

1 STATE OF NEW YORK

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

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6 November 14, 2024
7 New York City Bar Association
8 42 West 44th Street
9 New York, New York 10036

10 BEFORE:

11 EUGENE M. FAHEY, Chairperson
12 (Appearing Virtually)

13 HELENE BLANK, Commissioner

14 THERESA EGAN, Commissioner

15 R. NADINE FONTAINE, Commissioner
(Appearing Virtually)

16 VICTOR A. KOVNER, Commissioner

17 ROBERT L. MEGNA, Commissioner
(Appearing Virtually)

18 JEREMY S. WEINSTEIN, Commissioner
(Appearing Virtually)

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James Wilburn
Senior Court Reporter

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1 CHAIRPERSON FAHEY: I want to note -- first off,
2 good morning everyone. This is the final meeting of the
3 Commission on Compensation. I'd like to have each
4 Commissioner -- I'll call out your name and ask you to be
5 identified for the record as formally in attendance. We'll
6 begin with Helene Blank.

7 Helene, you're present?

8 COMMISSIONER BLANK: Yes, I am, Your Honor.

9 CHAIRPERSON FAHEY: Thank you.

10 Terri Egan?

11 COMMISSIONER EGAN: Terri Egan is here, Judge.

12 CHAIRPERSON FAHEY: Thank you.

13 Nadine Fontaine?

14 COMMISSIONER FONTAINE: Here.

15 CHAIRPERSON FAHEY: Thank you, Nadine.

16 Victor Kovner?

17 COMMISSIONER KOVNER: I'm here, Justice.

18 CHAIRPERSON FAHEY: Thank you, Mr. Kovner.

19 Robert Megna?

20 COMMISSIONER MEGNA: Here.

21 CHAIRPERSON FAHEY: Mr. Megna is present.

22 And Judge Jeremy Weinstein?

23 COMMISSIONER WEINSTEIN: Present.

24 CHAIRPERSON FAHEY: Alright. And I'm Judge --
25 Retired Judge Eugene Fahey, the Chairperson of the

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1 Commission.

2 This is the last meeting of the Commission. We
3 have concluded a report last year on the question of
4 judicial pay raises and we're issuing a report that will be
5 on the website of the Commission tomorrow addressing the
6 question of Legislative and Executive Commission
7 compensation.

8 I made some minor changes to the report that was
9 previously sent to the Commissioners which was just sent
10 out that Commissioner Egan has usefully pointed out
11 contained some grammatical errors and I think a few factual
12 errors, so I want to thank her for that.

13 I also want to note the inclusion of charts
14 within the report, I believe, helps make it more accessible
15 to the public. And one of our court employees, Ross
16 Gotecki, really did a great job for us helping us put that
17 together along with Christine Paz. I just want to note
18 their assistance in putting this all together.

19 The findings of the report are relatively
20 straightforward. There's two main areas that we address
21 and that the Commissioners can then comment. The first is
22 that we did not recommend any pay raises for elected
23 officials. I emphasize this was only done because this
24 issue has recently been addressed and we felt it was too
25 soon to go back to it and address that issue again, so we

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1 didn't.

2 The second area that we did address, however, is
3 the question of Executive Department employees. This deals
4 under Section 169 of the Executive Law and dealt primarily
5 with appointed officials who serve at the request or at the
6 appointment of Governor and sometimes at the approval of
7 Legislature.

8 There were three issue areas that we addressed
9 and I think three areas that, as a Commission, we felt need
10 to be corrected. The first, that over half the
11 Commissioners were paid less than the people they
12 supervise. Secondly, that union salary increases from 2022
13 up to 2026 amounted to 13.69% increases, but none of those
14 increases are provided to any appointee and that helped
15 create a salary inequity between the Commissioners and the
16 people that they supervise.

17 And thirdly, in viewing the comparison between
18 New York City Commissioners and New York State
19 Commissioners doing the same job, almost consistently we
20 found that City Commissioners were paid more than State
21 Commissioners who have a broader geographical jurisdiction,
22 not necessarily a broader statutory jurisdiction. We
23 attempted to address what we felt were inequities in that
24 structure and that's what the report focuses on.

25 That is a brief summary. I won't go through the

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1 recommendations. First, I'd like to hear from each
2 Commissioner individually and I guess the best way to do
3 this would be to go in alphabetical order if everyone is
4 alright with that and ask the Commissioners if they have
5 any comments that they'd like to make beginning with
6 Commissioner Blank.

