

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 A.M. on January 19, 2005 in Room 241-N of the Capitol.

Committee members absent: Dale Swenson- unexcused

Committee staff present: Jerry Ann Donaldson, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Renae Jefferies, Office of Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Honorable Bruce E. Moore, Administrative Law Judge

The Chairman opened the meeting and stated there would be a briefing by The Honorable Bruce E. Moore, Administrative Law Judge of Salina.

The Honorable Bruce E. Moore, Administrative Law Judge, appeared regarding compensation for workers compensation administrative law judges. Judge Moore made it perfectly clear that he did not appear on behalf of, nor represent the interest of, the Department of Labor or Division of Workers Compensation, but appeared in his own right and interests, in response to a request made by a member of the committee.

There are ten administrative law judges (ALJ's) within the Kansas Department of Labor, Division of Workers Compensation. ALJ's are appointed by the Director of the Division of Workers Compensation, with the approval of the Secretary of the Department of Labor, and serve as classified employees. There are only two eligibility requirements to serve as an ALJ, one express and one implied. The express requirement is that the candidate be an attorney admitted to the Kansas bar. The implied requirement is that the candidate be among the living. A candidate is thus "qualified" to serve as an administrative law judge if the candidate has both a law degree and a pulse. When a position opens, applications for the position are solicited. The Director searches the pool of "qualified" applicants, looking for some level of background, knowledge or experience in workers compensation practice and issues, as well as demeanor, that suggest the ability to manage a significant caseload, maintain decorum in the courtroom, and the willingness and competence to decide complicated issues of law and fact. Once appointed, the ALJ continues to serve until resignation or retirement, unless removed for cause.

Preliminary hearings thus frequently become full-scale battles over compensability of a workers compensation claim. Each side is, generally speaking, represented by competent and experienced counsel, and each side usually has medical records and witness testimony in support of its position. Regardless of the amount of evidence presented, or the work load of the ALJ, disputed issues of compensability must be resolved with a written award within five days of completion of the evidence.

In 2001 workers compensation judges in Nebraska earned \$102,678; in Oklahoma, \$88,511; in Missouri, \$86,400; in Colorado, approximately \$103,000. Missouri workers compensation judges have since increased to over \$108,000 per year. Surely the best interests of workers compensation litigants and the state of Kansas are not best served by forcing qualified and experienced judges out just to save money on their replacements.

Judge Moore's area consists of twenty-nine counties. Most cases average between 1 ½ and two years, but some are longer. Judge Moore stated that he had about twelve hearings a month. Most cases are worked out before going to hearings ([Attachment 1](#)).

The meeting adjourned at 10:00 a.m. and the next meeting will be January 20, 2005.

COMMERCE AND LABOR COMMITTEE

Date January 19

NAME	AGENCY
RICHARD THOMAS	RDCR WORK COMM
LARA MCOZ	" " "
Bill Curtis	Ks Assoc of School Bds
David Cunningham	Ks Assoc. of School Bds
Jessica Banquin	KGC
Andy Shaw	Good year Tire & Rubber Co.
Halvy Harrison	Clinton
Calice Hill Aulor	KS Trial Lawyers Assoc.

**Testimony before the
House Commerce and Labor Committee
Hon. Bruce E. Moore, Administrative Law Judge**

142 Seitz Drive
Salina, Kansas 67401

Office: (785) 827-0724
Res. (785) 825-5723

January 19, 2005

Chairman Dahl and Members of the Committee:

Thank you for inviting me to appear today, and to address this committee regarding compensation for workers compensation administrative law judges. I am here to offer some insights into the work workers compensation administrative law judges perform, and the manner in which workers compensation administrative law judges are appointed and compensated for their labors. Ultimately, I am here seeking your support for a meaningful increase in the levels of compensation for workers compensation Administrative Law Judges. I have been asked to make it perfectly clear that I do not appear on behalf of, nor represent the interests of, the Department of Labor or Division of Workers Compensation, but appear in my own right and for my own interests, in response to a request made by a member of this committee.

A Brief History . . .

Workers compensation administrative law judges were once known as "Examiners," although their functions were similar to the administrative law judge positions that exist today. Examiners were the "front line" trial courts in workers compensation proceedings, hearing the evidence, ruling on compensability of claims, and making awards for compensation. They served as extensions of the Director of workers compensation, and their awards were, when final, awards of the Director. Examiners were, however, part-time positions, and were permitted to maintain a law practice "on the side." "Examiners" were converted to "administrative law judges," as a result of amendments to the act in 1980. Administrative law judges are now expressly prohibited from engaging in a private law practice during their terms of office.

