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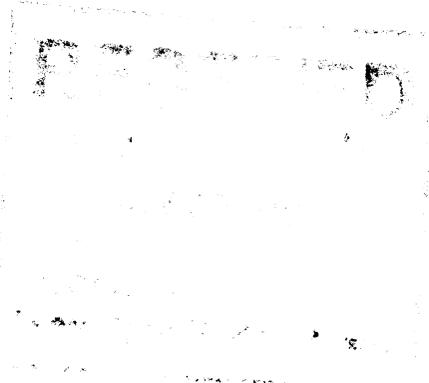
Report: New York State Temporary Commission on Executive, Legislative and Judicial Compensation

30597

ALBANY, NEW YORK 12247



BARRETT RUSSELL
DIRECTOR
SENATE RESEARCH SERVICE
518-455-2166



MEMORANDUM
June 29, 1988

RECEIVED
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SENATE RESEARCH SERVICE

TO: Senators
FROM: Barrett Russell
SUBJECT: Compensation Commission Report

The Temporary State Commission on Executive, Legislative and Judicial Compensation released its report and recommendations earlier today. The Commission called for large (45+%), phased-in increases for executives covered by section 169 of the Executive Law and it recommended sizable increases as well as a leveling out of judicial compensation. No adjustments were recommended for Legislators beyond what is to take effect January 1, 1989. Increases of roughly 30 percent were recommended for the Governor (\$130,000 to \$170,500) and the other statewide elected offices.

The Commission indicated that its intent was to "make whole" the salaries of those officials that have seen the actual dollar value of a position eroded by inflation over a period of time (beginning in 1967). Since the \$57,500 base salary for Legislators, that goes into effect next year, is roughly equivalent in actual dollars to the \$15,000 that was paid to a Legislator in 1967, the Commission felt no compulsion to recommend a change.

The Commission recommended the creation of a permanent entity to continually review and make recommendations for salary increases (every two years for the Legislature and every three years for the other branches). The Commission suggests that the recommendations of such a permanent entity automatically should go into effect if the Legislature and the Governor do not veto them within 90 days.

Changes in the Judiciary are numerous. All judges of courts of first instance, county, civil, surrogate, family, criminal (except full-time city court judges outside of New York City), should be paid the same as Supreme Court judges. This would include Nassau and Suffolk County District Court judges. The salary for Supreme Court judges is recommended to be phased up over 7 years to \$111,000. The leveling out of pay scales should be effected over three years. All these salaries would be subject to further adjustment in the interim 7 year period if the new commission felt it was needed.

3

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A number of other features also appear in the report involving the portability of benefits of executive branch officials and the review of the need for 6 tiers in the Section 169 salary structure. I hope this brief synopsis is helpful until you get a chance to review the complete report.

ERRATA

page 31, paragraph d should read:

Our recommendations would also provide a \$10,000 supplement to the Chief Judge of the Court of Appeals and would continue both the \$7,500 supplement for the Presiding Judge of the Court of Claims, and the \$5,000 supplement for the Presiding Justices of the Appellate Division. An increase of \$5,000 in the supplement paid to the Chief Judge of the Court of Appeals reflects the considerable expansion of administrative responsibilities and burdens of that office over recent years.

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Chief Judge, Court of Appeals \$120,000 (present salary) \$144,500
(proposed salary)

REPORT

**NEW YORK STATE TEMPORARY COMMISSION ON EXECUTIVE,
LEGISLATIVE AND JUDICIAL COMPENSATION**

June 29, 1988

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**NEW YORK STATE TEMPORARY COMMISSION ON
EXECUTIVE, LEGISLATIVE AND JUDICIAL COMPENSATION**

**HUGH R. JONES
Chairman**

Barbara B. Blum

Van C. Campbell

Juanita M. Crabb

Paul H. Elisha

William M. Ellinghaus

Victor Gotbaum

Louis L. Levine

Cornelius McDougald

Robert B. McKay

Fern Schair Sussman

Wilbert A. Tatum

Ruth G. Weintraub

**Joseph P. Viteritti
Executive Director**



STATE OF NEW YORK
TEMPORARY STATE COMMISSION ON
EXECUTIVE, LEGISLATIVE AND JUDICIAL COMPENSATION

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TO: Hon. Mario M. Cuomo, Governor
Hon. Warren M. Anderson, Temporary President of
the Senate
Hon. Melvin H. Miller, Speaker of the Assembly
Hon. Manfred Ohrenstein, Minority Leader of
the Assembly
Hon. Clarence D. Rappleyea, Jr., Minority
Leader of the Assembly
Hon. Sol Wachtler, Chief Judge, Court of
Appeals

FROM: Hugh R. Jones

I am pleased to present to you the report of the Temporary Commission on Executive, Legislative and Judicial Compensation. This document is the product of six months of research, deliberation and public input.

In submitting the report at this time, we are cognizant of the substantial shortfall of governmental revenue with which our Governor and Legislature are currently confronted. We are fully persuaded, however, that the prompt provision of adequate compensation to our state officials in all three branches of government is of such fundamental importance to the vitality of government that it cannot be delayed.

During the last two decades, while governmental responsibilities have become ever more demanding, the compensation of state officials has been eroded by inflation. The report that follows demonstrates that those who serve the people of the state in their various official capacities are now required to accept a standard of living far below the less-than-munificent compensation of twenty years ago. We believe it is unconscionable to demand such sacrifice of our public servants and their families, when the costs to rectify the situation amount to less than one-tenth of one percent of our state budget. Whatever the extent of the temporary fiscal stringency, we respectfully submit this report with the conviction that its importance to the health of the state government overrides other considerations.

On behalf of the members of the Temporary
Commission, I thank you for the opportunity to conduct a full
and independent inquiry on such an important subject.

6/24/88

A handwritten signature in cursive script, appearing to read "Hugh H. Jones". The signature is written in black ink and is centered below the typed text.

MEMBERS

Appointed by the Governor

Barbara B. Blum, of New York City, is President of the Foundation for Child Development and former Commissioner of the Department of Social Services.

Juanita M. Crabb, of Binghamton, is Mayor of the City of Binghamton.

Paul Elisha, of Troy, is Executive Director of New York State Common Cause and was formerly Director of Public Relations of New York State Department of Mental Hygiene and New York State Department for Youth.

Dr. Wilbert A. Tatum, of New York City, is Chairman of the Board, CEO and Editor-in-Chief of the Amsterdam News.

Appointed by the Chief Judge

Hugh R. Jones, of New Hartford, is Resident Counsel of Hiscock and Barclay, former Associate Judge of the Court of Appeals and former Chairman of the Governor's Advisory Commission on Liability Insurance.

Cornelius McDougald, of New York City, is an attorney engaged in private practice and former Commissioner of the New York City Commission on Human Rights.

Fern Schair Sussman, of New York City, is Executive Director of the Association of the Bar of the City of New York.

Appointed by the Temporary President of the Senate

Van C. Campbell, of Corning, is Vice-Chairman and Member of the Board of Directors of Corning Glass Works.

William M. Ellinghaus, of Bronxville, is former President and Director of AT&T, former Chairman of the Municipal Assistance Corporation and member of the New York State Emergency Financial Control Board.

Appointed by the Speaker of the Assembly

Victor Gotbaum, of Brooklyn, is Special Advisor and former Executive Director of District Council 37, AFSCME, AFL-CIO.

Ruth G. Weintraub, of New York City, is Dean Emerita, Hunter College of the City of New York and a Distinguished Fellow at the Academy for Educational Development in New York City and Washington, D.C.

Appointed by the Minority Leader of the Senate

Robert B. McKay, of New York City, is Professor and former Dean of New York University Law School and member of New York State Ethics Commission.

Appointed by the Minority Leader of the Assembly

Louis L. Levine, of North Valley Stream, is Corporate Vice President for Public and Governmental Affairs for Empire Blue Cross and Blue Shield, who formerly served with the Department of Labor as Commissioner of Labor Affairs and Industrial Commissioner.

STAFF

Joseph P. Viteritti, Ph.D., Executive Director, is Senior Research Scientist and Associate Research Professor at New York University's Graduate School of Public Administration.

George T. Fuller, Senior Staff Analyst, is Adjunct Assistant Professor at New York University's Graduate School of Public Administration.

Oscar A. Ornati, Ph.D., Staff Consultant, is Professor of Management at New York University's Graduate School of Business.

Beatrice L. Lewis, Research Assistant, is a Ph.D. candidate in the Department of Politics at New York University.

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SUMMARY

BACKGROUND

Decisions made, and actions taken, by New York State officials of the legislative, executive and judicial branches of state government are of crucial importance to the people of the State. Recent budget crises have made clear that the State must have the highest quality of leadership to continue in its current state of economic well-being. It is imperative that public officials possess competence at the highest level, integrity beyond question, and willingness to work unselfishly for the welfare of their constituents. Over time, New York State has been fortunate in the quality of its elected and appointed officials. But those whom they serve, we the people, must reciprocate with appropriate demonstration of concern for their welfare.

As Derek Bok, the President of Harvard University, said at the June 1988 commencement ceremonies: "We must learn to treat civil servants with greater respect, or we will suffer the consequences...it seems peculiar that people in private think tanks are paid more to offer advice on government policy than the public officials who actually make policy and carry it out." (New York Times 6/10/88)

During the last two decades, while obligations have become ever more demanding, the compensation of nearly all state officials has been eroded by inflation. The report that follows demonstrates that those who serve the people of the State in their various official capacities are now required to accept a standard of living far below the less-than-munificent compensation of 20 years ago. It is unconscionable to demand such sacrifice of our public servants and their families, particularly when the reasonable catch-up recommended in this report can be accomplished at an estimated cost of only about one tenth of one percent of the current state budget.

We do not suggest that the compensation of legislative, executive and judicial officials in New York State should rival the levels of compensation common to large segments of the private sector. The public at large has come to expect that government service should involve not only professional dedication and competence but some personal sacrifice as well. This Temporary Commission has neither the intention nor the means to reverse those public expectations. However, we do have a responsibility to ask at what point the sacrifice we expect of those who choose a career in public service becomes an unfair penalty. We have an obligation to question whether the disincentives that drive people away from public service affect the ability of government to attract the most talented men and women.

The New York State Temporary Commission on Executive, Legislative and Judicial Compensation was appointed by the Governor, Legislative Leaders and Chief Judge of the Court of Appeals on December 2, 1987. It was charged "to examine, evaluate and make recommendations with respect to adequate levels of compensation for officials" in the three branches of government "taking into account the overall economic climate, the levels of salaries received by other professionals in government and private enterprise and the ability of the state to fund increases in compensation." The Temporary Commission was also mandated to "formulate a systematic and appropriate mechanism by which the state shall regularly review and adjust levels of pay."

The Commission initiated a study on February 1, 1988 whereby it analyzed salary histories in New York State for a period of twenty years with a particular focus on the impact that inflation erosion has had on the purchasing power of state employees. It reviewed salary levels within and among the three branches of government with regard to internal equity. It assessed salary levels within New York State government in relation to the governments of the nine largest industrial states, the federal government, the municipal government of New York City and the private sector. In addition to its own staff research which was conducted through the Graduate School of Public Administration at New York University, the Temporary Commission utilized the services of Hay Management Consultants and held public hearings in the cities of Albany, New York and Rochester.

FINDINGS

I. Inflation Erosion

While private sector salaries have kept pace with and in some cases exceeded the rate of inflation, salaries of government officials in New York State, for the most part, have not. The net result has been a twenty year erosion of real purchasing power among those officials studied. The one exception is found in the legislative branch, where the pattern of inflation erosion will be corrected as a result of a salary increase that will take effect in January of 1989. Those New York State officials most negatively affected by inflation erosion are appointed executives covered under Section 169 of the Executive Law. The salaries of these executive personnel and of state judges have increased at a slower pace than those of state employees who are represented by unions in collective bargaining.

II. Internal Equity

The most significant salary disparities within the state government are found in the judicial branch where differences in pay exist among judges who sit on the various courts of original jurisdiction. As measured by the criterion of agency size, there also appear to be substantial disparities between the responsibility levels of agency heads and their respective salaries.