7 COMMISSIONER BLANK: I just want to make the
8 comments that it's an extensive report. I think I agree
9 with you. The addition of the charts make it -- the
10 indecipherable, decipherable, for everyone, not just the
11 general public. Maybe our esteemed Mr. Megna can
12 understand all this without the charts, but he would be the
13 only one that I know who can do that.

14 So I just want to thank my fellow Commissioners.
15 I think we've done wonderful work. I think the report is
16 an excellent report except for the few minor changes that
17 Commissioner Egan pointed out we need to make, spelling
18 errors.

19 COMMISSIONER EGAN: Judge Fahey is going to be
20 happy he doesn't have to take my calls anymore.

21 CHAIRPERSON FAHEY: That's not true, not true at
22 all. You help make it much better and thank you.

23 Let's hear from Commissioner Egan then.

24 COMMISSIONER EGAN: Hi. Thank you everybody. I
25 would agree with everything that Helene just said. It was

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1 a big shout out, Judge Fahey. Thank you too for corralling
2 all this information that we received from various
3 different sources and certainly to Bob for all the work
4 that he and his team did as well.

5 I'm very happy with the way it came out. I think
6 it's very fair. I'm going back and looking at what our
7 authority was and our direction was. I think we certainly
8 took into account all the factors that we were required to
9 and I think at the end of the day we got to a really good
10 place.

11 And I've been really thrilled working with my
12 fellow Commissioners. It's been great getting to know some
13 -- see some faces that I knew and make some new friends, so
14 thank you all.

15 CHAIRPERSON FAHEY: Thank you. Thank you,
16 Commissioner.

17 Commissioner Fontaine?

18 COMMISSIONER FONTAINE: I too -- I agree with all
19 that Commissioners Blank and Egan have indicated. I
20 definitely found the chart very helpful. I thought it's a
21 good -- it was very useful. I agree with all the findings
22 and all the work that we've conducted through this. And
23 with your leadership as well, Chair, so I just want to
24 thank everyone for that.

25 I only had one comment on the report, and I

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1 started discussing it, regarding the hearings -- the
2 witnesses that were -- we heard at the first hearing and
3 just wanted to clarify whether there were two or four. You
4 indicated that you were one of those individuals that would
5 be regarded as a witness that testified at that time, so I
6 just wanted to clarify that.

7 CHAIRPERSON FAHEY: Nadine, I'm going to go back
8 and check it. There were --

9 COMMISSIONER BLANK: Two live witnesses.

10 CHAIRPERSON FAHEY: Two live witnesses, but one
11 we had one written witness and I wanted to include her. I
12 think it was PIRG who submitted a written summary and they
13 talked about outside income, so I wanted to make sure that
14 I included their testimony as part of it. That's why I did
15 it that way.

16 COMMISSIONER FONTAINE: Okay. Understood. I was
17 interpreting it as individuals that appeared, physically
18 appeared, but that makes perfect sense.

19 CHAIRPERSON FAHEY: No, they were just part of
20 the record. And they submitted it that day, so I thought
21 they should be included.

22 COMMISSIONER WEINSTEIN: Mr. Chairman, pardon the
23 interruption, but I need a clarification before we
24 continue. I have a report. Obviously we all have the
25 reports in front of us.

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1 Is it your intention to give a summary of that
2 report or --

3 CHAIRPERSON FAHEY: Yes, when you're done I'll go
4 through each recommendation and then we'll formally vote on
5 it.

6 COMMISSIONER WEINSTEIN: For me personally, you
7 know, I would like to make my comments after you run
8 through the summary.

9 CHAIRPERSON FAHEY: That's fine. However you
10 want.

11 Would everybody else like me to do that, go
12 through the recommendations?

13 COMMISSIONER KOVNER: I'm prepared to give my
14 comments.

15 COMMISSIONER FONTAINE: And I have no further
16 comment.

17 CHAIRPERSON FAHEY: Thank you, Nadine.
18 Commissioner Kovner?

19 COMMISSIONER KOVNER: I agree with the comments
20 of my colleagues thus far. I do want to add we have
21 received a number of submissions by members of the public.
22 I'm grateful that the public has submitted comments. We go
23 over them carefully.

24 Most of them are addressed to compensation of
25 elected officials. As Judge Fahey has indicated, we are

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1 not proposing any change in compensation for elected
2 officials at this time.

