

1 STATE OF NEW YORK

2 _____X
NEW YORK STATE COMMISSION on Legislative, Judicial and
3 Executive Compensation

4 HEARING

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6 _____X

7 PROCEEDINGS held at the New York State Bar
Association, Albany, New York, in the above-entitled matter on
8 the 12th day of October, 2024 at 12:00 PM.

9 BEFORE: EUGENE M. FAHEY, Chair
10 JEREMY S. WEINSTEIN, Commissioner
11 VICTOR A. KOVNER, Commissioner
12 R. NADINE FONTAINE, Commissioner
13 THERESA EGAN, Commissioner
14 HELENE BLANK, Commissioner
15 ROBERT MEGNA, Commissioner

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17 REPORTED BY: Cynthia A. West

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1 Commission and the Bar Association has been a great
2 assistance to us in providing the facility that reflects
3 the nonpartisan nature of the work before the Commission.

4 I also want to begin by introducing myself, I
5 would start on my far left and introduce the other
6 Commission members that are with us today, and who the
7 employing authority was. Mr. Robert Megna to my left
8 appointed by the Governor, Nadine Fontaine, is also to my
9 left appointed also by Governor Hochul, to my right is the
10 former member of the judiciary, appointed by the Senate
11 Majority Leader, Jeremy Weinstein, and to my next left is
12 Helene Blank, who is a distinguished attorney who was
13 appointed by Chief Judge Rowan Wilson, after Helene is
14 Theresa Egan now Acting Judge, who was appointed by the
15 Assembly Speaker, and finally the very distinguished
16 attorney both locally and nationally, Victor Kovner, who
17 was appointed by Governor Hochul.

18 We're going to begin today with remarks from a
19 member of the public, Elena Sassover. But I just want to
20 point out that both on the website and through mailings
21 and notification of the media, the Commission has clearly
22 made itself available for any input that the public wants
23 to make on this issue.

24 Other than that, I think it's time for us to go
25 directly to Ms. Sassover. I will ask all the public

1 speakers starting with Ms. Sassover to limit their remarks
2 to approximately ten minutes. So, I want to ask Ms.
3 Sassover -- good morning. We can't hear you. We have to
4 unmute you. Give us one second. Can you say something?

5 MS. SASSOVER: Yes. Thank you. Good morning.

6 COMMISSIONER FAHEY: Whenever you are ready.
7 You have ten minutes. Go ahead.

8 MS. SASSOVER: Thank you. But I am a little bit
9 confused, I had understood that Assemblyman Brian
10 Cunningham would be testifying.

11 COMMISSIONER FAHEY: Yes, that's right. He was
12 scheduled to testify and we haven't heard from him this
13 morning and you were next up on the list. So are you
14 ready?

15 MS. SASSOVER: So I understand that I was the
16 only other person apart from Assemblyman Cunningham?

17 COMMISSIONER FAHEY: Yes, that's correct.

18 MS. SASSOVER: So I'm it?

19 COMMISSIONER FAHEY: Yes.

20 MS. SASSOVER: So, it's clear that you have no
21 basis to proceed. You are -- last year I testified at
22 your October 13th hearing on judicial compensation and
23 before beginning my testimony I handed up documents in
24 substantiation of my testimony. As I am testifying
25 virtually I cannot hand up any documents for this hearing

1 on Legislative and Executive compensation; however,
2 everything is posted on the center for Judicial
3 Accountability's website www.judgewatch.org, accessible by
4 a prominent center link on the home page, entitled CJA's
5 lawsuit against the latest round of false instrument
6 judicial and DA pay raises and opposition to further
7 crimes by the Third Commission on the Legislative Judicial
8 and Executive Compensation.

9 Before beginning last year I asked you Chair
10 Fahey whether you wished to swear me in so that I can give
11 testimony under oath, you declined. But I am ready to be
12 sworn at this hearing.