Manner of Selection

There are ten administrative law judges (ALJ's) within the Kansas Department of Labor, Division of Workers Compensation. An administrative law judge is appointed by the Director of the Division of Workers Compensation, with the approval of the Secretary of the Department of Labor, and serves as a classified employee. There are only two eligibility requirements to serve as an administrative law judge, one express and one implied: The express requirement is that the candidate be an attorney admitted to the Kansas bar. The implied requirement is that the candidate be among the living. ***A candidate is thus "qualified" to serve as an administrative law judge if the candidate has both a law degree and a pulse.*** When a position opens, applications for the position are solicited. The Director searches the pool of "qualified"

Comm & Labor
1-19-05
Atch # 1

applicants, looking for some level of background, knowledge or experience in workers compensation practice and issues, as well as demeanor, that suggest the ability to manage a significant caseload, maintain decorum in the courtroom, and the willingness and competence to decide complicated issues of law and fact. Once appointed, the administrative law judge continues to serve until resignation or retirement, unless removed for cause.

Duties of a Workers Compensation ALJ

Workers compensation ALJ's are, like their Examiner precursors, the trial courts of workers compensation claims. When an employee is injured, and a dispute arises as to whether the claim is compensable under the Workers Compensation Act, the dispute is first presented to the ALJ. Generally speaking, the scenario is that the employee is off work, with no income and no money to pay for needed medical care. The Claimant gives notice ("Notice of Intent") to the employer that an application for Preliminary Hearing will be filed, unless the employer (or its insurance carrier) provides temporary total disability or medical benefits. If the employer (or its insurance carrier) refuses to provide the requested benefits or fails to respond to the notice, an application for preliminary hearing is filed, the claim is docketed for hearing, and a preliminary hearing date is set. At the preliminary hearing, the claimant provides testimony as to the occurrence of an accident, and medical records documenting the claimed injury. Typically, if the employer is disputing the claim, there will be one or more issues as to whether an accident actually occurred at work, while performing duties for the employer; whether the employee, if actually injured, properly and timely reported the accident and injury to the employer; and/or whether the claim is barred because the claimed injury resulted from horseplay or the use of alcohol or drugs. While **K.S.A. 44-534a(a)(2)** requires that preliminary hearings be "summary in nature," it also provides that,

if the employee's entitlement to medical compensation or temporary total disability compensation is disputed or there is a dispute as to the compensability of the claim, no preliminary award of benefits shall be entered without giving the employer the opportunity to present evidence, including testimony, on the disputed issues.

Preliminary hearings thus frequently become full-scale battles over compensability of a workers compensation claim. Each side is, generally speaking, represented by competent and experienced counsel, and each side usually has medical records and witness testimony in support of its position. Regardless of the amount of evidence presented, or the work load of the ALJ, disputed issues of compensability must be resolved with a written award within five days of completion of the evidence.

Commerce and Labor Committee Testimony
January 19, 2005
Page 3

There may be multiple preliminary hearings in any workers compensation claim, as issues may arise as to the scope of treatment (whether enough body parts are being treated), the quality of treatment (whether a specialist is or may be required), the quantity of treatment (whether, despite a release by the treating physician, an additional evaluation should be provided by yet another physician), or whether temporary total disability should be paid (either because the employer cannot or will not accommodate temporary work restrictions or because the employee is no longer employed). In the course of these hearings, the ALJ must weigh and consider divergent medical diagnoses, opinions and recommendations for treatment. The ALJ may also be called upon to rule upon motions for discovery or for protective orders, for penalties for failure to comply with prior orders, or for suspension of benefits for non-compliance with treatment recommendations.

Once a claimant has achieved medical stability (maximum medical improvement), the case is deemed ready for trial. Before the matter can proceed to trial, however, **K.S.A. 44-523(d)** requires that the parties meet with the ALJ for a "pre-hearing settlement conference," in an effort to identify the issues for trial and to explore settlement opportunities. The ALJ attempts to arbitrate a settlement, based upon the "facts" posited by the parties. If the parties are unable or unwilling to accept a settlement of the claim, it proceeds to trial ("Regular Hearing", or "First Full Hearing").

At trial, the parties present evidence and testimony. Much of the evidence and testimony are presented by deposition, subsequent to the Regular Hearing. The claimant has 30 days to collect and submit evidence in support of the claim and the nature and extent of impairment or disability claimed. The employer has an additional 30 days to collect and submit evidence in support of its case. Once the evidence is submitted to the ALJ, a written award, with findings of fact and conclusions of law, must issue within 30 days. An award of the ALJ is appealable to the Workers Compensation Appeals Board, as a matter of right, for a trial *de novo*, on the record submitted to the ALJ. The record before the Board will be the same record submitted to the ALJ, but the Board makes its own findings of fact and conclusions of law and is not bound by the findings or conclusions of the ALJ.

