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# Government Workers Are America's New Elite

BY STEVEN GREENHUT

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As a child, I would ask my mother on Mother's Day or Father's Day: "Why isn't there a Children's Day?" After she stopped laughing, Mom explained: "Every day is Children's Day." I didn't understand the joke then, but now that I'm the father of three children, her answer makes perfect sense.

I recalled that exchange recently after reading that government employees get an entire week dedicated to their "service." This year, "Public Service Recognition Week" ran from May 5 to 11, and state government workers got their own recognition day on May 7. The U.S. Senate and House of Representatives honored the occasion by passing proclamations commending the nation's noble public servants.

Special weeks or not, many of us have no special appreciation for government workers. The vast majority of them perform jobs that should either be eliminated or handled by the private sector (the *real* private sector, not "private" firms using taxpayer dollars). Besides, even workers who perform arguably legitimate tasks are well paid for their efforts. Roofers, car mechanics, taxi drivers, and journalists perform important services also, but one doesn't find entire weeks devoted to their heroics. Furthermore, government officials do not behave like noble doers of the public good. Instead, they are regular human beings who use their power and position to advance their own interests. That's to be expected, so why treat them like heroes?

But the best argument against honoring public "servants" is the one made by my mother in her concise rebuttal: *Isn't every day Public Employees' Day?*

## A Public-Employee Smorgasbord

Thanks to craven politicians seeking government-union support, shameless exploitation by those unions of national tragedy (such as the death of firefighters in the World Trade Center collapse), and other factors, including the public's increasing embrace of big government, government workers have turned themselves into a coddled class that lives better than their private-sector counterparts and is exempt from many of the standards and laws that apply to the rest of us. Instead of offering accolades and honors, the public should be mad at the current situation and ought to question what it says about the nature of our society.

The *Orange County Register* published a front-page investigation in April about a special license-plate program for California government workers. The drivers of nearly 1 million cars and light trucks—out of a total statewide registration of 22 million—have their addresses shielded under a confidential records program.

"Vehicles with protected license plates can run through dozens of intersections controlled by red light cameras with impunity," according to the *Register's*

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Jennifer Muir. "Parking citations issued to vehicles with protected plates are often dismissed because the process necessary to pierce the shield is too cumbersome. Some patrol officers let drivers with protected plates off with a warning because the plates signal that drivers are 'one of their own' or related to someone who is."

As I wrote in my newspaper column, "Readers have been shocked to learn that California has about 1 million citizens who are literally above the law. Members of this group . . . can drive their cars as fast as they choose. They can drink a six-pack of beer at a bar and then get behind the wheel and weave their way home. They can zoom in and out of traffic, run traffic lights, roll through stop signs and ignore school crossing zones. They can ride on toll roads for free, park in illegal spots and drive on High Occupancy Vehicle lanes even if they have no passengers in the car with them. Chances are they will never have to pay a fine or get a traffic citation."

Yes, rank has its privileges, and it's clear that government workers have a rank above the rest of us.

If officials who claim to be protecting the public's safety were told that one out of every 22 California drivers had a license to drive any way they choose, these officials would be demanding action and more power to protect Californians from the potential carnage. But until the newspaper series, we'd heard nothing about the situation from police officials and legislators. The reason, of course, is that the scofflaws are the police, their family members, and other government agents.

The special-license program started in 1978 with the seemingly unobjectionable purpose of protecting the personal addresses of officials who deal directly with criminals. Police argued that the bad guys could call the DMV and get home addresses. They could then go and harm the officers and their family members. There was no rash of such actions, only the possibility that this danger could take place.

So police and their families got their confidentiality, but then the program expanded from one set of government workers to another. So now parole officers, retired parking-enforcement employees, DMV workers,

county supervisors, social workers, and many other categories of workers get the special protections. By the way, the protections are pointless now, given that the DMV long ago abandoned the practice of giving out personal information to the public. Yet the list of categories keeps growing and growing.

A few days after the newspaper investigation caused a buzz in Sacramento, legislators voted to expand the protections to even more classes of government workers. An Assembly committee, on a bipartisan 13-0 vote, agreed to extend the protections to veterinarians, firefighters, and code officers. One legislator justified the vote with a horrific story about code officials who were murdered after breaking up a dog-fighting ring. After the vote, the story was revealed as largely bogus, but just as government officials constantly parade their heroes in front of the public to secure more funding, so too do they tell tales of the grave dangers they face.