13 COMMISSIONER FAHEY: Ms. Sassover, I'm not going
14 to swear you in. This isn't a judicial proceeding and
15 it's simply to gather information and to allow you to
16 express your opinion on this issue, so I'm not going to
17 swear you in.

18 You can proceed.

19 MS. SASSOVER: Well, last year I said at the
20 hearing on judicial compensation was permeated by fraud by
21 the witnesses, the judges and the judicial pay raise
22 advocates. At this hearing apparently no one but myself
23 is testifying. So, obviously they do not believe that
24 they have any evidence to proffer of any nature in support
25 of any increases in their salaries. Now, that is the only

1 inference that can be drawn. I would further point out
2 that at your June 27th meeting that you held, you
3 identified the Jim Dewan, "De-wine", from the Division of
4 the Budget, would be furnishing some information germane
5 to numbers to where we're at insofar as salaries
6 compensation, who are the numbers of officers that are
7 before you for salary increases. I understood that you
8 would be hosting that on your website and you would be
9 receiving it by early September and posting it on the
10 website.

11 So is Mr. Dewan here today?

12 COMMISSIONER FAHEY: No.

13 MS. SASSOVER: Can we know what he has furnished
14 you? You tasked him to provide?

15 COMMISSIONER FAHEY: Yes, you can.

16 MS. SASSOVER: You can provide documentation?

17 COMMISSIONER FAHEY: Slow down, yes, you can.

18 The Compensation Commission information I have a series of
19 slides that I'll make part of the record that he gave us
20 in response to questions from the Commission, and all of
21 that will be put on the website after the hearing. You'll
22 have it, and you can review it any way you would like.

23 So go ahead.

24 MS. SASSOVER: Well, okay. I emphasize that
25 the statute requires you to examine adequate levels of

1 compensation and non-salary benefits in order to determine
2 whether increases were warranted. I refer you to Section
3 (2) paragraph (1) Section (2) (A) (2) (B), I further
4 identify that in addition to these to -- I additionally
5 identified that you were required to take into account all
6 of the appropriate factors and that the most important
7 threshold factor is corruption in office whether or not
8 the public officers, at that time judges, but it's equally
9 applicable here. Whether the officers whose salaries you
10 are examining are doing their job. Because we don't pay
11 people we, don't increase salaries for public officers who
12 are not doing their job, who are corrupt. In fact, that
13 is unconstitutional.

14 Well, as you know, the public officers, the
15 Legislators whose salaries are before you, the statewide
16 electeds whose salaries are before you, are corrupt, and
17 their corruption has been the subject since 2012 of six
18 separate lawsuits, five of which were commenced by the
19 Center For Judicial Accountability, one involving the
20 Legislature suing with respect to the sham Commission to
21 Investigate Public Corruption, which covered up everything
22 in which the Center For Judicial Accountability sought
23 intervention. Your duty is to make as I said a year ago,
24 your duty is to make Findings of Fact and Conclusions of
25 Law with respect to the evidence in these lawsuits of the

1 corruption of the Legislature, the statewide electeds none
2 of overwhelm are operating at a Constitutional level
3 demonstrated by those lawsuits and of course, the
4 judiciary as well who are respondent defendants in some of
5 those lawsuits, and which grew all those cases by
6 fraudulent judicial decisions.

7 By way of update, and to -- bearing in mind the
8 limitations that you are imposing for presentations, I
9 wish to identify what is taking place since I testified a
10 year ago. I identified that the -- I highlighted the case
11 of Center for Judicial Ability against JCOPE, et al, and
12 the et al is the Governor, the Attorney General, the
13 Comptroller and all the Legislators. I identified that
14 that case involving the integrity of the public protection
15 entities charged with protecting the public against the
16 corruption of the Legislators, against the corruption of
17 the Executive Officers having been thrown by fraudulent
18 judicial decisions and was at the Appellate Division Third
19 Department. So now I can alert you and you will find all
20 these substantiation posted on the website and that that
21 case at the Appellate Division Third Department was thrown
22 by the Appellate Division, Third Department. In that case
23 as in all the prior cases, the Attorney General corrupted
24 the judicial process with litigation fraud, and was
25 rewarded by fraudulent judicial decisions completely.