III. Fringe Benefits

A general review of fringe benefits in New York State indicates that they are competitive with those in other governments and the private sector. However, a lack of "portability" with regard to fringe benefits represents a significant disincentive and inequity within public service for those executive personnel whose length of government employment spans a relatively short period of time (usually three to five years).

IV. New York State vs. Other Governments

Although New York State officials are compensated at higher levels than their counterparts in other states, they, by and large, are not paid as well as public officials in the federal government and New York City. (An exception is that some New York State judges receive higher salaries than federal judges).

V. Public Sector vs. Private Sector

The salaries of public officials in New York State are significantly lower than those of executives and other professionals in the private sector. The disparities between public sector and private sector salaries are greatest at the highest levels of executive responsibility. A state executive who assumes a comparable level of administrative and managerial responsibility in the private sector can multiply his or her salary by two, three or four times. A New York State judge who chooses to take advantage of opportunities in private practice or the corporate sector can generate a similar multiplier effect with regard to his or her earnings.

RECOMMENDATIONS

I. General Salary Adjustments

1. Executive and judicial salaries should be adjusted so that the purchasing power of those state officials studied is reinstated to the level that it was in 1967 when inflation began to seriously erode the real value of dollars earned.
2. These adjustments should be made incrementally over a period of seven years in order to assure that the costs associated with this plan do not place an unreasonable financial burden on the state.

II. Internal Equity

1. Trial Court judges in the County Courts, the Family Courts, the Surrogate Courts, the Criminal and Civil Courts of New York City, and the District Courts of Nassau and Suffolk Counties should be paid the same as Supreme Court justices. This parity should be made effective within three years.
2. All City Court justices outside of New York City who serve on the bench full time should be paid the same salary. This parity should be made effective within three years.
3. The Governor's Office should review the salary levels of officials covered under Section 169 of the Executive Law in order to assess the relationship between compensation and responsibility. In performing such a review, the Governor's Office should consider the merits of reducing the number of salary levels among these appointed officials. Based upon this evaluation the Governor should make recommendations to the Legislature by the end of the next legislative session that would bring about the necessary reallocation of positions among the distinct salary levels.
4. The Governor's Office should conduct a study and make proposals to the Legislature designed to increase the flexibility and portability of fringe benefit packages so as to create greater incentives for professionals outside of government to serve.

III. Permanent Mechanism

The Legislature should create a permanent Commission on Compensation empowered to review and adjust the salary levels of those executive, legislative and judicial officials that are the subject of this study.

1. Membership. The Commission should have thirteen members appointed by the Governor, the Legislative Leaders and the Chief Judge of the Court of Appeals in the same proportion as those appointed to the Temporary Commission.
2. Reporting. The Commission should make periodic reports and recommendations to the Legislature and the Governor. Reports on legislative salaries should be made every two years so that no legislature is required to assess recommendations that affect its own salary. Reports on executive and judicial salaries should be made every three years after the completion of collective bargaining negotiations (now on a three year cycle) in order to minimize the impact that Commission recommendations have on such negotiations.
3. Procedures. Recommendations by the Commission regarding salaries should take effect unless rejected by both the Governor and the Legislature within ninety days.
4. Criteria for Assessment. In evaluating the adequacy of salaries, the Commission should consider changes in the cost of living, the general economic condition of the state, the general content and context of state collective bargaining agreements, modifications in the responsibilities of particular agencies or officials, changes in state priorities and the degree of difficulty that the state has experienced in recruiting for particular governmental positions.
5. Special Adjustments in the Judiciary. The Commission should develop a salary system that rewards longevity on the court so that it can retain the services of its more experienced judges and justices. The Commission should also develop a system of salary differentials for judges that is sensitive to the extraordinary costs of living in certain geographical areas of the state.
6. Staff. The Commission should be authorized to maintain a small permanent staff that is adequate to carry out its duties.

CONCLUSIONS

The proposals articulated in this report are bold in the sense that they ask the State of New York to set a standard for the rest of the nation. The proposals are reasonable in that their major objective is to restore real salary levels to a point where they were two decades ago before the forces of inflation took hold. They are fair in that they seek to resolve internal inequities that are artifacts of history.

The recommendations outlined in this report are responsible and economically sound: The current salary cost for all officials that are the subject of this study amounts to less than one percent of the state government's total operating budget. The additional cost resulting from the forthcoming proposals will amount to one-tenth of one percent of the state budget, and these additional costs will be incurred incrementally over a period of seven years. Finally, the concerns addressed in this report are prudent and compelling because New York State cannot afford to be at a serious competitive disadvantage in seeking to attract the best qualified and most able people to government service.

INTRODUCTION

MANDATE

The creation of the New York State Temporary Commission on Executive, Legislative and Judicial Compensation was authorized by an act of the Legislature under Chapter 263 of the laws of 1987. The mandate of the Temporary Commission reads as follows:

"to examine, evaluate and make recommendations with respect to adequate levels of compensation for the governor, lieutenant governor, attorney general, comptroller, those state officers referred to in section one hundred sixty-nine of the executive law, members of the legislature and judges and justices of the state paid courts of the unified court system. The commission shall examine the adequacy of pay received by (those officials)...taking into account the overall economic climate, the levels of salaries received by other professionals in government and private enterprise and the ability of the state to fund increases in compensation. The commission also shall formulate a systematic and appropriate mechanism by which the state shall regularly review and adjust levels of pay received by (those officials)...."

The Temporary Commission is composed of thirteen members chosen in the following way: four appointed by the Governor, two appointed by the Temporary President of the Senate, one appointed by the Minority Leader of the Senate, two appointed by the Speaker of the Assembly, one appointed by the Minority Leader of the Assembly, and three appointed by the Chief Judge of the Court of Appeals. The Chair is designated by the Governor from among the members so appointed. Governor Cuomo announced the names of the Commission members and Chairman on December 2, 1987.

On February 1, 1988 the Temporary Commission appointed an Executive Director and contracted with New York University's Graduate School of Public Administration for research, staff

support and administrative services through the Urban Research Center of the University. The University subsequently sub-contracted with Hay Management Consultants, a firm specializing in compensation analysis, for the completion of a study which compares public sector compensation in New York State with private sector compensation.

METHOD OF STUDY

In the course of its work, the Commission gathered and analyzed information from a number of sources.

I. Commission staff based at New York University conducted the following studies:

1. A general review of salaries paid to the governor, lieutenant governor, attorney general, comptroller, appointed officials covered under Section 169 of the Executive Law, the legislature, and all judges in the state paid courts of the unified court system.
2. A comparative analysis of salaries within and among the three branches of New York State government from the perspective of internal equity.
3. An historical analysis of salaries within the three branches of government in order to measure the impact that inflation erosion has had on state employees over the last twenty years. In this analysis, 1967 was used as the base year and the Consumer Price Index was used to measure inflation. The year 1967 was chosen as a base because it is

frequently used by the federal government for measuring economic trends and because it predates the major price increases of the 1970's. We are also satisfied that, in general, compensation paid at the upper levels in the executive, legislative and judicial branches of state government was reasonably adequate and appropriate for public servants at that time.

4. A comparative analysis of executive, legislative and judicial salaries in ten large industrial states. In addition to New York, these states included California, Florida, Illinois, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania and Texas. Data for this study was acquired from the Council of State Governments in Lexington, Kentucky, the National Center for State Courts in Williamsburg, Virginia and the National Conference of State Legislatures in Denver, Colorado. In order to make the salary data more meaningful, the staff constructed a governmental profile of each of the states studied analyzing the size of budget, number of personnel, and the constitutional provisions regarding the respective branches.

5. A comparative analysis of executive, legislative and judicial salaries in New York State and the federal government.

6. A comparative analysis of executive and legislative salaries in New York State and the City of New York.

7. A comprehensive survey and analysis of reports done by compensation commissions in other states, the federal government and New York City.

II. Hay Management Consultants conducted the following studies:

1. An analysis of executive salaries in state government in comparison to the salaries earned by private sector executives with a similar level of responsibility.

Specific positions analyzed included the governor, attorney general, comptroller, and appointed officials covered under Section 169 of the Executive Law (six grades). (The consultants analyzed select positions within the state government in order to assess the levels of responsibility of state executives and assign these positions a value. It then drew upon its data bank of jobs in 886 industrial organizations nationwide in order to match levels of responsibility between public sector and private sector positions. This methodology has been applied by the Hay organization for more than thirty years and has widespread acceptance for analytical purposes. However, this Commission recognizes the distinct nature of the demands placed upon public sector executives as opposed to those of their private sector peers.)

2. An historical analysis of executive salaries in the state government and private sector measuring both salary growth and the impact of inflation. In this analysis 1967

was used as the base year and the GNP deflator was used to measure and control for inflation.

3. A comparison of judicial salaries (Court of Appeals, Appellate Division, Supreme Court) with the salaries of corporate counsel (nationally) and the income of partners in New York City law firms. (Information on the earnings of corporate counsel was drawn from Hay Management's own data base from 886 industrial organizations nationwide.

Information on the earnings of law partners was taken from David White and Associates as cited in The American Almanac of Jobs and Salaries 1987, 1988.) It was not meant to suggest here that judicial responsibilities or functions are similar to those of corporate counsel or partners in law firms. This comparison was made to assess options available to those in the legal profession.

4. A comparative analysis of judicial salaries and compensation of corporate counsel over time measuring both salary growth and the impact of inflation. Here again, 1967 was used as the base year and the GNP deflator was used to control for inflation. However, comparisons were made from 1975 because Hay did not have private sector data for previous years.

5. An historical analysis of legislative salaries measuring the impact of inflation on the real dollars earned. Again, 1967 was used as the base year and the GNP deflator was used to control for inflation. Because of the

unique nature of legislative responsibilities and functions, no comparisons were made between the Legislature and the private sector.

6. A job content analysis of executive positions within each of the six grades covered under Section 169 of the Executive Law in order to assess the relationship between responsibility and salary levels. A sample of fifteen positions was analyzed.

7. A general review of fringe benefits available to state officials who are the subject of this study.

III. Members of the Temporary Commission held public hearings in the cities of Albany, New York and Rochester. Written testimony was provided by witnesses and the entire proceedings were recorded.

MEASURING THE ADEQUACY OF COMPENSATION

There is no single standard by which to measure the adequacy of compensation. Adequacy is a relative criterion, and answers to questions concerning adequacy are very much dependent upon the context in which it is measured. Comparing state government salaries in New York with those of other industrialized states is reasonable because the functions performed by the larger state governments are relatively similar. Contrary to what one might expect, standards of living among these states are similar if one measures consumer costs on a

two general shortcomings to comparing official salaries on a state level so far as New York is concerned. First, except for California, the size of governments in even the large industrial states is smaller than the government of New York State. Therefore the level of responsibility and challenge for state officials in New York is relatively high. Second, the governments of other states are generally not serious competitors with New York State government for public sector talent. They simply do not draw personnel from the same pool of labor. New York State is more likely to lose public sector talent to the federal government or to New York City, particularly the latter. Despite the difference in functions among the state, federal and municipal governments, comparisons are in order.

Significant competition for professional talent in New York State also comes from the private sector. A comparison of state salaries in New York with those in the private sector tells a story that is much larger than the scope of this study, but the lessons to be drawn from it are seriously relevant. It tells a story of great disparity between public sector and private sector compensation that is ingrained in American culture. This value system is in part a function of history. When the republic was first founded those individuals attracted to public service were usually drawn from propertied classes. They were not dependent upon their government salaries for a living.

In general public employee pay has risen over the years as the profile of those who serve in government has become more

representative of the population. Government service has in fact become an important source of employment and means of social mobility to immigrants, racial minorities and women. There is evidence to suggest that the salaries of lower level employees in government have become competitive with those in the private sector. This pattern, however, does not hold at the upper reaches of government. Salaries of higher level governmental officials have not only failed to keep pace with those of private sector executives and other professionals, but the gap actually has become wider in recent years. One reason for this is that it remains politically unpopular for high ranking officials to receive significant salary increases. The public generally believes that public sector officials should not be paid at the same level as their private sector counterparts.

It is not our intention to challenge this widely held viewpoint. Nevertheless the question of adequacy must be addressed as part of our original mandate. One legitimate way to measure the adequacy of state salaries is to examine them historically. Here, considering the impact of inflation, we can determine whether state employees are earning the same in real dollars as they had previously. Here, we can assess the ability of state employees to maintain a certain standard of living for themselves and their families. Such a measure of adequacy is not only fair and appropriate, but it is also within the province of this Temporary Commission and the state to address.