3 Having said that, I don't want to suggest that,
4 speaking for myself at least, that our elected officials
5 are overcompensated. In my view, they are not. They serve
6 the public at substantial sacrifice most overwhelmingly.
7 Most of them do at substantial sacrifice to themselves and
8 their families and we appreciate their service, but it is
9 -- under all the circumstances, we have unanimously agreed
10 no change should be made at this time.

11 The changes we make and have proposed for 169
12 employees, Section 169 employees, I think are overdue and
13 entirely appropriate.

14 CHAIRPERSON FAHEY: Thank you. Thank you,
15 Commissioner.

16 Commissioner Megna?

17 COMMISSIONER MEGNA: I will attribute this to
18 Judge Fahey, but I've been doing this stuff for 40 years or
19 something like that and I think this has probably been the
20 most collegial group I've ever had the pleasure to work
21 with, so I want to thank The Judge for that and the other
22 members of the Commission.

23 I'm fine with -- I think where the report ended
24 up, I think it's good. I do think the addition of the
25 charts helped even me quite a bit. And I think the last

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1 chart actually or the last two or three in the back of the
2 report really do, I think, address some of the questions
3 that came up last time which is: Who are we moving, from
4 what category, and where were they.

5 So I think that there was some confusion about
6 that. I think this clarifies that pretty well. And thanks
7 to the other members.

8 CHAIRPERSON FAHEY: Thank you, Commissioner. I'm
9 just -- before Jeremy speaks, I'm just going to go through
10 the conclusion and Committee recommendations.

11 The first addresses statewide elected officials
12 and the Commission has concluded, as has been previously
13 stated, that there are no recommended changes in the
14 salaries, the annual salaries for statewide elected
15 officials. Those statewide elected officials include the
16 Governor, the Lieutenant Governor, the Attorney General and
17 the State Comptroller.

18 The second area is the question of pay raises for
19 Legislators. Once again, we conclude that no pay raises
20 are warranted at this time for the reasons that
21 Commissioner Kovner outlined. This includes all the
22 members of the Senate and all the members of the Assembly.
23 They will remain at their current annual salary of
24 \$142,000.

25 The third area is a more complicated area that

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1 has been referred to. That is Executive Law Section 169
2 Commissioners. There are presently four tiers of
3 Commissioners and those four tiers shall be modified in two
4 ways. First, by salary. And secondly, by the structure
5 and the inclusion of particular employees within those
6 tiers.

7 The only new employee that we added within the
8 tiers is the Executive Director of the Justice Center. And
9 that was done by a vote of the Commission at the last
10 meeting and that employee is included within the charts
11 that we have before us. Let me address salary. As set out
12 in the report, each tier is dealt with separately.

13 Number one, the Tier A Commissioners. Effective
14 January 1st, 2025, the annual salary for Tier A
15 Commissioners shall be \$245,000 annually. Effective
16 January 1st, 2027, those Tier A Commissioners shall receive
17 a salary increase of 2% over their 2025 salary.

18 Secondly or thirdly, the Tier B Commissioners.
19 Effective January 1st, 2025, the Tier B Commissioners'
20 annual salary shall be \$225,000. The next point is
21 effective January 1st, 2027. The Tier B Commissioners
22 shall receive a salary increase of 2% over their 2025
23 salary.

24 Next is the Tier C Commissioners. Once again,
25 the same.

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1 The Tier C Commissioners, effective January 1st,
2 2025, shall receive an annual salary of \$200,000.

3 Effective -- next effective January 1st, 2027, the Tier C
4 Commissioners shall receive a salary increase of 2% over
5 their 2025 salary.

6 And then finally, effective January 1st, 2025,
7 the salary for Tier D Commissioners shall be \$190,000
8 annually. And effective January 1st, 2027, those Tier D
9 Commissioners shall receive a salary increase of 2% over
10 their 2025 salary.

11 So as you can see, starting with Tier A down to
12 Tier D, there shall be a salary increase for each tier and
13 then all tiers shall receive a cost of living 2% increase
14 of -- in 2027 over their 2025 salary increase which shall
15 take effect in about a month-and-a-half January 1st, 2025.

16 Regarding the structure, I'm not going to read
17 that. We have made changes in the structure of Section
18 169. As I stated previously, the only new employee
19 included in Section 169 is the Executive Director of the
20 Justice Center. But the effects were set out both in the
21 chart showing what was originally done in one section of
22 169. Then, what was done in 2018 when the Commissions were
23 consolidated, the Commissioners were consolidated from six
24 tiers to four.