1 Entirely.

2 The second update I wish to provide, of course,
3 is that a further lawsuit was commenced since I presented
4 last year and that lawsuit you are very familiar with,
5 because you are the first respondent/defendants and along
6 with, the Legislative Executive Public Officers whose pay
7 you are considering. They covered up for you, for what
8 you did, in the first phase of your work, regarding
9 judicial compensation where you -- violated totally the
10 statute in disregard of everything I said at the hearing,
11 that was demonstrated in an opposition report which went
12 through what you did -- your fraudulent statutorily
13 violative unconstitutional report recommending judicial
14 pay raises that had the force of law. That was --
15 detailed, line-by-line in an opposition report, furnished
16 by way of a complaint against you, to all those Public
17 Officers, the Legislators, the Governor, the Lieutenant
18 Governor, the Attorney General, the Comptroller so that
19 they can take appropriate steps, necessary steps essential
20 steps --

21 COMMISSIONER FAHEY: Ms. Sassover --

22 MS. SASSOVER: They ignored it as you know, and
23 as a result of what they did, you have been sued and they
24 have been sued together and that case was filed in
25 large --

1 COMMISSIONER FAHEY: Ms. Sassover, Ms. -- ma'am?
2 Ma'am? Ma'am? Ms. Sassover --

3 MS. SASSOVER: 18th, and it has been thrown, by
4 fraudulent judicial decisions.

5 COMMISSIONER FAHEY: Ms. Sassover, hold on, hold
6 on, one second, one second.

7 MS. SASSOVER: So you have no, you cannot --
8 not only do you not have any evidence of any deficiency,
9 that any -- their pay --

10 COMMISSIONER FAHEY: Ms. Sassover?

11 MS. SASSOVER: The salaries they are already
12 given --

13 COMMISSIONER FAHEY: Ms. Sassover, you are out of
14 time, but I'm going to give you four more minutes, all
15 right? So you can finish up your remarks.

16 Go ahead.

17 MS. SASSOVER: So --

18 COMMISSIONER FAHEY: You have four more minutes.

19 MS. SASSOVER: So, not only are the public
20 officers whose salaries you are evaluating corrupt and
21 must be indicted for their corruption, okay, there is
22 nothing that warrants pay increases for them. But they
23 have insulated themselves from accountability by
24 corrupting, enabling the corruption of the public
25 entities, public protection of entities, formally JCOPE

1 now the Commission on Ethics and Lobbying Government, the
2 Inspector General, the Legislative Ethics Commission,
3 which the body sued is the lawsuit that I just reported
4 now to you, was thrown by the Appellate Division, Third
5 Department. You have been subject of complaints to those
6 entities and the attorney grievance committees, the
7 District Attorneys, the US Attorneys, based upon what has
8 been going on.

9 Everything is posted on the website.

10 COMMISSIONER FAHEY: All right. Ms. Sassover,
11 I am going to stop you now. Thank you for your comments.
12 We have been told we have another speaker, is that
13 correct? So, we're going to put our next speaker on. Ms.
14 Sassover thank you. If you want to file anything else you
15 are welcome to do that.

16 MS. FAUSS: Hi, good afternoon, my name is
17 Rachel Fauss and I am the Senior Policy Advisor for
18 Reinvent Albany. Apologies, I wasn't certain that you
19 would be accepting remote testimony. I will do my best to
20 summarize my remarks so I don't take too much of your
21 time. You do have my full written remarks.