Subsequent to trial, a claimant may file a motion for post-Award medical treatment, or either party may file an application for review and modification of the award, premised upon either a misapprehension as to the severity of the impairment or disability suffered, or the progression of the injury.

Workers compensation ALJ's, in the course of performing their statutory duties, hold numerous hearings and must resolve a wide range of complicated issues of fact (*e.g., the cause of death; whether a physical or mental condition resulted from trauma in the workplace; whether an allergy, asthmatic condition or blood clotting disorder was*

caused by the employment or simply discovered because of a reaction to the environment following employment; whether a common-law marriage existed to establish an entitlement to a surviving spouse's benefits; whether a child born out of wedlock to a girlfriend or acquaintance is a child and dependent of a deceased employee) as well as a similar broad range of complicated issues of law (e.g., is the worker an "employee" or an "independent contractor;" what is the date of accident in a repetitive use injury; what state's laws govern the claim; when is an employer entitled to a "protective order" to prevent disclosure of formulations, manufacturing processes, client lists, etc.; has the employer established the preconditions to admissibility of chemical test results establishing the employee's impairment by drugs or alcohol).

There are, currently, approximately **8,786** docketed and pending claims for workers compensation benefits in Kansas, a case load borne by ten sitting ALJ's. In addition, there are another **72** cases involved in some stage of mediation.

Compensation of ALJ's

Workers compensation ALJ's are classified employees, generally starting at Range 33, Step 4. Step increases may occur after each year of service, if funded by the legislature. **No step increases have been funded the past four years.** A workers compensation ALJ, with no prior governmental experience, starts at approximately \$51,584 per year. A workers compensation ALJ, with 25 years of experience as an ALJ, "tops out" at Range 33, Step 15, earning \$67,412.80 per year. No further increase, other than a cost of living adjustment, or across-the-board raise for state employees, is ever possible under the current system.

I earn \$53,872.00 per year, with thirteen years of state service, the last nine years and four months as a workers compensation ALJ. For four years before assuming my present position, I was an Assistant Saline County Attorney, during which time I tried several hundred cases, including over a hundred jury trials. Before joining the Saline County Attorney's office, I had engaged in the private practice of law for over ten years. I could not afford to remain an Administrative Law Judge if my wife was not a medical doctor with her own practice.

In contrast, recent University of Kansas law school graduates who responded to a placement office survey reported earning between **\$55,000 and \$60,000 per year their first year in practice!** Those with the highest salaries reported receiving between **\$80,000 and \$85,000** per year, with no prior experience.

A 2001 survey by the National Association of Administrative Law Judges established that Kansas workers compensation ALJ's earn approximately 65% of the

nationwide average. Workers compensation judges in Nebraska earned (in 2001) \$102,678; in Oklahoma, \$88,511; in Missouri, \$86,400; in Colorado, approximately \$103,000. Missouri workers compensation judges have since increased to over \$108,000 per year.

I do what I do because I love the work and believe that I do a competent job at it. With one child in college, and two more soon to follow, and retirement around the corner, I must consider whether the State of Kansas is as committed to me as I have been to it. My wife is employed outside the home; indeed, she is the primary bread winner. I simply could not afford to remain an ALJ without her income and support.

The Case Against Raises

The recognition that ALJ's are underpaid for the experience they bring and the work that they do is not new. For several years, I have been told to be patient, that the pay grids would be revised, that a change in the makeup of the Workers Compensation Advisory Council would ensure a review of ALJ salaries and that an appropriate level of compensation would be achieved. Last session, with the support and encouragement of the Director of Workers Compensation, I approached the Advisory Council and requested their support for a salary increase for ALJ's.

As far as I have been informed, there are but two reasons for opposing ALJ requests for adequate compensation: (1) The Department of Administration has a standard that says no salary increase is appropriate unless there is a 25% annual turnover in any given position. The rationale is, apparently, that if there is a significant turnover, people must be leaving for the private sector to earn more money. (2) As long as there is an adequate pool of "qualified applicants" for any given position, the salaries offered for that position must be sufficient and appropriate.