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### Rationalizations for Special Privileges

One Democratic Assembly member justified her support for the bill this way: "[T]his is a public safety issue. And there are lives of public workers, public safety officers, that are put on the line every day on our

behalf that need to be protected." Said a Republican member of the committee: "I don't want to say no to the firefighters and veterinarians that are doing these things that need to be protected." Never mind that there is no longer any need for the protection and that the main purpose of the special plates is to protect government employees and their families from tickets and tolls while they drive in their personal vehicles on their personal time.

With the government employees' addresses kept confidential, toll-road operators, parking enforcement, and red-light-camera operators either cannot access them or don't go through the extra steps necessary to find the addresses. So the government employees often rack up thousands of dollars individually in unpaid fines or in tolls. This costs the quasi-private toll operators millions of dollars. Furthermore, when police spot these

special plates or pull people over and look up the plates, they realize that the driver is special. They then extend what the police call “professional courtesy”—that is, they don’t ticket other members of the brotherhood of government enforcers.

“It’s a courtesy, law enforcement to law enforcement,” said one police spokesman to the *Register*.

I have gotten calls from police whistleblowers alerting me to, for example, a local cop’s spouse who allegedly was pulled over stone drunk, then given a courtesy ride home. Any average citizen pulled over for a DUI would end up in the county’s notoriously abusive jail system for a day or more. Don’t ever expect such “courtesy” for a mere citizen or taxpayer! This obviously is the type of thing more appropriate to an authoritarian or totalitarian society, where the rulers get to behave according to a different set of laws than the ruled.

In California, law enforcement gets its own “Peace Officers Bill of Rights,” which offers a comprehensive list of special protections in case officers are accused of wrongdoing. Even the name of that law is offensive—the Bill of Rights is meant to protect the public from the government, but this one offers an added layer of protection from public accountability for the agents of government.

### “More”

Being exempt from traffic laws is bad, but government workers are always pushing the envelope. It’s like the union leader who was once asked, ultimately, what it was he wanted for his members. His answer: “More.” That applies not only to salary and benefits but to special protections.

In April the California Assembly Public Safety Committee was set to consider—and most likely pass, with little apparent opposition—Assembly Bill 2819 by Mark DeSaulnier. The bill states, “No firefighters, EMT-1, EMT-II or EMT-P employed by the state or a local agency shall be subject to criminal prosecution for any legal act performed in the course and scope of his or her employment to carry out his or her professional

responsibilities.” The only way a firefighter could be prosecuted is if he or she committed an act “with demonstrable general criminal intent”—an extremely high standard for a prosecutor to meet. An earlier version of the legislation would have prevented firefighters from “civil or criminal liability unless the act was performed in bad faith or in a grossly negligent manner with demonstrable, willful criminal intent.”

Despite the words “legal act,” the clear result of the legislation would have been to protect firefighters from prosecution for gross negligence. If, say, a firefighter committed an intentionally illegal act such as murder or theft, he would still be subject to prosecution. But if he was involved in otherwise legal behavior, such as driving, but acted in a grossly negligent way when doing so, he would be exempt from prosecution. This goes far beyond the current civil protections for “good faith” mistakes a firefighter or paramedic might make in the line of duty.

The impetus for the legislation was a controversial prosecution by a district attorney against a firefighter who killed someone because he was driving a fire truck allegedly in violation of department standards. Even though prosecutors are loath to file charges against firefighters, the fire-

fighter unions grabbed onto this one incident as a means to gain blanket immunity for their members, even for outright misbehavior. One Assembly member told me that if the legislation became law, a firefighter or paramedic would be protected from any civil or criminal claim even if he showed up at an accident, saw someone in severe distress, but decided to get a hamburger instead of doing his job.

As the *Register* opined at the time: “The Assembly Public Safety Committee today is considering one of the most noxious, special-interest pieces of legislation we’ve seen in a while—one that will endanger public safety, tread on the California constitution and reinforce the perception that some government workers are part of a special, coddled group that’s exempt from the normal legal and ethical standards that are applied to other Californians.”

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The constitutional problem: The legislature cannot dictate to the executive branch who it can and cannot prosecute. This legislation was first introduced for fire-fighters, but before long police, animal-control officers, and others would be demanding the same protection. The bill was pulled from the calendar at the last minute due mostly to the bad publicity the editorial generated, but it will surely be back again. Government workers and their unions are quite shameless about pushing their self-interest.