22 COMMISSIONER FAHEY: Ms. Fauss, I will give you
23 ten minutes. All right?

24 MS. FAUSS: Okay. Thank you. Appreciate it.
25 Thank you for the opportunity to speak before you today.

1 We understand that you must issue a report by November
2 15th, and that you are charged with assessing whether
3 salaries of the members of the Legislature, statewide
4 elected officials and other statewide officers warrant an
5 increase. We also understand that due to legal challenge
6 the Commission on Legislative Judicial and Executive
7 Compensation, and which for simplicity sake I will refer
8 to that as the "Commission", the Commission's 2018 limits
9 on Legislator's outside income were struck down. The
10 current \$35,000 outside income limit passed by State
11 Legislature in 2002, that would have taken effect in
12 January 2025, is also being challenged in court. While
13 the decision in this lawsuit is pending, New York State
14 Legislators have a \$142,000 salary, the highest of all
15 state Legislatures, and no limits on outside income.

16 During the period that this Commission remains
17 unable to limit outside income, we urge you not to
18 recommend pay increases for State Legislators or statewide
19 officials. We believe that pay increases without greater
20 safeguards to ensure that elected officials put the public
21 before their private pocketbook interests would be
22 unwarranted and irresponsible. The public basically made
23 a deal with the Legislature to support pay raises in
24 return for limits on outside income. No limits means no
25 pay raise.

1 First just on the process point, in preparing
2 for the testimony here today, I would like to note that
3 even someone such as myself who is pretty fluent with
4 these matters, it's very confusing for the public to
5 determine what the rates of compensations are, due to all
6 the ongoing litigation, what the rules are for outside
7 income, because the Commission recommendations supercede
8 law. That law is still on the books and even on the
9 Senate's own website though it has been superceded. So
10 therefore for clarify sake, we would urge the Commission
11 to create a page or table on its website of the current
12 salaries for all the elected officials and public
13 officials under its purview, along with any related
14 information around limits on outside income. This page
15 should be updated regularly at a minimum while you are in
16 operation and I know you only exist every four years and
17 note whether that's a result of law, policy or Commission
18 action. I think it would help the public better
19 understand as well as researchers who may be looking at
20 all the states who are trying to understand what the
21 compensation rates are. And this is a recommendation for
22 the Legislature and the Governor and but we think clean up
23 legislation would be helpful to remove outdated sections
24 of law that relate to compensation rates that are no
25 longer in effect. For example, Legislature Law 5A,

1 Executive Law 169, they still refer to compensation rates
2 that are no longer in effect.

3 So, first on the State Legislative pay, as I
4 said before we do not support a pay increase without
5 outside income limits. We strongly support the
6 recommendations that the Commission made in 2018 to follow
7 the US Congressional model with the 15% cap on outside
8 income, a fiduciary ban on outside income from employment
9 where the Legislature has a fiduciary relationship to the
10 employer/client, and we also support further elimination
11 of stipends for all the majority and my minority leaders.
12 I know we have a bit more than in New York but I think he
13 could scale that back a little further. And we also do
14 not support family business exceptions unless there is a
15 much stronger cap on the outside income. And then lastly,
16 any salary increases should be simultaneous with the
17 outside income limits.

18 Lastly, on statewide Executive pay, similar to
19 the State Legislature we do not support cost of living
20 increases for statewide elected officials salary, until
21 there are greater restrictions on outside income. In
22 particular, even prior to Governor Cuomo's 5 million
23 dollar book deal scandal, we asked this Commission to
24 provide greater prohibitions on income that is being
25 gained from the publishing contracts. So specifically we

1 recommended that advance royalties on publishing contracts
2 be banned as it is by the US House of Representatives, and
3 we also believe that contracts and other requests for
4 outside income should be subject to pre-approval from the
5 Legislative Ethics body and the full body and not the
6 staff and that the full text and conditions of the
7 approval should be released to the public so that the
8 public understands what rules the elected officials are
9 following. Again we know that this is outside your
10 purview, as you are only charged with increasing the --
11 recommending a salary increase, but while you can do
12 nothing on outside income limits, we don't think it's
13 appropriate to recommend any salary increases at this
14 time.