25 And then finally, we wet out our recommendations

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1 currently in the last column to the right. It involves
2 about 52 people, so I'm not going to read them. But that's
3 available online and can be reviewed by anyone who wants to
4 see it before it goes into effect.

5 There's also a Commission compensation proposal
6 chart that lays it out in a chart that moves across the
7 page, rather than just by salary title. It's just -- I
8 think makes it little bit easier to read and it does the
9 same thing. It also reiterates that these amendments to
10 Section 169 shall take effect January 1st, 2025. That's my
11 brief summary of those.

12 Commissioner Weinstein, is there anything you'd
13 like to say at this point?

14 COMMISSIONER WEINSTEIN: I am echoing the
15 comments of the previous Commissioners and I think the
16 report is exactly where we need it to be. We all found
17 common ground. It was thoughtful and in consideration of
18 all the facts presented to us.

19 Judge Fahey, I know you don't like to hear this,
20 but your leadership was extraordinary. You're a humble
21 guy. We can tell that, but you need to be told that. I
22 don't think we'd be where we are today without the efforts
23 you and the staff around you made in order to present us
24 with a report that I think is comprehensive and equitable
25 to all concerned.

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1 I want to personally thank you and echo
2 Commissioner Megna's comments about the collegiality of
3 this particular group that it was a pleasure and honor to
4 serve with.

5 CHAIRPERSON FAHEY: Thank you, Jeremy. Thank you
6 for your remarks. Let's take a formal vote now.

7 For the adoption of the final version of the
8 Commission of Legislative, Judicial and executive
9 compensation. Today we're voting on the Legislative and
10 Executive compensation recommendations.

11 Starting with Commissioner Blank?

12 COMMISSIONER BLANK: I vote to accept the report.

13 CHAIRPERSON FAHEY: Thank you, Commissioner.

14 Commissioner Fontaine?

15 COMMISSIONER FONTAINE: I also vote to accept the
16 report.

17 CHAIRPERSON FAHEY: Thank you, Commissioner.

18 Commissioner Egan?

19 COMMISSIONER EGAN: I vote to accept as well.

20 CHAIRPERSON FAHEY: Thank you, Commissioner.

21 Commissioner Kovner?

22 COMMISSIONER KOVNER: I vote to accept as well.

23 CHAIRPERSON FAHEY: Thank you.

24 Commissioner Megna?

25 COMMISSIONER MEGNA: I vote to accept.

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1 CHAIRPERSON FAHEY: Thank you, Commissioner.
2 Commissioner Weinstein?

3 COMMISSIONER WEINSTEIN: I vote to accept.

4 CHAIRPERSON FAHEY: Thank you. I want to note
5 for the record that The Chair does not vote on the
6 Legislative and Executive portion of the report, so I will
7 not be voting. Obviously I support it, but I support it as
8 a citizen, but your votes are the final votes determining,
9 not mine.

10 Anything else we need to add? No? I just want
11 to make a few remarks in closing.

12 This is a thankless job. All the Commissioners
13 have put in an extraordinary amount of time traveling all
14 over the state, working for over two years, to bring this
15 ultimate report to a conclusion. They've done it without
16 compensation in any form and their service has been
17 exceptional and it should be noted. And my thanks to you,
18 not just on behalf of myself and the people that appointed
19 you, but also on behalf of the people of New York.

20 I believe that fair compensation for our elected
21 officials preserves the integrity of our elected system.
22 That fair compensation is protected when it's led by,
23 endorsed by and scrutinized by the citizens of the state
24 and you've all the done that. So you should be proud of
25 the work you've done and I'm proud to have worked with you

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1 all.

2 It's been a privilege to serve with each of you.
3 Really, each of you are the highest quality kind of people.
4 You all have great intellects. You all have a great work
5 ethic. You're people of character. And working with you,
6 I can say you're people that have a sense of humor and
7 anyone that works in government has to have a sense of
8 humor. New York State is lucky to have you and I'm lucky
9 to have worked with you.

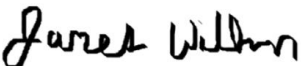
10 With that, I will conclude our final portion of
11 the report. I hope to see you all again, just not with
12 this Commission. Thank you very much everyone.

13 * * * *

14 I, James Wilburn, hereby certify that the above is a
15 true and accurate copy of my stenographic notes.

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James Wilburn
Senior Court Reporter
11/14/2024

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