ANALYSIS OF FINDINGS

OVERVIEW: NEW YORK STATE

I. Executives

1. The existing six grade salary scale among appointed executives covered under Section 169 results in a wide range of compensation among agency heads and commissioners (\$62,573 low; \$93,713, high). We question whether the range of responsibility among these seventy-five executives is sufficiently wide to justify six salary grades. (See Table I, part II and Table II).
2. As measured by the size of the budget and the number of personnel in their respective agencies, there exist substantial disparities between the level and complexity of responsibilities of agency heads and the salaries they receive. While agency size is not the only legitimate criterion for measuring executive responsibility, the existing disparities between agency size and executive compensation are substantial enough to warrant a review of how salary levels are determined for particular executives. (See Table III).
3. A sample of job analyses conducted by Hay Management of fifteen positions included under Section 169 of the Executive Law indicates significant disparities between levels of responsibility and levels of pay.
4. Executive salaries in New York State have failed to keep pace with the rate of inflation over the last twenty years

(1967 to 1987). The net effect has been a substantial erosion in the purchasing power of the compensation of state executives. For example, in 1967 dollars the salary of Level A commissioners has declined from \$40,000 to \$28,400. Among Level C commissioners it has declined from \$32,300 to \$25,200.

5. Over the last two decades (1967 to 1987), the cumulative salary increase (134.3%) for appointed executives covered under Section 169A has lagged behind the cumulative salary increases for those professionals represented by collective bargaining units (CSEA, 232.7%; PEF, 217.9%) and those management confidential employees at or above the G18 pay grade (217.9%). (See Table IV). This pattern had led to the phenomenon of salary compression whereby the salary level of state employees within certain agencies approaches and sometimes exceeds that of the agency head.

6. Over the last two decades (1967 to 1987), the cumulative increase in the salaries of appointed executives (134.3%) covered under Section 169A has significantly lagged behind those of legislators (186.7%) and judges (191.1%). (See Table V).

7. The existing pension system in the state is insensitive to the needs of appointed executives who are not part of the career civil service and spend a relatively short period of time (three to five years) in government.

II. Legislators

1. In addition to the basic salary received by all legislators, a substantial amount of legislative compensation is derived through leadership and committee assignments based on seniority. (See Table I, part III).

a. Presently all senators and approximately two-thirds (107 of 150) of the assembly members receive leadership stipends.

b. Stipends range from \$24,500 to \$30,000 for majority and minority leaders, \$9,000 to \$13,000 for committee chairs, and \$6,500 to \$9,000 for other leadership positions.

2. Unlike members of the executive and judicial branches, it is legally permissible for legislators while holding office to pursue professional and business careers that generate income.

3. Over the twenty years prior to 1987 legislative salaries have failed to keep pace with the rate of inflation.

(See Figure I). In terms of 1967 dollars controlled for inflation by means of the GNP deflator, the real salary of legislators actually decreased from \$15,000 to \$13,000 by 1987. The pattern of erosion has been corrected with a pay increase authorized to take effect in January of 1989.

Accordingly, we make no recommendations for increases at this time.

III. The Judiciary

1. There are substantial disparities in compensation among judges that sit on the various courts of original jurisdiction throughout the state (\$74,500 low, \$95,000 high). (See Table I, part IV). This pattern is generally a function of history. Prior to state assumption of the costs of the court system many of these salaries were determined on the local level. The system we have today reflects a combination of historical local standards and incremental changes made at the state level. We have concluded that there is no acceptable means to quantify differences in judicial responsibility or burden among these courts on which differentials in compensation should now be predicated.

2. Notable disparities in compensation exist among judges who sit on courts of co-equal jurisdictions (\$82,000 low, \$95,000 high for family, county and surrogate courts; \$74,500 low, \$82,000 high for city courts outside of New York City). (See Table I, part IV). As above, this pattern is a result of historical determinations made locally prior to the state assumption of costs of the court system. This practice has been declared unconstitutional by the New York State Court of Appeals (Weissman v. Evans, 56 NY2d 458) and the Appellate Division, 2nd Dept. (Kendall v. Evans, 126 AD2d 703). In any event, we have similarly determined that there is now no justification for compensating judges of

these courts at different rates.

3. Judicial salary levels have failed to keep pace with the rate of inflation over the last twenty years (1967 to 1987). The net effect has been a substantial erosion in the purchasing power of judges in the state. For example, in terms of 1967 dollars, the real salary of Associate Justices on the Court of Appeals has declined from \$39,500 to \$34,200 over a period of twenty years. That of Supreme Court Justices has declined from \$37,000 to \$28,800.

NEW YORK STATE COMPARED

I. OTHER STATES

1. A comparison of state government salaries among ten large states in the nation indicates that executive, legislative and judicial officials in New York receive higher salaries than their counterparts in other jurisdictions. (See Tables VI, VII and VIII). This pattern holds even when one controls for the cost of living at the state level. Generally New York State officials assume larger governmental responsibilities than their counterparts as indicated by size of budget, number of employees and size of population served.

2. As compared to the other states, the most advantaged officials in New York in terms of salary are statewide elected officials and legislative leaders. (See Table IX).

Illustration: (N.Y. vs. 10 state avg.)*

Governor:	1.42
Lieutenant Governor:	1.51
Attorney General:	1.38
Comptroller:	1.49
Legislative Leaders:	1.47

* These figures measure the degree by which New York State salaries exceed the ten-state average.

3. As compared to the other states, the least advantaged officials in New York, in terms of salary, are appointed executives, judges and legislators who do not hold leadership

positions or committee assignments. (See Table IX).

Illustration: (N.Y. vs. 10 state avg.)*

Level A Commissioner:	1.28
Level B Commissioner:	1.27
Level C Commissioner:	1.21
Level D Commissioner:	1.37 (exception)
Level E Commissioner:	1.15
Level F (not compared)	
Judges Highest Court:	1.24
Judges Intermediate Court:	1.17
Judges Lowest Court:	1.19
General Legislator:	1.25

* These figures measure the degree by which New York State salaries exceed the ten-state average.

II. THE FEDERAL GOVERNMENT

1. The salaries of federal executives exceed those of executives in New York State. However, it stands to reason that the extent of responsibility carried by federal executives is also greater.

Illustration:

President of the United States:	\$200,000
Vice President	\$115,000
Cabinet Members (and sub-Cabinet):	\$ 72,500 to \$ 99,500 (five levels)
Governor:	\$130,000
Lieutenant Governor:	\$110,000
Commissioners:	\$ 62,573 to \$ 93,713 (six levels)

2. The salaries of Members of Congress and Congressional leaders are higher than those of New York State legislators and their leaders. However, Members of Congress are subject to more stringent limitations with regard to outside income and the extent of their responsibility is greater.

Illustration:

Member of U.S. Congress:	\$ 89,000
U.S. Speaker of the House:	\$115,000
U.S. Majority Leader of the House:	\$ 99,500
U.S. Minority Leader of the House:	\$ 99,500
U.S. President Pro Tem of Senate:	\$ 99,500
U.S. Majority Leader Senate:	\$ 99,500
U.S. Minority Leader Senate:	\$ 99,500
N.Y. State Legislator:	\$ 43,000
N.Y. Speaker of Assembly:	\$ 73,000
N.Y. Majority Leader, Assembly:	\$ 68,000
N.Y. Minority Leader, Assembly:	\$ 68,000
N.Y. President Pro Tem Senate:	\$ 73,000
N.Y. Deputy Majority Leader, Senate:	\$ 67,500
N.Y. Minority Leader, Senate:	\$ 68,000

3. Salaries of some New York State judges exceed those of federal judges.

Illustration:

Chief Judge, U.S. Supreme Court:	\$115,000
Associate Justice, U.S. Supreme Court:	\$110,000
Judge, U.S. Court of Appeals:	\$ 95,000
Judge, U.S. District Court:	\$ 89,500
Chief Judge, N.Y. Court of Appeals:	\$120,000
Associate Judge, N.Y. Court of Appeals:	\$115,000
Presiding Justice, Appellate Division (NY):	\$107,500
Associate Justice, Appellate Division (NY):	\$102,500
Supreme Court Justice (NY):	\$ 95,000

III. NEW YORK CITY

1. The salaries of appointed executives in New York City government exceed those of appointed executives in the state. Generally speaking the cost of living in the city is higher than that in the state as a whole.

Illustration:

First Deputy Mayor:	\$108,000	
Deputy Mayors (2):	\$106,250	
New York City Commissioners:	\$ 83,000 to \$106,250	(four levels)
New York State Commissioners:	\$ 62,573 to \$ 93,713	(six levels)

2. The base salary of New York State legislators (without leadership stipends) is currently less (\$ 43,000) than New York City Council Members (\$ 55,000), but this pattern will be reversed in January of 1989 when state legislators receive a salary increase (\$ 57,500).

IV. THE PRIVATE SECTOR

1. Generally speaking private sector executives get compensated at a much higher level than public sector executives with similar responsibilities.

2. In terms of private sector standards, those public sector executives in New York State who are most underpaid with regard to their level of responsibility are statewide elected officials. (See Table X).

3. The smallest discrepancies between public and private sector salaries among executives with similar responsibilities exist at the lowest executive ranks. (See Table XI).

Illustration:

<u>Position</u>	<u>Public Sector Salary</u>	<u>Private Sector Equivalent</u>
Level D Commissioner	\$ 75,700	\$106,800
Level E Commissioner	\$ 70,000	\$ 93,400
Level F Commissioner	\$ 62,600	\$ 82,100

4. Over the last two decades (1967 to 1987), the salary disparity between public sector executives and private sector executives has grown substantially. (See Tables XII, XIII, XIV and XV). For example, in 1967 Level A commissioners were paid 84% below their private sector peers; in 1987 the gap increased to 222.4%. In 1967 Level C commissioners were paid 19.5% below their private sector peers; in 1987 the gap increased to 100.0%.

5. While executive salaries in New York State have not kept pace with inflation over the last twenty years, the private sector has taken steps to adjust executive salaries and compensate for the effects of inflation. (See Figures II and III). Measured in terms of 1967 dollars, the real salaries of Level A commissioners has declined from \$40,000 to \$28,400 over twenty years. That of their private sector peers grew from \$73,600 to \$91,500 during the same period. The real salaries of Level C commissioners declined from \$32,300 to \$25,200; that of their private sector peers grew from \$38,600 to \$50,400 in adjusted dollars.

6. There is a significant disparity between judicial salaries in New York State and the compensation that attorneys earn in the private sector as corporate counsel or partners in New York City law firms. (See Figures IV, V and VI).

Illustration:

Judiciary

Supreme Court	\$ 95,000
Appellate Division	\$102,500
Court of Appeals	\$115,000

Head of Law Department for Corporation

10th Percentile	\$186,375
Average	\$246,225
90th Percentile	\$319,095

Partners in New York City Law Firms

Low	\$170,000
Average	\$240,000
High	\$400,000

7. The disparity between judicial salaries and the compensation of private sector attorneys has grown over recent years. While judicial salaries have not kept pace with inflation, increases in income among private sector attorneys have exceeded the rate of inflation. For example, measured in terms of 1967 dollars, the salary of Associate Justices of the Court of Appeals has decreased from \$35,600 to \$34,800 between 1975 and 1987. That of Supreme Court Justices has after some decline been restored to a level of \$28,800. Among their peers in the private sector who serve as corporate counsel, income in adjusted dollars has increased from \$36,100 in 1975 to \$47,000 in 1987 (See Figure VII).