I do not fault the Department of Administration for establishing and adhering to standards for assessing appropriate salary levels. We believe, however, that those standards may be inappropriate for the type of work that we do. A judge is not comparable to a computer programmer or heavy equipment operator. There are no judge positions in the open marketplace. I am a judge because I love and am committed to my work. There are only ten workers compensation ALJ's in the entire state. There are ALJ's in this state that have faithfully served the Division for almost twenty-five years. The average length of service is approximately 10 years. To continue to serve, despite inadequate compensation, rather than returning to private practice where the rewards could be much greater, demonstrates a level of loyalty and commitment to justice that should be recognized and rewarded, not punished. The Department of Administration's standards, when applied to judicial positions, serve to

discourage longevity and encourage turnover and instability.

The second rationale for opposing ALJ salary increases is that there is an adequate pool of qualified applicants, indicating the level of compensation offered must be sufficient. Certainly, if the minimum requirements for an administrative law judge are a law degree and a pulse, there will always be a "wealth" of "qualified applicants." Important factors would include knowledge of the law, knowledge of rules of evidence, prior trial practice experience, awareness of the ability to manage the dynamics of the courtroom, as well as maintaining appropriate judicial decorum. When an ALJ position opened in Wichita, applications for the position were accepted from some thirty "qualified applicants." After reviewing the applicants' qualifications, however, a decision was made to reopen the application process in hopes of attracting more and better applicants. Not all "qualified applicants" have the training, skills and demeanor to sit as a judge, make decisions and write coherent legal opinions.

While no one has yet argued that the state cannot afford to give its workers compensation ALJ raises, it should be remembered that the Division of Workers Compensation is fee-funded; it is not dependent upon the General Fund. On the contrary, sufficient revenues are generated by the Division through assessments against insurance carriers providing coverage in Kansas, that excess revenues are funneled *into* the General Fund. Increasing ALJ salaries to 80 or 85% of a District Court Judge would not result in either an increase in insurance company assessments nor have a meaningful impact on state budgetary policy. Those raises would, however, ensure that Kansas retains qualified individuals to perform the vital function of workers compensation Administrative Law Judges.

Conclusion

Judges are not like technical personnel who can move from government to private industry and back, depending upon market conditions. There is no "open market" for judges. It takes time, and commitment, to make a good judge. A judge may, for a period of time, place commitment to justice over material needs. Over time, however, the pressures of sending children to college and preparing for retirement mandate a reconsideration of our levels of compensation. Surely the best interests of workers compensation litigants and the State of Kansas are not best served by forcing qualified and experienced judges out just to save money on their replacements.

Thank you for your time and consideration.

Appendices:

K.S.A. 75-5708

2001 NAALJ survey

K.S.A. 75-5708. Division of workers compensation, establishment and administration; director of workers compensation, assistant directors, administrative law judges; appointment, compensation, qualifications.

(a) There is hereby established within and as a part of the department of human resources a division of workers compensation. The division shall be administered, under the supervision of the secretary of human resources, by the director of workers compensation, who shall be the chief administrative officer of the division. The director of workers compensation shall be appointed by the secretary of human resources and shall serve at the pleasure of the secretary. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of human resources, with the approval of the governor. The director of workers compensation shall be an attorney admitted to practice law in the state of Kansas. The director shall devote full time to the duties of such office and shall not engage in the private practice of law during the director's term of office.

(b) The director of workers compensation may appoint two assistant directors of workers compensation and also may appoint not to exceed 10 administrative law judges. Such assistant directors and administrative law judges shall be in the classified service. The assistant directors shall act for and exercise the powers of the director of workers compensation to the extent authority to do so is delegated by the director. The assistant directors and administrative law judges shall be attorneys admitted to practice law in the state of Kansas, and shall have such powers, duties and functions as are assigned to them by the director or are prescribed by law. The assistant directors and administrative law judges shall devote full time to the duties of their offices and shall not engage in the private practice of law during their terms of office.

(c) Assistant directors and administrative law judges shall be selected by the director of workers compensation, with the approval of the secretary of human resources. Each appointee shall be subject to either dismissal or suspension of up to 30 days for any of the following:

- (1) Failure to conduct oneself in a manner appropriate to the appointee's professional capacity;
- (2) failure to perform duties as required by the workers compensation act; or
- (3) any reason set out for dismissal or suspension in the Kansas civil service act or rules and regulations adopted pursuant thereto.

No appointee shall be appointed, dismissed or suspended for political, religious or racial reasons or by reason of the appointee's sex.

