Good Thing – right?) Publication will attract eyeballs. It will get you lots of PR, just like Buffer got. That can't be bad – can it?

So, editors, just say “yes.” I'll be waiting. But if your answer is still “no,” maybe you could rethink the public payroll thing.