EXPLANATION OF RECOMMENDATIONS

GENERAL STANDARDS

I. Adequacy

In this report, salary adequacy has been defined as providing individuals with a capability to maintain the same standard of living they enjoyed twenty years ago prior to the time when rapid inflation began to erode the purchasing value of the dollars that they earn. From 1967 to 1987, the cost of living in the United States, as measured by the consumer price index has increased by 240%. This rapid inflation has adversely affected all those officials in the executive, legislative and judicial branches that are the subject of this study. As a result of a salary increase that will take effect in January of 1989, legislative salaries will be made whole by 1967 standards, that is, they will have suffered no loss of purchasing power due to inflation. The salary recommendations proposed here are designed to provide a similar catch-up effect with regard to the executive and judicial branches. In determining the appropriate catch-up adjustments, it was determined that certain salary relationships be maintained as they exist today among officials within the same branch of government, as follows:

- a) That between the Governor and other statewide elected executives, i.e., the Lieutenant Governor, Attorney General and Comptroller salaries should be maintained at the current 84.6% of the Governor's salary.
- b) That between Level A Commissioners and Commissioners in

the five other grades, i.e., the salaries of the other five grades should be maintained at their current relationship to the Level A salary (See Table XVI). We make this recommendation as a temporary measure until a more comprehensive analysis is completed to determine the proper allocations of positions within and among grades for appointed executives.

c) That between Associate Justices of the Court of Appeals and Judges and Justices who sit on the Appellate Court, Supreme Court, and Court of Claims, i.e., the salaries of the Appellate Justices, Supreme Court Judges and the Court of Claims Judges should maintain their current relationship to the salaries of the Court of Appeals Judges.

d) Our recommendations would also maintain a \$5,000 supplement for the Chief Judge of the Court of Appeals, the Presiding Justices of the Appellate Division and the Presiding Justice of the Court of Claims.

e) The make-whole adjustment for those judicial positions where there was also a salary equity recommendation is explained in the next section on equity.

As a result, the make-whole salary adjustment proposed for the executive and judicial branches has been calculated in a two step process.

1. The salaries that the Governor, Level A Commissioners and Associate Judges of the Court of Appeals would require

to eliminate the loss of real income that has occurred as a result of inflation between 1967 and 1987 have been calculated by multiplying their 1967 salaries by the increase in the cost of living from 1967 to 1987. This salary is shown in Table XVI as the make-whole 1987 salary.

2. The salaries of statewide elected executives; Level B through Level F Commissioners; and Judges who sit in the Appellate Divisions, Supreme Courts and Court of Claims were then adjusted so that they respectively maintain their current salary relationships with the Governor, Level A Commissioners, and Associate Judges of the Court of Appeals. For example, the Lieutenant Governor's make-whole salary was calculated by multiplying the Governor's make-whole salary (\$170,300) by 84.6%.

3. A supplement of \$5,000 was added to the salaries of the Chief Judge of the Court of Appeals, the Presiding Justices of the Appellate Division and the Presiding Justice of the Court of Claims to maintain the absolute amount of the current supplement. (See Table XVI).

The results of these proposed adjustments are as follows:

	<u>Present Salary</u>	<u>Proposed Salary*</u>
Governor	\$130,000	\$170,500
Lieutenant Governor	\$110,000	\$144,000
Attorney General	\$110,000	\$144,000
Comptroller	\$110,000	\$144,000
169 A Commissioners	\$ 93,713	\$136,000
169 B Commissioners	\$ 87,578	\$128,000
169 C Commissioners	\$ 83,179	\$121,000

(continued on next page)

	<u>Present Salary</u>	<u>Proposed Salary*</u>
169 D Commissioners	\$ 75,645	\$110,000
169 E Commissioners	\$ 69,982	\$101,500
169 F Commissioners	\$ 62,573	\$ 91,000
Chief Judge, Court of Appeals	\$120,000	\$139,500
Associate Judge, Court of Appeals	\$115,000	\$134,500
Presiding Justice, Appellate Court	\$107,500	\$125,000
Associate Justice, Appellate Division	\$102,500	\$120,000
Supreme Court	\$ 95,000	\$111,000
Presiding Judge, Court of Claims	\$102,500	\$118,500
Judge, Court of Claims	\$ 95,000	\$111,000

* Proposed salaries rounded off to the nearest \$500.

II. Equity

The second general principle upon which salary recommendations are based is equity, measured in terms of equal pay for similar responsibility.

The salary equity recommendations call for the following:

1. Trial Court judges in the County Courts, the Family Courts, the Surrogate Courts, the Criminal and Civil Courts of New York City, and the District Courts of Nassau and Suffolk Counties should all be paid an equal salary and that should be the same as Supreme Court justices. It is recommended that the salary equity for all these trial court judges be implemented over a three year period. These judges should also be made-whole by 1967 standards once salary equity with Supreme Court judges has been determined. The net result of this recommendation would be to raise the salaries of all these trial court judges to \$111,000 within seven years to keep pace with the make-whole adjustment received by Supreme Court Justices. The

cost of establishing parity and the required make-whole adjustments for the trial court judges are shown in Table XVII. It is also recommended that the presidents of the Board of Judges in Nassau and Suffolk counties continue to receive a \$3,500 supplement.

2. All full time city court judges outside of New York City should be paid the same salary as the top pay grade (currently \$82,000) and that equity adjustment should be made over a three year period. These judges should also receive a make-whole adjustment that would be determined by maintaining the current salary relationship between top city court judge and Supreme Court Judge salaries, i.e., 86.3% of a Supreme Court Judge's pay. The net effect of this recommendation would be to bring these full time city court judges up to a salary of \$96,000 within seven years to keep pace with the make-whole adjustment received by Supreme Court Justices. The cost of establishing parity and the required make-whole adjustments for city court judges outside New York City are provided in Table XVIII.

3. The Governor's Office should review the salary levels of officials covered under Section 169 of the Executive Law in order to assess the relationship between compensation and responsibility. In performing such a review the Governor's Office should consider the merits of reducing the number of salary levels among these seventy-five appointed officials. Based upon this evaluation the Governor should make

recommendations to the legislature by the end of the next legislative session.

The Temporary Commission has refrained from making specific recommendations on this matter without having had the opportunity to conduct a full job analysis of seventy-five positions in question.

4. The Governor's Office should conduct a study and make proposals to the legislature designed to increase the flexibility and portability of fringe benefit packages in order to provide greater incentives for professionals outside of government to serve. This recommendation is particularly important for appointed executives, many of whom interrupt private sector or university careers in order to serve in commissionerships for a period of three to five years.

The Temporary Commission has refrained from making specific recommendations on this matter without having had the benefit of a more comprehensive review of the existing benefit plans and the alternatives.

PERMANENT MECHANISM

The legislature should create a permanent Commission on Compensation to review and adjust levels of compensation for the governor, lieutenant governor, attorney general, comptroller, those state officials referred to in Section 169 of the Executive Law, members of the legislature, and judges and justices of the

state-paid courts of the unified court system. This recommendation is consistent with our mandate "to formulate a systematic and appropriate mechanism by which the state shall regularly review and adjust levels of pay..." Such a mechanism would assure more regular and even incremental adjustments and eliminate the very considerable disadvantages of sporadic consideration which have often necessitated relatively large catch-up adjustments.

I. Membership

This Commission should consist of thirteen members to be appointed as follows: four by the Governor, two by the Temporary President of the Senate, one by the Minority Leader of the Senate, two by the Speaker of the Assembly, one by the Minority Leader of the Assembly, and three by the Chief Judge of the Court of Appeals. The Governor should designate a Chairman from among the members so appointed. Terms should be staggered so that not more than four new members are appointed every three years. The composition of this permanent Commission is modeled on the basic structure created by the legislature in appointing the Temporary Commission.

II. Reporting

The Commission should make periodic reports and recommendations to the Legislature and the Governor concerning the adequacy of compensation for officials under its review. Reports on legislative salaries should be made every two years so

that no sitting legislature is required to review recommendations that affect its own salary. Reports on executive and judicial salaries should be made every three years after the completion of collective bargaining negotiations (now on a three-year cycle) in order to minimize the impact of Commission recommendations on such negotiations. If the schedule of collective bargaining in the state changes, then the schedule of the Commission should be adapted accordingly.

III. Procedures

Recommendations by the Commission regarding salaries should take effect unless rejected by both the Governor and the legislature within ninety days.*

IV. Criteria for Assessment

In evaluating the adequacy of salaries, the Commission should consider changes in the cost of living, the general economic condition of the state, the general content and context of collective bargaining agreements, modifications in the responsibilities of particular agencies or officials, changes in state priorities, and the degree of difficulty that the state has

* We are aware of no conclusive authority as to the constitutionality of this method of fixing compensation. On the basis of legal research and advice made available to us, however, we are satisfied that this recommendation will withstand constitutional challenge. (See Humphrey v. Baker, F2d [Ct. App. D.C., decided May 31, 1988].) Such a procedure was recognized as one alternative in the 1982 Report of the Temporary Commission on Judicial Compensation, p. 13. We observe that in any event the Governor and the Legislature retain authority to supercede any recommendation made by the proposed Commission.

experienced in recruiting for particular positions. It should not be presumed that recommendations for salary increases will result each time the Commission reports to the legislature and the Governor. To the extent permitted by law, the Commission should consider salary reductions when it is deemed appropriate.

V. Special Adjustments in the Judiciary

The Commission should develop a salary system that considers longevity on the court so as to retain the services of its more experienced judges and justices. This kind of seniority system already formally exists within the state civil service and it exists informally in the legislature through the leadership structure. This system is less relevant to the concerns of those appointed executives whose tenure in office is usually on a more short term basis.

The Commission should also develop a system of incremental payments for judges that is sensitive to the extraordinary costs of living in certain geographical areas of the state. There is already a precedent for such a practice in the state with regard to administrative positions.

VI. Staff

The Commission should be authorized to maintain a small permanent staff that is adequate to carry out its duties. The purpose of such a staff is to assure that the commission maintains an uninterrupted and independent analytic capacity.

COSTS

At the present time, the total salary costs for all of those executive, legislative and judicial officials that are the subject of this study amounts to less than one percent of the state's operating budget. This is an insignificant proportion of the total cost of services to pay professionals who assume the greatest level of responsibility in the government of the state. The recommendations proposed in this report are not expected to increase the total salary costs for these officials by a substantial amount when measured as a percentage of total state budget, and the full financial impact of these recommendations will not be realized for seven years. Preliminary calculations indicate that the annual cost of these proposals, after the seventh year, will be as follows:

Make-whole costs for statewide elected officials, 169 executives, and judges in the Courts of Appeals, Appellate Division, Supreme Court and Court of Claims.....	\$11,036,053
Parity costs for all trial courts except city courts outside of NYC.....	\$ 4,872,000
Make-whole costs for all trial courts except city courts outside of NYC.....	\$ 8,715,060
Parity costs for city courts outside of NYC.....	\$ 285,000
Make-whole costs for city courts outside of NYC.....	\$ 640,803
	<hr/>
Grand Total	\$25,548,916*

* This total represents 0.09% of the general fund budget. (See Table XIX)

Following a seven-year schedule for the full implementation of these recommendations, preliminary estimates indicate that first year costs will amount to \$3,270,608. This amount constitutes 3.4% of the Fiscal Year 1988-1989 payroll.