Survey of

Administrative Law Judge Salaries

As of January 1, 2001

Published by the National Association of Administrative Law Judges (NAALJ)

Summer 2001

Administrative Law Judge Salaries

To achieve the highest standard of administrative justice, it is essential that administrative law judge salaries be sufficient to attract the best possible candidates to the administrative judiciary and to retain experienced judges. Hopefully, this *Survey of Administrative Law Judge Salaries* will help state executive authorities establish appropriate salary levels for their administrative law judges and improve the administration of justice.

Administrative law judges employed by the executive branches of government receive various forms of remuneration for their important services. These include retirement pensions; disability; paid holiday, vacation and sick leave; and medical and other forms of insurance. However, the most important form of compensation is salary.

The NAALJ Judicial Compensation Committee regularly surveys the salaries of administrative law judges. The NAALJ intends this new survey to be one of the most extensive ever conducted. It surveys the salary ranges as of January 1, 2001, of administrative law judge/hearing officers of nine types employed by the fifty states and the District of Columbia. It also surveys the salary ranges of central panel administrative law judges and their directors or chief administrative law judges employed by various identified states. The survey also attempts to compare the salaries of similar federal administrative law judge/hearing examiner positions and full-time trial judges.

Administrative Law Judge Defined

While "administrative law judge" is the most modern and currently accepted title, a state personnel system may address or classify these positions as administrative judges, hearing officers, hearing examiners, appeals referees, arbitrators, magistrates, or other titles. However titled, these positions fundamentally perform the same function, they preside over hearings, make findings of fact and conclusions of law, and issue decisions concerning contested adjudicative proceedings under state administrative jurisdiction. While these positions often require a law degree, in other jurisdictions they may not, while still performing comparable functions. This survey compares both attorney and nonattorney positions.

Except for the directors of central panel hearing agencies, the positions surveyed do not primarily manage other administrative law judges or other positions. Beside their hearing duties, these positions might also render opinions on points of law and policy, advise other agency officials including administrative law judges, develop rules and have support personnel report to them. They might act as a "team leader" for other administrative law judges, but their primary function is to act as the presiding officer at administrative hearings and perform related duties associated with that function.

Despite comparable functions and work, very often a state will classify and compensate administrative law judges differently. Accordingly, the survey reviewed the minimum and maximum salary range of administrative law judges presiding over hearings in nine subject matter areas, namely:

1. Enforcement of human rights laws prohibiting discrimination on the basis of race, sex, age, or other invidious classifications (Human Rights).

2. Motor vehicle licensing (Motor Vehicle).
3. Enforcement of laws concerning pollution control or environmental safety (Pollutn Control).
4. Regulation and licensing of professions (Prof Reg).
5. Income, sales or similar tax liability under a state's general revenue law (Tax).
6. Eligibility of claimants or employment tax liability of employers under state unemployment insurance law (UI).
7. Regulation of public utilities including the rates utilities charge for their services (Utility Reg).
8. Eligibility for public assistance benefits or services under public social welfare law (Welfare).
9. Workers' compensation (Workrs Comp).

The salaries of administrative law judges employed by 28 states in centralized offices of administrative hearings or central panels holding hearings over various areas of law are identified as (Central OAH). The directors or chief administrative law judges of these central panel agencies are identified as (Chief OAH).

If a state employs more than one classification to perform one or more of the above descriptions of work, the information provided is the minimum salary of the lowest classification and the maximum salary of the highest. Occasionally, administrative law judges are employed to perform such duties are part-time or hired at a contractual rate, such as per hour or diem.

Survey Methodology

The survey was conducted primarily through freedom of information requests filed with the personnel administration offices of the various states, specific agencies and the several central panel office directors. The National Center for State Courts, Williamsburg, VA, provided judicial salary information. Other information consulted were state personnel office Internet sites and local members of the NAALJ. Missing information generally means a lack of response or knowledge from that state contact or that no position consistent with the work description or no identifiable class (nic) could be specified. Often, such a response might suggest that the primary duties of such positions may not include those of presiding officers at administrative hearings. Except as noted, the survey was intended to compare presiding officer salary ranges as of January 1, 2001, only, and not the salaries of positions whose primary duties involve managerial or other non-hearing functions. The survey also does not include the value of other benefits provided administrative law judges, only gross annual salary.

Additional notes are provided on the final page. All figures are rounded to the nearest dollar.