15 Excuse me, I do have one more matter on
16 State Officers pay, it is our understanding that the
17 Public Officers Law Section 73 and 74, have much greater
18 restrictions on outside income limits and we think there
19 could be a little more of an expansion, but this is the
20 one where the cost of living adjustment might be more
21 warranted, but we think it warrants further study.

22 Thank you so much for your time.

23 COMMISSIONER FAHEY: Just one point, can you
24 hear me?

25 MS. FAUSS: Yes, I can.

1 COMMISSIONER FAHEY: Okay. After you finished
2 testifying, we're going to present a series of tables that
3 are in response to questions from the Commission regarding
4 the current state of salaries for the employees that under
5 our purview, and we will put them on the website and make
6 them available to you. And my understanding, they are as
7 current as available. That information is as current as
8 available. So, it may be helpful or not, but it's what
9 we're going to be relying on, all right?

10 MS. FAUSS: Thank you so much. I appreciate
11 that.

12 COMMISSIONER FAHEY: Are there any other
13 speakers? Okay. If we're done with the speakers, then I
14 propose that the Commission members move on to the slide
15 shows that have been prepared by the -- in response to
16 questions, from the Commission primarily addressed to the
17 Division of Budget. Are you all right with that? Good.

18 So let's begin. All right. This is just a
19 response that we received from the Division of Budget
20 questions on September 27th, 2024. Go ahead. What we
21 have here and this will be on the website and this
22 outlines the history of salaries for statewide elected
23 officials, Legislators and 169 employees, and Supreme
24 Court Judges, in other words it's everyone over whom the
25 Commission has authority to address this question. The

1 information is relatively straightforward and accessible,
2 and included within it are the pay raises for the
3 Legislators that took effect on January 1, 2023.

4 Okay. Go to the next one and if you have any
5 questions speak up. The next is and this is primarily
6 from the 2018 Compensation Commission recommendations. At
7 that time, 169 employees policy makers and the Executive
8 Branch, were included within six different tiers of
9 Section 169 of the Executive Law. The current tiers were
10 consolidated at that time into four tiers, I put all that
11 information in the report, and it gives the current
12 changes that were made, I think to help the general public
13 and the Commission itself wind its way through the
14 Byzantine world of Section 169 in an attempt to provide
15 some clarity as to what we're dealing with. If we can go
16 to the next side?

17 This is for the general public, there's
18 primarily alphabet soup of agencies that anyone trying to
19 look at information at the State government will find and
20 when we put together the slide show of course we're
21 dealing with just an alphabetization of the full title of
22 agencies. For instance, DHR, is Division of Human Rights,
23 we provided a glossary so that the public can follow what
24 we're talking about and what agency department heads will
25 be effected by any action that the Commission takes.

1 Okay. This is further on. Now, this is one of
2 the problems that the Commission had to address the
3 Commissioners themselves have recommended this problem
4 before. We have a number of agencies where the deputy
5 Commissioner and high level appointee salaries who are
6 geared to union pay increases are significantly higher
7 than the salaries of the actual Commissioners for the
8 particular agencies. And this outlines where that is
9 taking place, and referring to salary compression, and we
10 included within this analysis the Justice Center which was
11 not originally included in Section 169, but was added by
12 the 2018 Salary Commission to be included within the
13 salaries of the Section 169 agency heads.

14 We can go to the next slide. All right. Now,
15 this is a history for the public to have a handle on this,
16 of the general salary increases for unionized employees.
17 I'm not going to read through it, but essentially the
18 salaries of statewide elected officials and individuals
19 appointed pursuant to the Executive Law 169 when last
20 updated three years almost four years ago in 2021, the
21 Legislature that happened at the end of 2023, since that
22 time, union employees have received general salary
23 increases through 2025 amounting to 10.38%, and
24 accumulates 13.69% by April of 2025. This outlines the
25 effect of those salary increases if they had been given to

1 169 Executive Law employees, which they have not been
2 given to. So, this allows the Commission to look at the
3 effect of any decision to try to equalize the Executive
4 Law employees with the union employees and what the effect
5 would be.