**APPENDIX I
(TABLES)**

TABLE I

CURRENT SALARY LEVELS FOR STATE OFFICIALS
COVERED UNDER CHAPTER 263

I. ELECTED OFFICIALS

Governor	\$ 130,000
Lt. Governor	110,000
Comptroller	110,000
Attorney General	110,000

II. EXECUTIVE OFFICIALS covered under 169 (six grades)

- a. 93,713
- b. 87,578
- c. 83,179
- d. 75,654
- e. 69,982
- f. 62,573

III. LEGISLATORS

Basic salary 43,000 (to be increased to 57,500 on
January 1, 1989)

President Pro Tem (Senate)	30,000	additional
Deputy Majority Leader (Senate)	24,500	"
Minority Leader (Senate)	25,000	"
Speaker (Assembly)	30,000	"
Majority Leader (Assembly)	25,000	"
Minority Leader (Assembly)	25,000	"
Committee Chairs (both houses)	9,000 to 13,000	additional
Per diem expenses during season (both houses)	75	per day

IV. JUDGES

Court of Appeals

Chief Judge	120,000
Associate Judge	115,000

Appellate Division of Supreme Court

Presiding Justice	107,500
Associate Justice	102,500

IV. JUDGES (continued)

Supreme Court

Justice 95,000

County Courts (eight levels)

a. 95,000	e. 86,000
b. 94,000	f. 84,000
c. 90,000	g. 83,000
d. 87,000	h. 82,000

Family Courts (six levels)

a. 95,000	d. 87,000
b. 94,000	e. 86,000
c. 90,000	f. 82,000

Surrogate Courts (six levels)

a. 95,000	d. 86,000
b. 93,000	e. 83,000
c. 89,000	f. 82,000

Court of Claims

Presiding Judge	102,500
Judge	95,000

Criminal and Civil Courts of New York City

Judges 86,000

District Courts of Nassau and Suffolk

President, Board of Judges	87,500
Judge	84,000

City Courts Outside New York City (fourteen levels)

a. 82,000	h. 74,500	
b. 81,000	i. 37,250	part time
c. 80,000	j. 28,000	part time
d. 79,000	k. 18,625	part time
e. 78,000	l. 14,000	part time
f. 76,500	m. 9,300	part time
g. 75,500	n. 4,000	part time

TABLE II

EXECUTIVES COVERED UNDER SECTION 169

PARA. A: 93,713

Commissioner of Correctional Services
Commissioner of Health
Commissioner of Mental Health
Commissioner of Mental Retardation and Development Disabilities
Commissioner of Transportation

PARA. B: 87,578

Chairman of Public Service Commission
Commissioner of Social Services
Commissioner of Environmental Conservation
Commissioner of General Services
Labor Commissioner (formerly Industrial)
Superintendent of State Police
Commissioner of Taxation and Finance and President of Tax Commission
Director of Division of Youth

PARA. C: 83,179

Commissioner of Agriculture and Markets
Director of Division of Alcoholism and Alcohol Abuse
Superintendent of Banks
Commissioner and President of State Civil Service Commission
Commissioner of Economic Development (formerly Commerce)
Commissioner of State Energy Office and Chairman of the Energy Research and
Development Authority
Commissioner of Higher Education Services Corporation
Superintendent of Insurance
Commissioner of Motor Vehicles
Commissioner of Parks and Recreation
Commissioner of Public Employment Relations Board
Secretary of State
Chairman of the State Racing and Wagering Board
Director of Division of Substance Abuse Services
Executive Director of the Housing Finance Agency
Director of Employee Relations
Commissioner of Criminal Justice Services
Commissioner of Housing and Community Renewal
Commissioner-Chairman Alcoholic Beverage Control (formerly State Liquor
Authority)
Chief of Staff to the Governor
Executive Director of Division of Equalization and Assessment
Member-Chairman of Board of Parole
Director of Probation
Executive Director of the State Insurance Fund
Chairman of the Workers Compensation Board

PARA. D: 75,654

Director of Office for the Aging
Member-Chairman of Commission on Cable Television
Commissioner of Human Rights
Commissioner of the Department of Public Service
Chairman of State Commission on Quality of Care for the Mentally Disabled
Chairman of Commission of Alcoholism and Substance Abuse Prevention and
Education
Executive Director of the State Board of Elections
Executive Director of the Council on the Arts

PARA. E: 69,982

Chairman and Executive Director of Consumer Protection Board
Member-Chairman of Crime Victims Compensation Board
Chairman Human Rights Appeal Board
Director of Veterans' Affairs
Chairman of Labor Relations Board
Chairman of Commission on Public Employee Pension and Retirement Systems
Member of Tax Commission
Chairman of the State Commission of Correction
Chairman of the State Mediation Board
Member of State Commission on Quality of Care for Mentally Disabled
Member of State Racing and Wagering Board
Member-Chairman of Unemployment Insurance Appeals Board
Vice-Chairman of Workers Compensation Board
Member of State Athletic Commission
Member of Board of Parole

PARA. F: 62,573

Commissioners of Alcoholic Beverage Control (formerly State Liquor Authority)
Commissioners of State Civil Service Commission
Member of State Commission on Correction
Member of Labor Relations Board
Member of Crime Victims Compensation Board
Member of State Mediation Board
Member of Unemployment Insurance Appeal Board
Executive Director Adirondack Park Agency
Member of Workers Compensation Board

TABLE III

AGENCY SIZE AND COMPENSATION*

I. PARA. A: 93,713

<u>Commissioner</u>	<u>No. of Pers.</u>	<u>Budget</u>
Commissioner of Correctional Services	23,097	1,397,026,900
Commissioner of Health	5,926	749,955,400
Commissioner of Mental health	38,013	2,057,716,200
Commissioner of Mental Retardation and Development Disabilities	27,512	1,413,043,600
Commissioner of Transportation	12,064	3,020,531,480

II. PARA. B: 87,578

<u>Commissioner</u>	<u>No. of Pers.</u>	<u>Budget</u>
Chairman of Public Service Commission	675	45,236,800
Commissioner of Social Services	4,809	12,920,531,050
Commissioner of Environmental Conservation	3,572	582,774,870
Commissioner of General Services	4,157	475,213,400
Labor Commissioner (formerly Industrial)	5,653	1,896,290,300
Superintendent of State Police	4,860	210,647,400
Commissioner of Taxation and Finance and President of Tax Commission	5,438	211,433,600
Director of Division of Youth	3,193	245,606,860

* This table only includes those officials who serve as heads of agencies and does not include members of boards or commissions.

III. PARA. C: 83.179

<u>Commissioner</u>	<u>No. of Pers.</u>	<u>Budget</u>
Commissioner of Agriculture and Markets	664	69,841,100
Director of Division of Alcoholism and Alcohol Abuse	694	88,504,800
Superintendent of Banks	493	30,144,500
Commissioner and President of State Civil Service Commission	884	34,782,400
Commissioner of Economic Development (formerly Commerce)	356	57,589,200
Commissioner of State Energy Office and Chairman of Energy Research and Development Authority	135	15,850,000
Commissioner of Higher Education Services Corporation	805	489,914,703
Superintendent of Insurance	806	48,705,000
Commissioner of Motor Vehicles	3,017	133,413,000
Commissioner of Parks and Recreation	1,824	225,334,700
Commissioner of Public Employment Relations Board	68	3,373,400
Secretary of State	715	105,162,490
Chairman of the State Racing and Wagering Board	121	16,176,800
Director of Division of Substance Abuse Services	445	169,525,500
Executive Director of the Housing Finance Agency		8,013,600
Director of Employee Relations	68	8,042,800
Commissioner of Criminal Justice Services	733	147,059,930
Commissioner of Housing and Community Renewal	903	161,983,200
Commissioner-Chairman, Alcoholic Beverage Control (formerly State Liquor Authority)	473	13,989,900
Executive Director of Division of Equalization and Assessment	624	29,281,100
Member-Chairman, Board of Parole	1,971	68,702,250
Director of Probation	103	70,869,471
Executive Director of the State Insurance Fund	2,508	138,962,200
Chairman of the Workers Compensation Board	1,427	65,699,000

IV. PARA. D.: 75,654

<u>Commissioner</u>	<u>No. of Pers.</u>	<u>Budget</u>
Director of Office for the Aging	145	112,971,055
Member-Chairman of Commission on Cable Television	59	3,203,700
Commissioner of Human Rights	158	9,958,100
Chairman of State Commission on Quality of Care for the Mentally Disabled	84	6,781,600
Chairman of State Commission of Alcoholism and Substance Abuse Prevention and Education	694	169,525,500
Executive Director of the State Board of Elections	42	2,558,100
Executive Director of the Council on the Arts	84	55,233,575

V. PARA. E: 69,982

Chairman and Executive Director of Consumer Protection Board	45	2,728,150
Member-Chairman of Crime Victims Compensation Board	75	21,019,900
Director of Veterans Affairs	126	6,575,300
Chairman of Commission on Public Employee and Retirement Systems	5	407,900
Chairman of the State Commission on Correction	65	3,275,900

VI. PARA. F: 62,573

Executive Director of Adirondack Park Agency	53	3,491,200
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TABLE IV

SALARY INCREASES FOR REPRESENTED EMPLOYEES AND MANAGEMENT CONFIDENTIAL

Year	CSEA		PEP		M/C, G18+	
	Inc.	Cum. Inc.	Inc.	Cum. Inc.	Inc.	Cum. Inc.
1967	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1968	10.0	10.0	10.0	10.0	10.0	10.0
1969	5.0	15.5	5.0	15.5	5.0	15.5
1970	7.5	24.2	7.5	24.2	7.5	24.2
1971	6.0	31.6	6.0	31.6	6.0	31.6
1972	4.0	36.9	4.0	36.9	4.0	36.9
1973	6.5	45.8	6.5	45.8	6.5	45.8
1974	5.5	53.8	5.5	53.8	5.5	53.8
1975	0.0	53.8	0.0	53.8	0.0	53.8
1976	0.0	53.8	0.0	53.8	0.0	53.8
1977	5.0 4.0	61.5 67.9	5.0 4.0	61.5 67.9	5.0 4.0	61.5 67.9
1978	5.0	76.3	5.0	76.3	5.0	76.3
1979	7.0	88.7	7.0	88.7	7.0	88.7
1980	3.5	95.3	3.5	101.9	3.5	95.3
1981	3.4 3.5	101.9 109.0		101.9 116.0	3.4 7.0	101.9 116.0
1982	2.8 9.0	114.8 134.1		116.0 135.5		116.0 135.5
1983	10.0	157.5	8.0	154.3	8.0	154.3
1984	10.0	183.3	8.0	174.6	8.0	174.6
1985	5.0	197.5	5.0	188.4	5.0	188.4
1986	5.5	213.8	5.0	202.8	5.0	202.8
1987	6.0	232.7	5.0	217.9	5.0	217.9

TABLE V

SALARY INCREASES FOR SELECT STATE OFFICIALS COVERED UNDER SECTION 263

Year	<u>EXEC. 169A</u>			<u>LEGISLA.</u>			<u>ASSOC. JUDGE COURT OF APPEALS</u>		
	<u>Salary</u>	<u>Inc.</u>	<u>Qm.</u>	<u>Salary</u>	<u>Inc.</u>	<u>Qm.</u>	<u>Salary</u>	<u>Inc.</u>	<u>Qm.</u>
1967	40,000			15,000	0.0	0.0	39,500		
1968	45,000	12.5	12.5	15,000	0.0	0.0	39,500	0.0	0.0
1969	45,000	0.0	12.5	15,000	0.0	0.0	42,000	6.3	6.3
1970	48,375	7.5	20.9	15,000	0.0	0.0	42,000	6.3	6.3
1971	51,275	6.0	28.2	15,000	0.0	0.0	45,150	7.5	14.3
1972	51,275	0.0	28.2	15,000	0.0	0.0	45,150	0.0	14.3
1973	53,325	4.0	33.3	15,000	0.0	0.0	49,665	10.0	25.7
1974	57,650	8.1	44.1	15,000	0.0	0.0	49,665	0.0	25.7
1975	57,650	0.0	44.1	23,500	56.7	56.7	60,575	22.0	53.4
1976	57,650	0.0	44.1	23,500	0.0	56.7	60,575	0.0	53.4
1977	57,650	0.0	44.1	23,500	0.0	56.7	60,575	0.0	53.4
1978	61,685	7.0	54.2	23,500	0.0	56.7	64,815	7.0	64.1
1979	61,685	0.0	54.2	23,500	0.0	56.7	69,352	7.0	75.6
1980	66,100	7.2	65.3	23,500	0.0	56.7	72,000	3.8	82.3
1981	69,100	4.5	72.8	28,788	22.5	91.9	75,600	5.0	91.4
1982	74,000	7.1	85.0	30,804	7.0	105.4	80,892	7.0	104.8
1983	74,000	0.0	85.0	32,960	7.0	119.7	80,892	0.0	104.8
1984	78,400	5.9	96.0	32,960	7.0	119.7	80,892	0.0	104.8
1985	85,000	8.4	112.5	43,000	30.5	186.7	92,500	14.3	134.2
1986	89,250	5.0	123.1	43,000	0.0	186.7	92,500	0.0	134.2
1987	93,713	5.0	134.3	43,000	0.0	186.7	115,000	24.3	191.1
1988	93,713	0.0	134.3	43,000	0.0	186.7	115,000	0.0	191.1
1989	93,713	0.0	134.3	57,500	33.7	283.3	115,000	0.0	191.1

TABLE VI

EXECUTIVE SALARIES IN TEN STATES

I. SELECT OFFICIALS

<u>State</u>	<u>Governor</u>	<u>Lieut. Governor</u>	<u>Att. Gen.</u>	<u>Compt.</u>
New York	130,000	110,000	110,000	110,000
California	85,000	72,500	77,500	72,500
Florida	96,646	85,656	85,656	85,656 (a)
Illinois	93,266	65,835	82,294	71,321
Massachusetts	85,000	70,000	75,000	70,602
Michigan	100,077	67,377	89,000	65,700 (b)
New Jersey	85,000	N.A.	90,000	75,000 (c)
Ohio	65,000	42,536	50,000	50,000 (b)
Pennsylvania	85,000	67,500	65,000	54,000
Texas	91,600	7,200	73,233	73,233

(a) Chief banking officer assumes this function.