ADMINISTRATIVE LAW JUDGE SALARIES - JANUARY 1, 2001

State	Human Rights	Motor Vehicle	Pollutn Control	Prof Reg	Tax	UI	Utility Reg	Welfare	Workrs Comp	Central OAH	Chief OAH	Trial Judge
AL	34598-52443	OAH	OAH	OAH	74240-113194	32937-49920	55164-84149	36325-84149*	32937-49920*	55164-84149	74240-113193	99526-125658
AK	63156-86928 ¹	36588-62052 ¹	K 100+ per hr	63156-86928 ¹	55188-96888 ¹	46560-73404 ¹	63156-86928 ¹	42180-62052 ¹	53220-72372 ¹	na	na	87972-110772
AZ	37206-64682	37206-64682	37206-64682*	48627-73882*	37206-84225*	34097-64682	37206-64682	34097-84225*	48687-84225	48627-84225	61965-105000	120750
AR	nic	37396-	37396-	nic	37396-	24089-	72108-	nic	74912-	na	na	112728

		73485	73485		73485	47297	74034		77009			
CA	80808-102540	78936-103308	80808-102540	OAH	80808-102540	80808-102540	80808-107667 ²	80808-107667 ²	78876-95424	80808-107667 ²	110400	133052
CO	57108-89748*	42600-75478	57108-89748*	OAH	55817-89076	57108-89748	58656-89748	OAH	OAH	57108-92148	75288-115200	86486-110412
CT	99600	51293-62400	51694-74303	51694-74303	56929-70922	53617-85335	51694-74557	51103-64904	100558-105558 ³	na	na	111279-116000
DE	nic	28713-43069	52792-79188	nic	nic	37638-56456	46106-79188	nic	46106-79188	na	na	51800-134700
DC	36604-56510	nic ⁴	OAH	OAH	41961-67217	36604-67217	nic ⁴	60525-65427*	43874-79439	64000-104000	104000	114224-145100
FL	OAH	57267-98957	OAH	OAH	OAH	30945-50450	nic ⁵	32709-53838	111000 ⁶	73704-116998	73704-141724	117000-130000
GA	OAH	OAH	OAH	OAH	51924-90747	35382-62010	nic	OAH	69138-120986	51924-90747	110210	102416-143162
HI	nic	JUDC 88453 ⁷	nic	51550-67015 ⁸	JUDC 93861 ⁷	41772-59448	59798-71139 ⁸	41772-59448	34308-59448	na	na	100761-106922
I	nic	34618-50909	nic	K with AG	34611-65749	44709-65749	nic	K no info ⁹	44709-65749	na	na	85894-91596
IL	50000-70000	28704-49256	33408-73092	33408-73092	33408-73092	40968-59892	35316-103764	31692-57132	94538	na ¹⁰	na ¹⁰	127247-136536
IN	29484-42250	22906-33800	36764-53872	36764-53872	26078-42250	65806	36764-59358	29484-48048	65806-99658	na	na	90000-95000
IA	OAH	OAH	OAH	OAH	OAH	48818-64563	48818-64563	OAH	56576-74755	48818-64563	60403-75109	90200-103500
KS	43451-56763	39374-51522	43451-56763	47882-62587*	nic	43451-56763	nic	OAH	47882-62587	36566-62587	67500	97285
KY	34468-67488* ¹¹	34468-61354 ¹¹	34468-67488* ¹¹	OAH	37914-67488	25896-55775 ¹¹	37914-67488 ¹¹	25896-50704* ¹¹	100035	37914-67488 ¹¹	45876-81658 ¹¹	99553-110288
LA	nic	OAH	OAH	30144-57000*	nic	23004-49788	24612-40644	23004-49788	36936-60996	34524-57000	76000	92520
ME	nic	33342-46010	nic	33342-46010	33342-46010	OAH	nic	33342-46010	59051-82493	36314-57000	47000-63300	97110
MD	OAH	OAH	OAH	OAH	35822-53511* ¹²	38236-69728*	35822-69728	OAH	107200	53657-79640	85593-110589	107200-115000
MA	46832-65045*	34657-51518	46832-65045	46832-65045*	43600-75981	43604-56936	40859-65045	43604-56936	40859-65045	46832-65045	52700-80060	112777
MI	41489-89325*	41489-83541	52726-89325	OAH	63872-89325	41489-83541	OAH	41489-89325	43326-76609	63872-89325	71618-95317	134366-135966
MN	87056*	87056	OAH	OAH	96727-101585* ¹³	42115-62494	OAH	87056	OAH	87056	96727	98180
MS	27683-	K 50+ per hr	32967-	nic	49272-86226	31027-54296	48083-	22515-39401	75000	na	na	70000-94700

