



Division of the Budget

ANDREW M. CUOMO
Governor

ROBERT F. MUJICA JR.
Director of the Budget

September 21, 2016

Dear Members of the New York State Commission on Legislative, Judicial, and Executive Compensation:

Thank you for the opportunity to provide information for your deliberations to support the need for a pay increase for New York State Agency Commissioners.

An increase in the salaries of these commissioner positions is warranted in order to maintain the talented public servants we currently have, and to be competitive in attracting the most talented individuals in the nation to New York State government. The current statutory salaries are no longer competitive, however we recognize public sector salaries will remain below their private sector counterparts.

While an argument can be made that salary increases are warranted because the last pay increase for commissioners occurred in 1999 and inflation has increased by 45% during that time, this alone is not sufficient for a salary increase.

There are three main factors related to recruitment and retention that justify the need for a pay increase for commissioners:

1. The salaries for New York State Agency Commissioners are below those provided to their counterparts in other neighboring and/or comparable states. (See Attachment A for details on selected state's commissioners pay.) It is also well below the salary of their Commissioner counterparts in NYC.
2. A major challenge in recruiting individuals to these positions is that the current pay level is not competitive. Currently, 9 commissioner positions are vacant out of a total of 38 Section 169 Commissioners (a 23.7% vacancy rate).
3. The current pay for Commissioners is also below the salaries paid to individuals they supervise, which is not a sound management practice. The pay for management confidential employees has increased by 42 percent since the last pay raise for Commissioners.

In terms of the comparison of New York State commissioner salaries to selected states, we have provided information from the Council of State Governments using 2016 data for nine comparable and/or neighboring states.

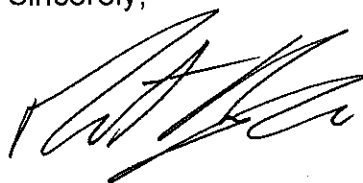
According to the data, for example, the average salary paid by the nine selected states was an average of \$174,144 for health commissioners, \$176,702 for Corrections Commissioners and \$176,244 for the State Police.

The two largest states – California and Texas – which are the most comparable to New York in terms of scope of responsibility, size of budgets and employees they supervise, have salaries well in excess of these averages. For example, the Commissioner of Corrections in Texas (\$266,500) and California (\$243,360) are paid well in excess of the current \$136,000 New York State salary for this position.

The need for a pay increase is further supported by the roughly 24 percent current Commissioner vacancy rate. This reflects 9 agencies currently operating without filled commissioner positions, and which are generally operated by Deputy Commissioners, including: the Council on the Arts; the Office of Children and Family Services; the Department of Civil Service; the Department of Corrections and Community Supervision; the Division of Criminal Justice Services; the Higher Education Services Corporation; the Department of Taxation and Finance; the Department of Motor Vehicles; and, the Office for People With Developmental Disabilities.

I believe it is vital to have competitive salaries to maintain and recruit top executive talent to New York State government. If there is other data that you feel would be helpful to further support the need for a pay increase for Commissioners, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert F. Mujica Jr.', written in a cursive style.

Robert F. Mujica Jr.

ATTACHMENT A

NY Commissioner Salaries Compared to Other States

	CA	CT	FL	IL	MA	MD	NJ	PA	TX	NY	Average (excluding NY)
Corrections	\$243,360	\$167,500	\$160,000	\$150,228	\$150,000	\$159,072	\$141,000	\$152,657	\$266,500	\$136,000	\$176,702
Education	\$158,775	\$192,500	276,000	\$225,000	\$161,522	\$153,532	\$141,000	\$152,657	\$220,375	\$136,000	\$186,818
Health	\$239,064	\$190,000	\$141,000 ⁽¹⁾	\$150,228	\$140,000	\$170,997	\$141,000	\$152,657	\$242,353	\$136,000	\$174,144
Transportation	\$177,683	\$190,750	\$141,000	\$150,228	\$161,522	\$174,419	\$141,000	\$152,657	\$299,812	\$136,000	\$176,563
Environmental Conservation	\$188,451	\$139,050	\$150,000	\$133,273	\$139,050	\$104,235	\$141,000	\$152,657	\$210,695	\$136,000	\$150,935
State Police	\$239,282	\$183,340	\$140,100	\$132,566	\$231,253	\$167,661	\$132,300	\$145,025	\$214,672	\$136,000	\$176,244
General Services	\$171,545	\$175,000	\$141,000	\$142,339	\$138,338	\$146,743	\$130,000	\$145,025	\$170,824	\$136,000	\$151,202
Labor	\$188,451	\$157,000	\$141,000	\$124,090	\$117,300	\$161,975	\$141,000	\$152,657	\$179,500	\$127,000	\$151,441
Parks	\$161,650	\$155,767	\$114,000	\$133,273	\$130,000	\$116,053	\$110,000	\$108,773	\$195,749	\$127,000	\$136,141
Agriculture & Markets	\$188,451	\$132,160	\$128,972	\$133,273	\$136,000	\$140,674	\$141,000	\$137,392	\$137,500	\$120,800	\$141,714
Financial Services	\$188,451	\$209,439	\$128,972	\$150,000	\$161,522	\$174,417	\$133,507	\$165,008	\$153,750	\$127,000	\$162,785

Source: The Book of States, Council of State Governments, 2016



Notes:

(1) Commissioner is newly appointed and salary is not available. Salary included in table is 2015 salary.