(b) State treasurer performs this function.

(c) Chief budget officer performs this function.

II. APPOINTED OFFICIALS (Comparable to 169)

<u>State</u>	<u>High</u>	<u>Low</u>	<u>Median</u>
New York	93,713	62,573	79,417
California	91,054	49,416	66,474
Florida	85,000	41,000	55,300
Illinois	82,294	40,000	60,675
Massachusetts	77,962	40,682	62,950
Michigan	89,000	27,833	62,000
New Jersey	90,000	40,162	64,731
Ohio	57,595	29,099	38,948
Pennsylvania	65,000	35,345	56,500
Texas	79,310	44,136	60,924

TABLE VII

LEGISLATIVE COMPENSATION IN TEN STATES

I. GENERAL MEMBERSHIP

<u>State</u>	<u>Salary</u>	<u>Expenses</u>
New York	43,000 (57,500)	\$75 per day (v)
California	37,105	87 per day (un)
Florida	19,848	50 per day (un)
Illinois	35,661 (a)	72 per day (un)
Massachusetts	39,040	-0-
Michigan	39,881	7,700 per yr. (v)
New Jersey	25,000	-0-
Ohio	34,905	-0-
Pennsylvania	35,000	85 per day (v)
Texas	7,200	30 per day (un)

(v) = vouchered

(un) = unvouchered

(a) All house members and 39 senators receive this amount. All other senators receive \$32,500 due to mid-term adjustment.

II. LEADERSHIP SUPPLEMENTS: SENATE

<u>State</u>	<u>Presiding Officer</u>	<u>Majority Leader</u>	<u>Minority Leader</u>
New York	30,000	24,500	25,000
California	-0-	-0-	-0-
Florida	7,716	-0-	-0-
Illinois	10,972	N.A.	10,972
Massachusetts	35,000	22,500	22,500
Michigan	N.A.	21,000	17,000
New Jersey	8,333	-0-	-0-
Ohio	19,503	11,856	14,737
Pennsylvania	19,600	15,680	15,680
Texas	-0-	-0-	-0-

III. LEADERSHIP SUPPLEMENTS: HOUSE (ASSEMBLY)

<u>State</u>	<u>Presiding Officer</u>	<u>Majority Leader</u>	<u>Minority Leader</u>
New York	30,000	25,000	25,000
California	-0-	-0-	-0-
Florida	7,716	-0-	-0-
Illinois	10,972	8,229	10,972
Massachusetts	35,000	22,500	22,500
Michigan	23,000	N.A.	17,000
New Jersey	8,333	-0-	-0-
Ohio	19,503	11,856	14,737
Pennsylvania	19,600	15,680	15,680
Texas	-0-	-0-	-0-

TABLE VIII

JUDICIAL SALARIES IN TEN STATES

<u>State</u>	<u>Highest Court</u>	<u>Intermediate Court</u>	<u>Trial Court</u>
New York	115,000	102,500	95,000
California	103,469	97,003	84,765
Florida	88,825	83,600	78,375
Illinois	93,266	87,780	75,113
Massachusetts	80,500	74,500	71,520
Michigan	100,000	96,000	92,000 (a)
New Jersey	93,000	90,000	85,000
Ohio	83,250	77,500	59,750
Pennsylvania	91,500	89,500	80,000
Texas	78,795	77,795 (b)	76,795 (b)

(a) includes local supplement of 37,000

(b) highest salary in scale

TABLE IX

N.Y. SALARIES RELATIVE TO THE TEN STATE AVERAGE

GOVERNOR	1.42
Lt. GOVERNOR	1.51
COMPTROLLER	1.49
ATTY. GENERAL	1.38
"A" PAY GRADE	1.28
"B" PAY GRADE	1.27
"C" PAY GRADE	1.21
"D" PAY GRADE	1.37
"E" PAY GRADE	1.15
LEGISLATURE-GEN. MEMBER	1.25
LEGISLATURE-LEADERSHIP	1.47
JUDICIAL-HIGHEST	1.24
JUDICIAL-INTERMEDIATE	1.17
JUDICIAL-LOWEST	1.19

This table summarizes Tables IX - 1 through IX - 8 which follow.

TABLE IX - 1

ELECTED OFFICIALS (1987 SALARIES)

	Gov.	Lt. Gov	Comptroller	Atty. Gen
New York	\$130,000.00	\$110,000.00	\$110,000.00	\$110,000.00
California	\$85,000.00	\$72,500.00	\$72,500.00	\$77,500.00
Florida	\$96,646.00	\$85,656.00	\$85,656.00	\$85,656.00
Illinois	\$93,266.00	\$65,835.00	\$71,231.00	\$82,294.00
Massachusetts	\$85,000.00	\$70,000.00	\$70,602.00	\$75,000.00
Michigan	\$100,077.00	\$67,377.00	\$65,700.00	\$89,000.00
New Jersey	\$85,000.00	None	\$85,000.00	\$90,000.00
Ohio	\$65,000.00	\$42,536.00	\$50,000.00	\$50,000.00
Pennsylvania	\$85,000.00	\$67,500.00	\$54,000.00	\$65,000.00
Texas	\$91,600.00	\$7,200.00	\$73,233.00	\$73,233.00
AVG	\$91,658.90	\$72,675.50 *	\$73,792.20	\$79,768.30
NY/AVG	1.418	1.514	1.491	1.379

* Average excludes New Jersey and Texas.

TABLE IX - 2

"A" PAY GRADE (1987 SALARY)

	Corrections	Health	Transportation/ Highways	Avg. 1987 Salary
New York	\$93,713.00	\$93,713.00	\$93,713.00	\$93,713
California	\$85,402.00	\$85,402.00	\$64,140.00	\$78,315
Florida	\$79,675.00	\$54,756.00	\$85,000.00	\$73,144
Illinois	\$65,835.00	\$71,321.00	\$71,321.00	\$69,492
Massachusetts	\$77,547.00	\$77,547.00	\$77,547.00	\$77,547
Michigan	\$64,100.00	\$70,700.00	\$64,100.00	\$66,300
New Jersey	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000
Ohio	\$54,392.00	\$54,392.00	\$54,392.00	\$54,392
Pennsylvania	\$61,500.00	\$65,000.00	\$65,000.00	\$63,833
Texas	\$68,289.00	\$66,640.00	\$68,701.00	\$67,877
AVG.	\$74,045	\$72,947	\$73,391	\$73,461
NY/AVG	1.266	1.285	1.277	1.276

TABLE IX - 3

"B" PAY GRADE (1987 SALARY)

	General Services Administration	Environmental Protection	Public Services/ Public Utility Regulation	Social Services/ Public Welfare	State Police	Avg. 1987 Salary
New York	887,578.00	887,578.00	887,578.00	887,578.00	887,578.00	887,578
California	885,402.00	891,054.00	881,635.00	885,402.00	891,054.00	886,909
Florida	879,675.00	879,675.00	873,800.00	842,000.00	862,000.00	867,430
Illinois	868,578.00	865,835.00	870,455.00	871,321.00	865,835.00	868,405
Massachusetts	877,962.00	867,302.00	865,792.00	877,547.00	866,606.00	871,042
Michigan	865,700.00	827,833.00	860,000.00	870,700.00	864,100.00	857,667
New Jersey	872,050.00	890,000.00	890,000.00	863,291.00	877,610.00	878,590
Ohio	854,392.00	854,392.00	854,392.00	849,296.00	840,560.00	850,606
Pennsylvania	865,000.00	865,000.00	857,519.00	865,000.00	861,500.00	862,804
Texas	859,699.00	855,200.00	855,620.00	868,289.00	866,641.00	861,090
AVG.	871,604	868,387	869,679	868,042	868,348	869,212
NY/AVG	1.223	1.281	1.257	1.287	1.281	1.265

TABLE IX - 4

"C" PAY GRADE (1987 SALARY)

	Secretary of State	Agriculture	Banking	Commerce	Energy Resources	Insurance	Avg. 1987 Salary
New York	\$83,179.00	\$83,179.00	\$83,179.00	\$83,179.00	\$83,179.00	\$83,179.00	\$83,179
California	\$72,500.00	\$91,054.00	\$85,402.00	\$85,402.00	\$81,635.00	\$85,402.00	\$83,566
Florida	\$85,656.00	\$85,656.00	\$85,656.00	\$79,675.00	\$53,714.00	\$85,656.00	\$79,336
Illinois	\$82,294.00	\$65,835.00	\$68,250.00	\$65,835.00	\$57,057.00	\$60,349.00	\$66,603
Massachusetts	\$70,000.00	\$56,037.00	\$58,912.00	\$69,015.00	\$59,034.00	\$61,093.00	\$62,349
Michigan	\$89,000.00	\$64,100.00	\$27,833.00	\$64,100.00	\$27,833.00	\$60,000.00	\$55,478
New Jersey	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000.00	\$68,000.00	\$90,000.00	\$86,333
Ohio	\$50,000.00	\$49,296.00	\$49,296.00	\$56,188.00	\$32,115.00	\$44,720.00	\$46,936
Pennsylvania	\$58,000.00	\$58,000.00	\$58,000.00	\$61,500.00	\$56,607.00	\$58,000.00	\$58,351
Texas	\$64,890.00	\$73,233.00	\$79,310.00	\$70,000.00	\$60,976.00	\$60,873.00	\$68,214
AVG.	\$74,552	\$71,639	\$68,584	\$72,489	\$58,015	\$68,927	\$69,034
NY/AVG	1.116	1.161	1.213	1.147	1.434	1.207	1.205

TABLE IX - 5

"D" PAY GRADE (1987 SALARIES)

	Human/Civil Rights	Election Administration	AVG 1987 Salary
New York	\$75,645	\$75,645	\$75,645
California	\$75,354	\$72,500	\$73,927
Florida	\$45,072	\$45,236	\$45,154
Illinois	\$57,057	\$60,252	\$58,655
Massachusetts	\$58,010	\$70,000	\$64,005
Michigan	\$60,000	\$39,401	\$49,701
New Jersey	\$64,731	\$51,758	\$58,245
Ohio	\$33,363	\$29,099	\$31,231
Pennsylvania	\$59,032	\$35,345	\$47,189
Texas	\$48,204	\$49,234	\$48,719
AVG.	\$57,647	\$52,847	\$55,247
NY/AVG.	1.312	1.431	1.369

TABLE IX - 6

"E" PAY GRADE (1987 SALARIES)

Consumer
Affairs

NEW YORK	\$69,982
CALIFORNIA	\$85,402
FLORIDA	\$50,474
ILLINOIS*	\$82,294
MASSACHUSETTS	\$61,411
MICHIGAN	\$51,302
NEW JERSEY	\$62,302
OHIO	\$40,560
PENNSYLVANIA	\$51,951
TEXAS	\$52,000
AVG.	\$60,768
=====	
NY/AVG	1.152
=====	

* Attorney General

TABLE IX - 7

LEGISLATORS (1987 SALARIES)