	41983 ¹⁴		71432 ¹⁴				70020 ¹⁴					
MO	K 85 per hr	OAH	K 85 per hr	OAH	OAH	34644-57060	36012-65028	31992-47100	86400	91427	91427	87235-98947
MT	29074-45892	nic	K no info	29074-45892	38339-55627	29074-45892	nic	29074-50630	29074-50630	na	na	82600
NE	nic	34584-50088	49661-72009	57390-83215	49661-72009	39975-62312	nic	49661-72009	JUDC 102678	na	na	99903-102678
NV	nic	45644-62473	nic	K no info	67981	38336-52137	47774	38336-52137	78592	na	na	100000-122000
NH	46059-54932 ¹⁵	46059-54932	44050-50291	44050-50291	46059-54932	40365-48126	46059-54932	40365-48126	36933-44051	na	na	99860
NJ	OAH	102873-119090	OAH	OAH	47615-71989	78090-84336	OAH	OAH	102873-119090	102873-116590	122076	137165
NM	34016-51022	34016-56676	45621-68430	27044-51022	45621-68430	30846-46272	43353-63527	27044-46272	37785-56676	na	na	73434-81593
NY	55171-67589	55171-67589	61297-74900	55171-78692	75421-91205	55171-67589	nic	61297-74900	64560-78692	na ¹⁶	na ¹⁶	95376-136700
NC	82718	25156-40944	OAH	OAH	53322-89870	35378-59033	104523	29826-49174	53322-89870	82718-87314	91909	91909-104523
ND	31752-64740	29268-53988	OAH	OAH	OAH	29268-48780	OAH	OAH	OAH	31752 ¹⁷ -64740	67183	84765
OH	40186-64979	40186-71469	47050-64979	nic	47050-78832	36650-71469	44262-78832	36650-64979	44262-86258	na	na	97250-103500
OK	K no info	28897-40512	49338-63936	K no info	60807	38222-38631	49338-63936	38222-49545	JUDC 88511	na	na	80750-95898
OR	40308-56208	40308-56208*	OAH	40308-56208*	40308-56208	OAH	53124-74388	40308-56208*	50676-70872*	40308-56208	74160-109620	85300
PA	45418-78788	26993-40665	105086-107586 ¹⁸	59169-89937	39785-60460	39785-60460	59169-89937	34875-69027	60460-78788	na	na	57457-118857
RI	K no info	JUDC 84569	79121	52036-58995	57743-66347	52036-58995	59907-69561	43296-49012	JUDC 100157	na	na	83019-114430
SC	33901-48778	31180-33640	OAH	OAH	OAH	36231-48959	77834	OAH	94611	89047	100178	108379-111309
SD	39561-59321	39561-59321	39561-59321	39561-59404*	OAH	35360-53040	nic	35360-53040	35360-59404*	39936-59404	44200-66352	66220-91286
TN	OAH	20244-32400	OAH	OAH	37644-66288*	32208-55572	37644-60696	25944-43260*	58524-73152*	58524-73152	82224	108036
TX	nic	37332-72420	OAH	OAH	77220*	32988-49560	OAH	38832-56304*	47820-72420*	42216-72204	94824	101700-112600
UT	58074-87256	58074-87256	nic	58074-87256	58074-87256	37627-56534	58074-87256	52104-87256	58074-87256	na	na	103688
VT	46176-69202	32053-65104	25605-50898	nic	40955-65104	36171-57450	30264-66477	27040-42744	32053-50898	na	na	70879-94505
VA	nic	34910-71646	34910-71646	K no info	nic	34910-93599	59581-122281	34910-71646	77211-101691	na	na	110723-123027
WA	OAH	38970-65553	66667-84000	OAH	38970-65553	OAH	38970-65553	OAH	54715-68937	45312-65604	95040	105972-111549

	36420-59220	25944-42204	36420-59220	K n o info	36420-59220	25944-42204	36420-78822	25944-42204	36420-59220	na	na	90000
I	38966-99973	38966-99973	OAH	38966-99973	38966-99973	38966-99973	38966-99973	OAH	38966-99973	38966-99973	105715	105755
WY	nic	OAH	nic	OAH	OAH	29220-54060	nic	29220-54060	OAH	50000-72000 ²⁰	60000-72000	69750-83700
FED	40236-88096 ²¹	nic	88300-133700 ²²	nic	125764-141300 ²³	48223-88096 ²⁴	nic	88300-133700 ²⁵	88300-133700 ²⁶	na	na	133492-145100

Notes and Abbreviations

hr Hour.

K State uses part time contract administrative law judges, often private attorneys.

JUDC Type of hearing presided by judicial branch judge.

na Not applicable-jurisdiction does not have a known central panel office of administrative hearings. Note, however, that Chicago, IL and New York City have such offices.

nic According to source, no identifiable classification performs presiding officer duties as its primary function or such information is not available. Hearings may be presided by Boards or Commissions.