6 Next one. This is another issue that of
7 comparison that the Commission asked about and we prepared
8 this information in response to the Commission questions,
9 and what we're comparing here are the New York State
10 salaries for agency heads and Commissioners with the same
11 positions that are held in New York City. So you can see
12 for instance the DOH, Department of Health Commissioner
13 statewide makes \$220,000 a year. The Commissioner of
14 Health, same roughly the same position as the City of New
15 York, makes \$277,000 a difference of \$57,000. The
16 differences that are outlined in the chart were there are
17 parentheses, self-evidently that means that's how much
18 higher the State salary is than the City salary. The vast
19 majority of the salaries are higher in the City of New
20 York than they are for the statewide Commissioners even
21 though obviously the stateside Commission doesn't
22 specifically have geographic authority.

23 Let's go the next one. This continues on, Aging
24 Commissioner, statewide \$170,000, Department of Aging,
25 \$273,000, a difference of \$105,000 which is in fairness

1 the highest, but if you look down and see all the
2 comparisons. In this case you see every single employee
3 for the City of New York makes significantly more than
4 every single state employee. Go ahead. Next one please.

5 What we also asked for and this is an attempt to
6 bring some balance to our analysis, this is California
7 elected official Commissioner salaries, so but what we are
8 doing here is we compare the salaries within New York
9 State for statewide elected officials some agency heads,
10 and Legislative bodies, for six major states that are
11 comparable to the State of New York. Included within that
12 is Illinois, California, Texas, Pennsylvania,
13 Massachusetts and Florida and the purpose of that is to
14 see how New York salaries and these areas stack up against
15 other big population states with similar population size
16 and similar types of urban density that we see in New
17 York. So that's California and these are all available
18 and you can go on to the next one.

19 These are the comparable salaries and the same
20 structure as it was for the 169 employees. California is
21 pretty comparable to New York, but there's a significantly
22 higher salary in some jobs, but there's not a clear policy
23 pattern in differences in salary between New York and
24 California.

25 Next side. This is a continuation of

1 California. This is Texas, Texas somewhat higher, but
2 most of the them are lower, that's when you compare the
3 Legislature of the statewide elected officials and the
4 agency heads. These are the charts now for Texas and
5 comparable salaries. This will all be on the website and
6 the information has been forwarded to the Commissioners on
7 this Commission. Next side. Continuation.

8 Okay. Here's Pennsylvania. Pennsylvania is a
9 pretty similar to New York, except their statewide elected
10 officials are slightly smaller than our statewide elected
11 officials in terms of their salaries and agency heads are
12 increased in a response to the consumer price index the
13 CPI each year. Last year the Pennsylvania elected
14 officials and Commissioner's salary increased by 3.5%
15 based on the CPI.

16 Next. This is the same chart as before with the
17 differences and comparisons. Go ahead. Continuation of
18 Pennsylvania. Here's Massachusetts. Here in
19 Massachusetts there is -- the way I understand the law
20 there elected officials as of 2017 will receive biannual
21 salary increases tied to household salary and wage changes
22 statewide and I'm not sure what index they used. In 2023,
23 salaries went up statewide almost 20% and that may then be
24 when they first began implementing the 2017 law, but it
25 resulted in increases for statewide officials.

1 Same thing, chart is comparing wages for state
2 Commissioners in New York and Massachusetts. Keep going.
3 Here's Florida, the salaries are defined as they are in
4 most states annually and I don't know what process is
5 used, in other words, I don't know if there's some
6 objective formula they used in a formula to compare
7 salaries on a yearly basis or if it's a policy question
8 dealt with by the Legislature. It does say that agency
9 salaries are defined and determined by the Governor so I'm
10 assuming it's an individual decision by elected officials.

11 Next chart. Straight forward. Next. He's
12 Illinois. Here Illinois statewide elected officials are
13 adjusted annually, pursuant to the cost of living, and
14 this sets out the salaries in 2024 they got a 5% increase
15 in prior years salary, for statewide elected officials.
16 Cost of living increases do play a role in agency heads,
17 but they can be set by the Governor and at least subject
18 by that point to cost of living increases.