	Senate				Assembly (House)			AVG.
	General Member	Presiding Officer	Majority Leader	Minority Leader	Presiding Officer	Majority Leader	Minority Leader	1987 Leadership Salary
New York	\$43,000.00	\$73,000.00	\$67,500.00	\$68,000.00	\$73,000.00	\$68,000.00	\$68,000.00	\$69,583
California	\$37,105.00	\$37,105.00	\$37,105.00	\$37,105.00	\$37,105.00	\$37,105.00	\$37,105.00	\$37,105
Florida	\$19,848.00	\$27,564.00	\$19,848.00	\$19,848.00	\$27,564.00	\$19,848.00	\$19,848.00	\$22,420
Illinois	\$35,661.00	\$46,633.00	\$43,890.00 (2)	\$46,633.00	\$46,633.00	\$43,890.00	\$46,633.00	\$39,187
Massachusetts	\$39,040.00	\$74,040.00	\$61,540.00	\$61,540.00	\$74,040.00	\$61,540.00	\$61,540.00	\$65,707
Michigan	\$39,881.00	\$62,881.00 (1)	\$60,881.00	\$56,881.00	\$62,881.00	\$60,881.00 (3)	\$56,881.00	\$45,161
New Jersey	\$25,000.00	\$33,333.00	\$25,000.00	\$25,000.00	\$33,333.00	\$25,000.00	\$25,000.00	\$27,778
Ohio	\$34,905.00	\$54,408.00	\$46,761.00	\$49,642.00	\$54,408.00	\$46,761.00	\$49,642.00	\$50,270
Pennsylvania	\$35,000.00	\$54,600.00	\$50,680.00	\$50,680.00	\$54,600.00	\$50,680.00	\$50,680.00	\$51,987
Texas	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200
AVG (w/o Texas)	\$34,382	\$51,507	\$45,912	\$46,148	\$51,507	\$45,967	\$46,148	\$47,865
NY/AVG	1.251	1.417	1.470	1.474	1.417	1.479	1.474	1.454

- (1) N.A., assume same as Presiding Officer-Assembly
- (2) N.A., assume same as Majority Leader-Assembly
- (3) N.A., assume same as Majority Leader-Senate

TABLE IX - 8

JUDICIAL POSITIONS (1987 SALARIES)

	Highest Court	Intermediate Court	Lowest Court
NEW YORK	\$115,000	\$102,500	\$95,000
CALIFORNIA	\$103,469	\$97,003	\$84,765
FLORIDA	\$88,825	\$83,600	\$78,375
ILLINOIS	\$93,266	\$87,780	\$75,113
MASSACHUSETTS	\$80,500	\$74,500	\$71,520
MICHIGAN	\$100,000	\$96,000	\$92,000
NEW JERSEY	\$93,000	\$90,000	\$85,000
OHIO	\$83,250	\$77,500	\$59,570
PENNSYLVANIA	\$91,500	\$89,500	\$80,000
TEXAS	\$78,795	\$77,795	\$76,795
AVG.	\$92,761	\$87,618	\$79,814
NY/AVG	1.240	1.170	1.190

TABLE X

ELECTED OFFICIALS

**COMPARISON OF BASE SALARY WITH
BASE SALARY FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR**

<u>NY STATE POSITION</u>	<u>HAY LEVEL</u>	<u>CURRENT SALARY (\$000's)</u>	<u>PRIVATE SECTOR</u>			<u>% VARIANCE BETWEEN NY STATE GOVERNMENT AND PRIVATE SECTOR</u>	
			<u>TITLE</u>	<u>BASE SALARY (\$000's)</u>	<u>TOTAL CASH (\$000's)</u>	<u>BASE (%)</u>	<u>TOTAL (%)</u>
GOVERNOR	V	130.0	PRESIDENT/CEO	543.2	873.5	-317.8	-571.9
COMPTROLLER	Q	110.0	CHIEF FINANCIAL OFFICER	292.7	474.2	-166.0	-331.1
ATTORNEY GENERAL	Q	110.0	HEAD OF LAW	299.5	473.1	-172.3	-330.0

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TABLE XI

COMMISSIONERS

COMPARISON OF BASE SALARY WITH
BASE SALARY FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR

NY STATE COMMISSIONER	MEDIAN HAY LEVEL	POINT RANGE	CURRENT SALARY (\$000's)	PRIVATE SECTOR*		% VARIANCE BETWEEN NY STATE EXECUTIVE AND PRIVATE	
				BASE SALARY (\$000's)	TOTAL CASH (\$000's)	BASE (%)	TOTAL (%)
LEVEL A	O	3360 - 3838	93.7	233.3	318.1	-149.0	-239.5
LEVEL B	M	2534 - 2916	87.6	204.2	270.8	-133.0	-209.0
LEVEL C	K	1920 - 2205	83.2	139.9	174.7	- 68.1	-110.0
LEVEL D	G	1104 - 1264	75.7	87.5	106.8	- 15.6	- 41.1
LEVEL E	F	960 - 1101	70.0	78.2	93.4	- 11.2	- 33.4
LEVEL F	E	840 - 957	62.6	70.4	82.1	- 12.5	- 31.2

* DATA PROJECTED TO MAY 1, 1988

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TABLE XII

COMMISSIONERS: LEVEL A EXECUTIVE

LONGITUDINAL COMPARISON OF LEVEL A EXECUTIVE BASE SALARY WITH
BASE SALARY FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR

YEAR	LEVEL A BASE SALARY (\$000's)	PRIVATE SECTOR*		% VARIANCE BETWEEN NEW YORK STATE GOVERNMENT LEVEL A AND PRIVATE SECTOR	
		BASE SALARY (\$000's)	TOTAL CASH (\$000's)	BASE (%)	TOTAL (%)
1967	40.0	58.0	73.6	- 45.0	-- 84.0
1968	45.0	61.7	75.4	- 37.1	-- 67.6
1969	45.0	64.9	79.0	- 44.2	-- 75.6
1970	48.4	69.1	84.9	- 42.8	-- 75.4
1971	51.3	71.4	86.0	- 39.2	-- 67.6
1972	51.3	74.5	89.1	- 45.2	-- 73.7
1973	53.3	76.0	94.5	- 42.6	-- 77.3
1974	57.7	80.0	99.8	- 38.6	-- 73.0
1975	57.7	86.9	112.4	- 50.6	-- 94.8
1976	57.7	93.1	117.1	- 61.3	-102.9
1977	57.7	102.0	132.8	- 76.8	-130.2
1978	61.7	110.1	142.9	- 78.4	-131.6
1979	61.7	117.8	158.9	- 90.9	-157.5
1980	66.1	131.6	179.5	- 99.1	-171.6
1981	69.1	145.5	192.5	-110.6	-178.6
1982	74.0	163.0	210.4	-120.3	-184.3
1983	74.0	170.9	220.4	-130.9	-197.8
1984	78.4	185.8	237.8	-137.0	-203.3
1985	85.0	201.0	270.2	-136.5	-217.9
1986	89.3	216.4	279.9	-142.3	-213.4
1987	93.7	223.8	302.1	-138.8	-222.4

* HAY LEVEL 0 (3360 - 3838 POINTS)

TABLE XIII

COMMISSIONERS: LEVEL A EXECUTIVE

COMPARISON OF LEVEL A EXECUTIVE BASE SALARY INCREASES WITH
BASE SALARY INCREASES FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR

YEAR	LEVEL A BASE SALARY (\$000's)	PERCENT INCREASE PROVIDED (%)	PRIVATE SECTOR*		PERCENT INCREASE PROVIDED (%)	
			BASE SALARY (\$000's)	TOTAL CASH (\$000's)	BASE	TOTAL CASH
1967	40.0	--	58.0	73.6	--	--
1968	45.0	12.5	61.7	75.4	6.4	2.4
1969	45.0	0.0	64.9	79.0	5.2	4.8
1970	48.4	7.5	69.1	84.9	6.5	7.5
1971	51.3	6.0	71.4	86.0	3.3	1.3
1972	51.3	0.0	74.5	89.1	4.3	3.6
1973	53.3	4.0	76.0	94.5	2.0	6.1
1974	57.7	8.1	80.0	99.8	5.3	5.6
1975	57.7	0.0	86.9	112.4	8.6	12.6
1976	57.7	0.0	93.1	117.1	7.1	4.2
1977	57.7	0.0	102.0	132.8	9.6	13.4
1978	61.7	7.0	110.1	142.9	7.9	7.6
1979	61.7	0.0	117.8	158.9	7.0	11.2
1980	66.1	7.2	131.6	179.5	11.7	13.0
1981	69.1	4.5	145.5	192.5	10.6	7.2
1982	74.0	7.1	163.0	210.4	12.0	9.3
1983	74.0	0.0	170.9	220.4	4.8	4.8
1984	78.4	5.9	185.8	237.8	8.7	7.9
1985	85.0	8.4	201.0	270.2	8.2	13.6
1986	89.3	5.0	216.4	279.9	7.7	3.6
1987	93.7	5.0	223.8	302.1	3.4	7.9

* HAY LEVEL 0 (3360 - 3838 POINTS)

TABLE XIV

COMMISSIONERS: LEVEL C EXECUTIVE

**LONGITUDINAL COMPARISON OF LEVEL C EXECUTIVE BASE SALARY WITH
BASE SALARY FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR**

YEAR	LEVEL C BASE SALARY (\$000's)	PRIVATE SECTOR*		% VARIANCE BETWEEN NEW YORK STATE GOVERNMENT LEVEL C AND PRIVATE SECTOR	
		BASE SALARY (\$000's)	TOTAL CASH (\$000's)	BASE (%)	TOTAL (%)
1967	32.3	34.4	38.6	- 6.5	- 19.5
1968	35.5	36.0	39.4	- 1.4	- 11.0
1969	37.3	38.0	44.0	- 1.9	- 18.0
1970	40.1	40.3	47.2	- 0.5	- 17.7
1971	42.5	42.8	47.6	- 0.7	- 12.0
1972	42.5	43.0	48.0	- 1.2	- 12.9
1973	44.2	44.6	53.1	- 0.9	- 20.0
1974	47.8	48.1	54.0	- 0.6	- 13.0
1975	47.8	52.7	64.0	- 10.3	- 33.9
1976	47.8	56.7	67.8	- 18.6	- 41.8
1977	47.8	61.4	70.4	- 28.5	- 47.3
1978	51.1	66.4	81.2	- 30.0	- 58.9
1979	54.5	71.7	88.9	- 31.6	- 63.1
1980	54.5	78.7	98.9	- 44.4	- 81.5
1981	61.4	86.7	106.7	- 41.2	- 73.8
1982	65.7	97.3	117.0	- 48.1	- 78.1
1983	65.7	102.8	119.4	- 56.5	- 81.7
1984	69.6	110.8	131.8	- 59.2	- 89.4
1985	72.1	119.3	149.1	- 65.5	-106.8
1986	75.4	126.5	161.0	- 67.8	-113.5
1987	83.2	133.2	166.4	- 60.1	-100.0

* HAY LEVEL K (1920 - 2205 POINTS)

TABLE XV

COMMISSIONERS: LEVEL C EXECUTIVE

COMPARISON OF LEVEL C EXECUTIVE BASE SALARY INCREASES WITH
BASE SALARY INCREASES FOR JOBS OF COMPARABLE SIZE IN PRIVATE SECTOR

YEAR	LEVEL C BASE SALARY (\$000's)	PERCENT INCREASE PROVIDED (%)	PRIVATE SECTOR*		PERCENT INCREASE PROVIDED (%)	
			BASE SALARY (\$000's)	TOTAL CASH (\$000's)	BASE	TOTAL CASH
1967	32.3	--	34.4	38.6	--	--
1968	35.5	10.0	36.0	39.4	4.7	2.1
1969	37.3	5.0	38.0	44.0	5.6	11.2
1970	40.1	7.5	40.3	47.2	6.1	7.3
1971	42.5	6.0	42.8	47.6	6.2	0.8
1972	42.5	0.0	43.0	48.0	4.6	10.1
1973	44.2	4.0	44.6	53.1	4.2	10.6
1974	47.8	8.2	48.1	54.0	7.8	1.7
1975	47.8	0.0	52.7	64.0	9.6	18.5
1976	47.8	0.0	56.7	67.8	7.6	5.9
1977	47.8	0.0	61.4	70.4	8.3	3.8
1978	51.1	7.0	66.4	81.2	8.1	15.3
1979	54.5	6.6	71.7	88.9	8.0	9.5
1980	54.5	0.0	78.7	98.9	9.8	11.2
1981	61.4	12.7	86.7	106.7	10.2	7.9
1982	65.7	7.0	97.3	117.0	12.2	9.7
1983	65.7	0.0	102.8	119.4	5.7	2.1
1984	69.6	5.9	111.8	131.8	7.8	10.4
1985	72.1	3.6	119.3	149.1	7.7	13.1
1986	75.4	4.6	126.5	161.0	6.0	10.8
1987	83.2	10.3	133.2	166.4	5.3	3.4