There was a time when government work offered lower salaries than comparable jobs in the private sector, but more security and somewhat better benefits. These days, government workers fare better than private-sector workers in almost every area—pay, benefits, time off, and security.

“Today, government employees in the vast majority of job classifications earn considerably more than those in the private sector doing similar work,” wrote Jon Coupal of the Howard Jarvis Taxpayers Association and Richard Rider of the San Diego Tax Fighters in a recent column in the *California Republic*. “They have even better job security than before and they enjoy many far superior benefits—including a pension which can exceed the salary they earned while working.”

The *Asbury Park Press* in New Jersey reported recently that “Federal workers, on average, are paid almost 50 percent more than employees in the private sector.” The reason, according to a Heritage Foundation legal analyst quoted in the article: “The government doesn’t have to worry about going bankrupt, and there isn’t much competition.”

One result is the huge public liability created by government pension and retiree health-care plans. Elected officials are generous in granting expanded benefits to government employees. They buy labor peace and political support, letting future legislatures, councils, and taxpayers deal with the growing debt. This is no minor problem. “The funds that pay pension and

health benefits to police officers, teachers and millions of other public employees across the country are facing a shortfall that could soon run into trillions of dollars,” the *Washington Post* reported in May. “But the accounting techniques used by state and local governments to balance their pension books disguise the extent of the crisis facing these retirees and the taxpayers who may ultimately be called on to pay the freight.”

The second part of that quotation is harrowing. The unions and government agencies have cleverly hidden the extent of the deficit. But courts have ruled that the promises made by elected officials to government unions are ironclad contracts that must be kept. That

leaves the nation’s taxpayers stuck footing the bill. Even as private-sector workers must toil longer to shore up their eroding retirement funds, so too must they work extra to make good on the unsustainable promises elected officials have made to government workers. Only the best for our rulers!

### **Institutionalizing Perverse Incentives**

It’s easy to understand why the pension deficit continues to grow. In California, for instance, public-safety employees—police, fire, prison guards, and an expanding number of law-enforcement categories—receive “3 percent at 50” retirements. That means at age 50 they are eligible for 3 percent of

their final year’s pay times the number of years worked. So if a police officer starts working at age 20, he can retire at 50 with 90 percent of his final salary until he dies, and then his spouse receives half that for the rest of her life. The taxpayer typically makes the complete retirement contribution throughout the officer’s years of work. Many police—more than half in some agencies—claim an injury (such as back pain or bad knees) a year before their retirement age, which not only gives them a year off for disability, but protects half their retirement from taxes.

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Police and firefighters are legally presumed to have a work-related illness when they get common ailments such as heart attacks or cancer. The bottom line: Public-safety officials have many ways to gin up their already generous retirements benefits to astronomical levels. Most garden-variety government employees get lucrative pensions also. It is common for them to retire at age 55 with more than 80 percent of their final year's pay. Most public employees receive defined-benefit retirement plans, in which the taxpayer promises a set rate of return, as opposed to private-sector workers who have 401(k)'s and other defined-contribution plans in which the market sets the return.

### The Trouble with Vallejo

This situation is bringing trouble. Vallejo, a city of 120,000 in the San Francisco Bay area, declared bankruptcy because tax revenues remained relatively static while public-employee salaries continued to grow out of control. Police and fire budgets consume three-quarters of the city's budget, leading to the zeroing out of other government programs (libraries, museums, senior-citizen centers). Despite the enormous spending on public safety, city officials have warned citizens to be

judicious in their use of 911. When government overspends, the public has to suffer.

The *San Francisco Chronicle* reported that the base salary of firefighters in Vallejo is \$80,000 a year, that 21 firefighters earn more than \$200,000, and that 77 of them earn more than \$170,000. The *Chronicle* also reported that these excessively paid folks have been spending their time "going abalone diving, grilling tri-tip and drinking cocktails on the public's dime." The city manager, by the way, earns a total compensation package of \$400,000 a year. The downtown is decrepit, in large part because the city has no money to spend on infrastructure.

Even with bankruptcy, it's uncertain whether Vallejo can get out from under the outrageous union contracts that are turning it into a Third World city—one that comes complete with an arrogant and corrupt aristocracy that doesn't care about the public.

Even worse than the fiscal mess is the kind of society we're creating. It's one where the government elite get special pay, special benefits, special privileges, and special exemptions from the law, and where the rest of us have to play by the rules and work extra hard to pay for these excesses. And yet so many people believe the private sector is the problem! Go figure. 

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