OAH State central panel office of administrative hearings hears the majority of these types of cases.

* State central panel office of administrative hearings hears at least some of these types of cases. In a few instances, the OAH salary is only listed as the best information available.

1. Alaska salaries do not include adjustments for locality rates of pay.

2. California salaries noted include training allowance of 5 percent for mandatory education where all expenses were paid by employer. Such allowances may have been payable to other categories of California administrative law judges but insufficient information is available.

3. Connecticut Workers' Compensation Commissioners are paid \$110,000-\$115,000. Chair paid \$10,000 more based upon years of service.

4. Although District of Columbia sources failed to provide the salaries of the presiding officers of its motor vehicle and utility regulation hearings prior responses indicate that D.C. does employ such officers for these hearings.

5. Florida failed to provide information concerning its Utility Regulation hearings. Prior responses indicate that Florida does employ such ALJs.

6. Florida only provided an estimated average salary of its Workers' Compensation Judges of Compensation Claims.

7. Hawaii's tax hearings are reported to be held in its circuit courts. Its motor vehicle hearings held in its district courts.

8. Hawaii did not provide information concerning its Professional Regulation and Utility Regulation hearings. Amounts estimated based upon 1999 responses.

9. Idaho Department of Health and Welfare uses outside attorneys to conduct its hearings.

10. Although the state of Illinois does not have a central panel hearing office, the city of Chicago has a centralized Department of Administrative Hearings employing part-time "Administrative Law Officers" at a rate of \$50 per hour. Some work nearly fulltime earning up to \$90,000 per year. The Director of the office is paid

\$125,000.

11. Kentucky maximum salaries listed are estimated based upon published "midpoint wage" schedule. Sources indicate that some ALJs are paid higher than the published "midpoint wage" listing.
12. Maryland tax salary listed is for fulltime hearing officers. Maryland Tax Court also employs partime attorney ALJs earning \$34,000. The partime Tax Court Chief ALJ is paid \$37,800.
13. Minnesota tax salary listed is for judicial tax court. The Office of Administrative Hearings also holds sales tax hearings.
14. Mississippi did not provide information concerning its Human Rights, Pollution Control and Utility Regulation hearing officer salaries. Amounts listed are estimates based upon 1999 reports.
15. Salary shown is that of New Hampshire Human Rights Commission Executive Director. Human rights hearings reported conducted by partime commissioners.
16. Although the state of New York does not have a central panel hearing office, the city of New York does have a centralized Office of Administrative Trials and Hearings, employing "Administrative Law Judges" at a range of \$45,183 to \$89,404. The Director of that office is paid \$133,000.
17. The minimum actually paid North Dakota Office of Administrative Hearings ALJs is \$52,290. That office also hires temporary ALJs at a rate of \$80.00 per hour.
18. Salaries shown are for the Pennsylvania Environmental Hearings Board members and chair..
19. Effective July 1, 2001, the salary for Pennsylvania unemployment insurance hearing officer and appeals referees will be \$47,000 ~~or~~ 1,453.
20. Wyoming Office of Administrative Hearings salaries listed include that of the Director who also presides over hearings.
21. United States Equal Employment Opportunity Commission. Range does not include locality rates of pay.
22. United States Environmental Protection Agency. Maximum includes locality rates of pay.
23. United States Tax Court.
24. United States Railroad Retirement Board, Bureau of Hearings and Appeals. Range does not include locality rates of pay.
25. United States Social Security Administration. Maximum includes locality rates of pay.
26. United States Department of Labor. Maximum includes locality rates of pay.

Survey Comments

Administrative law judges, by whatever title a jurisdiction calls them, are essential to the administration of justice and an integral and basic component of government. Despite the importance of these positions, these positions are still, in many respects, the "hidden judiciary." The salaries paid to administrative law judges should be indicative of the importance of these positions and be sufficient to attract the best possible candidates to the administrative judiciary and to retain experienced judges.

All the positions surveyed, including the judges of the judicial branch, perform comparable functions. They all preside over tribunals deciding adjudicative controversies where they make findings of fact and conclusions of law. Despite the performance of comparable functions, except for a few more progressive state jurisdictions, substantial discrepancies exist among the compensations paid administrative law judges within most state jurisdictions. The ALJ Compensation Committee of the National Association of Administrative Law Judges believes that there is no rationale basis for substantial disparity between the salaries paid to administrative law judges within a jurisdiction. Generally, administrative law judges should, within a jurisdiction, be uniformly titled and commensurately classified and compensated, whatever the type of cases they hear.