19 Thank you. Yes, this is once again is a chart
20 comparing Illinois salaries to New York State salaries.
21 Thank you. That's it. We covered it all?

22 So, I found the information from state-to-state
23 interesting. In some areas in New York is the highest
24 with agencies heads, elected officials, the elected
25 official salaries statewide, are among the highest in the

1 nation as they are for the Legislature. However, it isn't
2 true for 169 employees. There seems to be -- a lack of a
3 significant pattern and I think that's probably a
4 reflection of the policy choices that the Legislature and
5 the Governor made when originally creating these positions
6 and as a result those policy choices have lingered and
7 effected the growth of the salaries. And I provided all
8 this information because I think it provides a balance to
9 what we're doing. I don't think it restricts us in any
10 way, but it provides some context for any decisions that
11 we should make.

12 That's the conclusion of the slide presentation
13 that we have. I don't have any other remarks as the
14 Commission members know we are scheduled for a public
15 meeting on November 7th, and then, if necessary, a
16 subsequent public meeting on November 14th, where we can
17 make a final determination on what direction the
18 Commissioners feel we should have.

19 Is there anything that any of the Commissioners
20 want to say at this point? About any of the information?
21 Anything at all?

22 COMMISSIONER WEINSTEIN: Is it possible for our
23 next meeting to have -- and I know we have all this
24 information, it's all available, there's quite a lot of
25 it, maybe some type of print-out or document that we can

1 look at?

2 COMMISSIONER FAHEY: This I forwarded to you.

3 COMMISSIONER WEINSTEIN: That I know. I am
4 just wondering if some of the other information we have
5 seen can be -- I'll call it a cheat sheet, if you will,
6 just something to be able to look at for quick comparison,
7 because there's quite a lot of documentation.

8 COMMISSIONER FAHEY: Why don't we talk
9 separately Commissioner and why don't you tell me what you
10 need and I'll put that together for you and give it to you
11 in a form that's better for you. I'm happy to do that.

12 Anything else?

13 COMMISSIONER KOVNER: Yes, I would like to say
14 as a general matter, if my view of the senior officials in
15 our State government are under-compensated and an upward
16 adjustment is plainly warranted. I am troubled to see the
17 disparity of compensation for comparable positions in the
18 City of New York, or the State of New York, I think the
19 State of New York ought to at least if not greater than
20 provide greater compensation for comparable positions and
21 that's my -- and these charts are helpful, and I hope that
22 -- and the other thing is from my experience as a senior
23 role in the City government some years ago, it's the long
24 term civil service managers upon whom the public really
25 depends on to provide effective service for governmental

1 functions and they are often overlooked and
2 underrecognized and I think it's vital particularly in a
3 period in which we have as a society has sustained
4 significant inflation and that's not to say that the rest
5 of world hasn't sustained more, but that we make a
6 significant adjustment. I don't have any particular
7 proposal at this time, but that's my general view.

8 COMMISSIONER FAHEY: Thank you.

9 COMMISSIONER BLANK: I am good.

10 COMMISSIONER FAHEY: It's a lot of information.

11 COMMISSIONER EGAN: Again, but I want to say is
12 this information and again, and just playing Devil's
13 advocate for a minute, I may be less concerned about the
14 disparity between New York City and State government when
15 you look at -- all of the other states were compared to,
16 but again I think that what I'm more troubled by is when
17 you have people here in the State of New York when their
18 subordinates are making significantly more money than the
19 Commissioners or the people that are leading the agency I
20 think that that creates issues within the agency,
21 particularly in regard to the 169. And again, I would be
22 remiss certainly without recognizing the Legislators have
23 had a significant increase in the last several years I
24 know it's here in the paper, but just recognizing that, as
25 well, but to try to avoid the situation that we had where

1 there are large lapses of time, without some sort of
2 adjustment which would then trigger these big adjustments
3 I think trying to keep that all in mind as we go on to
4 November 7th.

