

**Testimony of Jonathan C. Etricks before the
New York State Commission on Legislative, Judicial, & Executive Compensation**

Delivered at the New York City Bar Association, 42 W. 44th Street

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Good Afternoon Commissioners:

I want to take a moment to express my appreciation for your work as you go about the possibly thankless task of evaluating and making recommendations with respect to compensation for New York State's judges, members of the state legislature, statewide elected officials and certain executive branch officials.

You have agreed to perform a very challenging job, because no matter what you collectively decide to do, your decisions will leave some people unhappy. It may not be easy for you as you attempt to balance the needs of the public with the needs of the state officials the public relies on for the proper functioning of our government. But thank you anyway for agreeing to serve in this very important capacity.

As you know, the state law that established the commission enumerates six factors that you are supposed to consider as you work to discharge your responsibilities, such as the current economic climate, rates of inflation and changes in public sector spending. Thankfully, the law also says that you may consider "all appropriate factors," and to that end I would like to respectfully submit one additional factor for your consideration.

That factor is **value**.

Value is a word that seems to be heard less and less in the public discourse about public sector compensation. Instead we hear other words, most notably about longevity. Put another way, we will sometimes hear that public officials haven't had a raise in many years, as if that fact alone justifies an increase. While longevity and the institutional memory it provides to government are important when considering compensation, it should not be determinative.

That is because a public official, like any employee, should not be paid simply for the time they spend at their offices. They should be paid for the value that they bring to their work. If a public official increases the value they bring to their work, then there should be a corresponding increased benefit to the public upon whose behalf they perform that

work. And if there is an increased benefit to the public, then there will also be greater support to increase the compensation for public officials. On the other hand, if public officials brings less value to their work, or if there has been no appreciable change over time, then that too should be considered.

The question, then, is: is it possible for public officials to have become more or less valuable since the year 2011, which was the last time this Commission did its work? Of course it is! So if a public official wants to earn more money, one way they could do this is by becoming more valuable, and it is up to you to determine if this has happened.

So as you move forward in this process, please examine the value public officials - especially our state judges, who tend to be overlooked - bring to their work on behalf of 19 million New Yorkers. Make value one of the "all appropriate factors" the law says you can use as a benchmark for making a recommendation about compensation.

Thank you again for your service, and good luck.