5 COMMISSIONER FAHEY: That's a good point. One
6 of the things that they do Congressional pay raises, and
7 it's true for the Judges too, are linked to the cost of
8 the living. So it isn't a yearly struggle and a yearly --
9 political fight with all the consequences where people are
10 constantly worrying whether or not they can make enough
11 money to live in Washington, D.C., they're geared the pay
12 increases to the cost of living and it's pretty standard
13 for the Judges and I know of one half percent a year.
14 That's beyond our purview, but it's something that we
15 should keep in mind. That objective -- analysis of what's
16 the appropriate salary, then we're not in a position where
17 we have to deal with the Judges I think it's a good point.

18 COMMISSIONER BLANK: I'm just absorbing
19 everything. I've listened to what my fellow Commissions
20 say and I hope to have more input at our next meeting.

21 COMMISSIONER FAHEY: Thank you.

22 COMMISSIONER WEINSTEIN: I think we stated
23 correctly, we got a lot of good information today, and at
24 our next meeting we'll be able to discuss it and get
25 everyone's views and try to come up with something prompt,

1 but I'll always add this, is how fortunate we have to have
2 you as the Chair of this Commission.

3 COMMISSIONER FAHEY: I would like to say I made
4 all the charts, but I didn't.

5 COMMISSIONER BLANK: Commissioner? May I
6 correct you? You are the former Justice of the Court of
7 Appeals of the State of New York, not the Court of Claims.

8 COMMISSIONER FAHEY: Did I say Court of Claims?

9 COMMISSIONER BLANK: You did.

10 COMMISSIONER FAHEY: See, I was trying to move
11 up. But, God my colleagues will kill me.

12 COMMISSIONER EGAN: Your inbox is probably
13 already filled.

14 COMMISSIONER FAHEY: Commissioner Fontaine?

15 COMMISSIONER FONTAINE: I'm also reserving my
16 opinion until I have an opportunity to fully review these
17 materials, but I will say that I do agree with
18 Commissioner Egan on the concern that the agency heads
19 statewide, many people stay active because -- that's their
20 ability to maintain their higher salary and it doesn't
21 really make sense to have -- to have some lower level
22 subordinates making more money than the agency heads, I
23 mean I did share that observation as well.

24 COMMISSIONER FAHEY: Commissioner Megna?

25 COMMISSIONER MEGNA: Yes, I have one request

1 which might make the State comparisons a little bit easier
2 for folks. It would be nice to know cost of living
3 increases across those states, but it looked like everyone
4 used 2017 as some sort of or '18 or some sort of place
5 that they look back to and it would be nice to know what
6 cost of living in New York has been relative to those and
7 it might put those other states in greater perspective,
8 even if they're lower than New York, it may be because of
9 cost of living differences.

10 COMMISSIONER FAHEY: That's a good point.
11 Thank you. So comparing New York cost of living increases
12 during the time span to other states. All right.

13 COMMISSIONER KOVNER: And I just wanted to
14 clarify, my comments were addressed to the positions in
15 the Executive Department only and I wasn't addressing
16 Legislative compensation.

17 COMMISSIONER FAHEY: Thank you. Thank you
18 Commissioner. Okay. We've heard from everybody. Is
19 there anything else to add? No. Hearing none does anyone
20 else want to speak?

21 I'm going to conclude this public hearing and I
22 thank everyone who listened in today. Our next public
23 meeting will also be able to be viewed online, both while
24 it's taking place on November 7th, and also archived so
25 anyone that wants to view it or watch the Commission's

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actions can do so.

I want to thank those who spoke today and their
timeliness and courtesy and I look forward to seeing you
all again. Thank you.

(Whereupon, the proceedings concluded in the
above-entitled matter).

Certified to be a true and accurate transcript.



Cynthia A. West, Senior Court Reporter

Dated: October 11, 2024