* HAY LEVEL K (1920 - 2205 POINTS)

TABLE XVI

INCREASES REQUIRED TO KEEP NEW YORK STATE SALARIES WHOLE RELATIVE TO THE COST OF LIVING

	1987	No. of	87 Salary as %	1987	1987	Total	Avg. Annual
	Salary	Positions	of Top Position	Salary	Make Whole	Make Whole	% Increase
		in Each Branch			Amount	Costs	Over 7 Yrs.
ELECTED OFFICIALS							
Governor	\$130,000	1	100.0%	\$170,300	\$40,300	\$40,300	3.9%
Lt. Governor	\$110,000	1	84.6%	\$144,100	\$34,100	\$34,100	3.9%
Attorney General	\$110,000	1	84.6%	\$144,100	\$34,100	\$34,100	3.9%
Comptroller	\$110,000	1	84.6%	\$144,100	\$34,100	\$34,100	3.9%
APPOINTED OFFICIALS							
169-Pay Grade A	\$93,713	7	100.0%	\$136,240	\$42,527	\$297,689	5.5%
169-Pay Grade B	\$87,578	8	93.5%	\$127,321	\$39,743	\$317,943	5.5%
169-Pay Grade C	\$83,179	24	88.8%	\$120,926	\$37,747	\$905,920	5.5%
169-Pay Grade D	\$75,645	14	80.7%	\$109,973	\$34,328	\$480,588	5.5%
169-Pay Grade E	\$69,982	20	74.7%	\$101,740	\$31,758	\$635,157	5.5%
169-Pay Grade F	\$62,573	48	66.8%	\$90,969	\$28,396	\$1,362,991	5.5%
LEGISLATORS							
Assemblymen & Senators	\$57,500*	211	100.0%	\$0	\$0	\$0	NA
JUDICIAL							
Associate Judge-Court of Appeals	\$115,000	6	100.00%	\$134,537	\$19,537	\$117,222	2.3%
Chief Judge-Court of Appeals	\$120,000	1	NA	\$139,537	\$19,537	\$19,537	2.2%
Associate Justice-Appellate Div.	\$102,500	42	89.13%	\$119,913	\$17,413	\$731,363	2.3%
Presiding Justice-Appellate Div.	\$107,500	4	NA	\$124,913	\$17,413	\$69,654	2.2%
Judge-Supreme Court	\$95,000	352	82.61%	\$111,139	\$16,139	\$5,681,020	2.3%
Judge- Court of Claims	\$95,000	16	82.61%	\$111,139	\$16,139	\$258,228	2.3%
Presiding Judge-Court of Claims	\$102,500	1	NA	\$118,639	\$16,139	\$16,139	2.1%
Grand Total	NA	758	NA	NA	NA	\$11,036,053	NA

* Salary effective January 1989

TABLE XVII

COST OF ESTABLISHING JUDICIAL PARITY OVER THREE YEARS AND INCREASES REQUIRED TO CATCH UP AFTER PARITY

	Current Salary	Increase To Parity	Number of Positions	Cost of Parity	Total Current Salary Costs	Parity as % of Total Salary Costs	Make Whole 1987 Salary	Make Whole Amount After Parity	Total Make Whole Costs
COUNTY COURTS									
	\$95,000	\$0	34	\$0	\$3,230,000	0.0%	\$111,139	\$16,139	\$548,726
	\$94,000	\$1,000	13	\$13,000	\$1,222,000	1.1%	\$111,139	\$16,139	\$209,807
	\$93,000	\$2,000	1	\$2,000	\$93,000	2.2%	\$111,139	\$16,139	\$16,139
	\$90,000	\$5,000	14	\$70,000	\$1,260,000	5.6%	\$111,139	\$16,139	\$225,946
	\$89,000	\$6,000	1	\$6,000	\$89,000	6.7%	\$111,139	\$16,139	\$16,139
	\$87,000	\$8,000	2	\$16,000	\$174,000	9.2%	\$111,139	\$16,139	\$32,278
	\$86,000	\$9,000	38	\$342,000	\$3,268,000	10.5%	\$111,139	\$16,139	\$613,282
	\$84,000	\$11,000	2	\$22,000	\$168,000	13.1%	\$111,139	\$16,139	\$32,278
	\$83,000	\$12,000	2	\$24,000	\$166,000	14.5%	\$111,139	\$16,139	\$32,278
	\$82,000	\$13,000	109	\$1,417,000	\$8,938,000	15.9%	\$111,139	\$16,139	\$1,759,151
Total- County Courts			216	\$1,912,000	\$18,608,000	10.3%			\$3,486,024
NEW YORK CITY COURTS									
Surrogate	\$95,000	\$0	6	\$0	\$570,000	0.0%	\$111,139	\$16,139	\$96,834
Family	\$86,000	\$9,000	42	\$378,000	\$3,612,000	10.5%	\$111,139	\$16,139	\$677,838
Criminal	\$86,000	\$9,000	107	\$963,000	\$9,202,000	10.5%	\$111,139	\$16,139	\$1,726,873
Civil	\$86,000	\$9,000	120	\$1,080,000	\$10,320,000	10.5%	\$111,139	\$16,139	\$1,936,680
Total-NYC Courts			275	\$2,421,000	\$23,704,000	10.2%			\$4,438,225
WASSAU/SUFFOLK DISTRICT COURTS									
President-Board of Judges	\$87,500	\$11,000	2	\$22,000	\$175,000	12.6%	\$114,639	\$16,139	\$32,278
Judge	\$84,000	\$11,000	47	\$517,000	\$3,948,000	13.1%	\$111,139	\$16,139	\$758,533
Total-District Courts			49	\$539,000	\$4,123,000	13.1%			\$790,811
Total-ALL Courts			540	\$4,872,000	\$46,435,000	10.5%			\$8,715,060

TABLE XVIII

COST OF ESTABLISHING SALARY PARITY OVER THREE YEARS FOR
CITY COURTS OUTSIDE NYC AND CATCH-UP AFTER PARITY

	Current Salary	Increase To Parity	Number of Positions	Cost of Parity	Total Current Salary Costs	Parity As % of Total Salary Costs	Make Whole 1967 Salary	Make Whole Amt. After Parity	Total Make Whole Costs
CITY COURTS OUTSIDE NYC	\$82,000	\$0	1	\$0	\$82,000	0.0%	\$95,931	\$13,931	\$13,931
	\$81,000	\$1,000	4	\$4,000	\$324,000	1.2%	\$95,931	\$13,931	\$55,722
	\$80,000	\$2,000	2	\$4,000	\$160,000	2.5%	\$95,931	\$13,931	\$27,861
	\$79,000	\$3,000	1	\$3,000	\$79,000	3.8%	\$95,931	\$13,931	\$13,931
	\$78,000	\$4,000	2	\$8,000	\$156,000	5.1%	\$95,931	\$13,931	\$27,861
	\$76,500	\$5,500	1	\$5,500	\$76,500	7.2%	\$95,931	\$13,931	\$13,931
	\$75,500	\$6,500	2	\$13,000	\$151,000	8.6%	\$95,931	\$13,931	\$27,861
	\$74,500	\$7,500	33	\$247,500	\$2,458,500	10.1%	\$95,931	\$13,931	\$459,707
Total - City Courts Outside NYC			46	\$285,000	\$3,487,000	8.2%			\$640,803

TABLE XIX

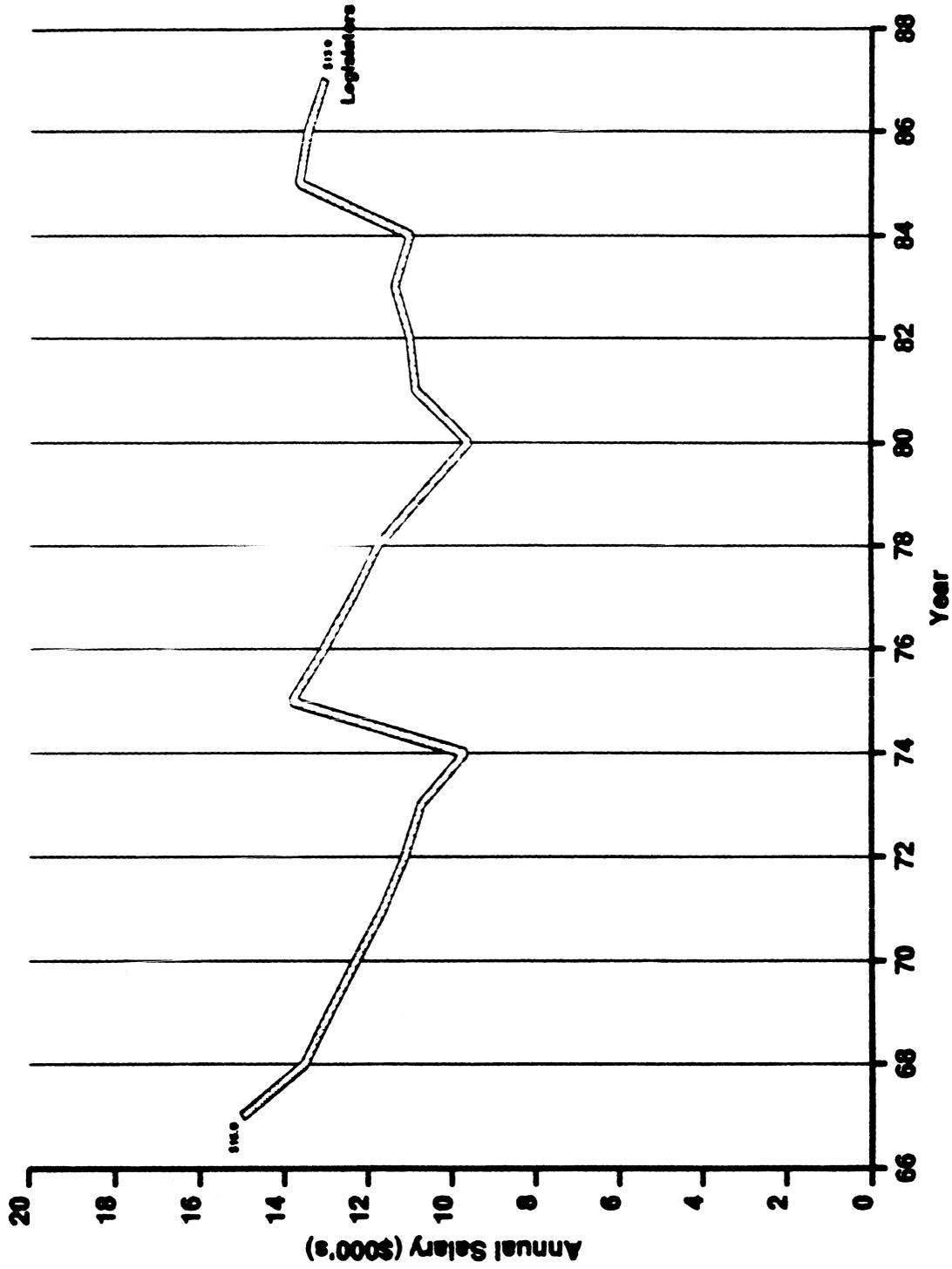
COSTS OF MAKE WHOLE AND PARITY ADJUSTMENTS
RE FY 88-89 BASE PAYROLL & GENERAL FUND BUDGET

BRANCH	FY 88-89 Payroll	Make Whole Total Costs	Make Whole % Payroll	Parity Amount	Parity % Payroll	Total Costs	Total % Payroll
Elected	\$460,000	\$142,600	31.00%	None	NA	\$142,600	31.00%
Executive	\$8,815,211	\$4,000,289	45.38%	None	NA	\$4,000,289	45.38%
Judiciary	\$87,667,175	\$16,249,027	18.53%	\$5,157,000	5.88%	\$21,406,027	24.42%
Total	\$96,942,386	\$20,391,916	21.04%	\$5,157,000	5.32%	\$25,548,916	26.35%
			<u>% Budget</u>		<u>% Budget</u>		<u>% Budget</u>
FY 88-89 General Fund Budget:	\$28,512,000,000	\$20,391,916	0.07%	\$5,157,000	0.02%	\$25,548,916	0.09%

**APPENDIX II
(FIGURES)**

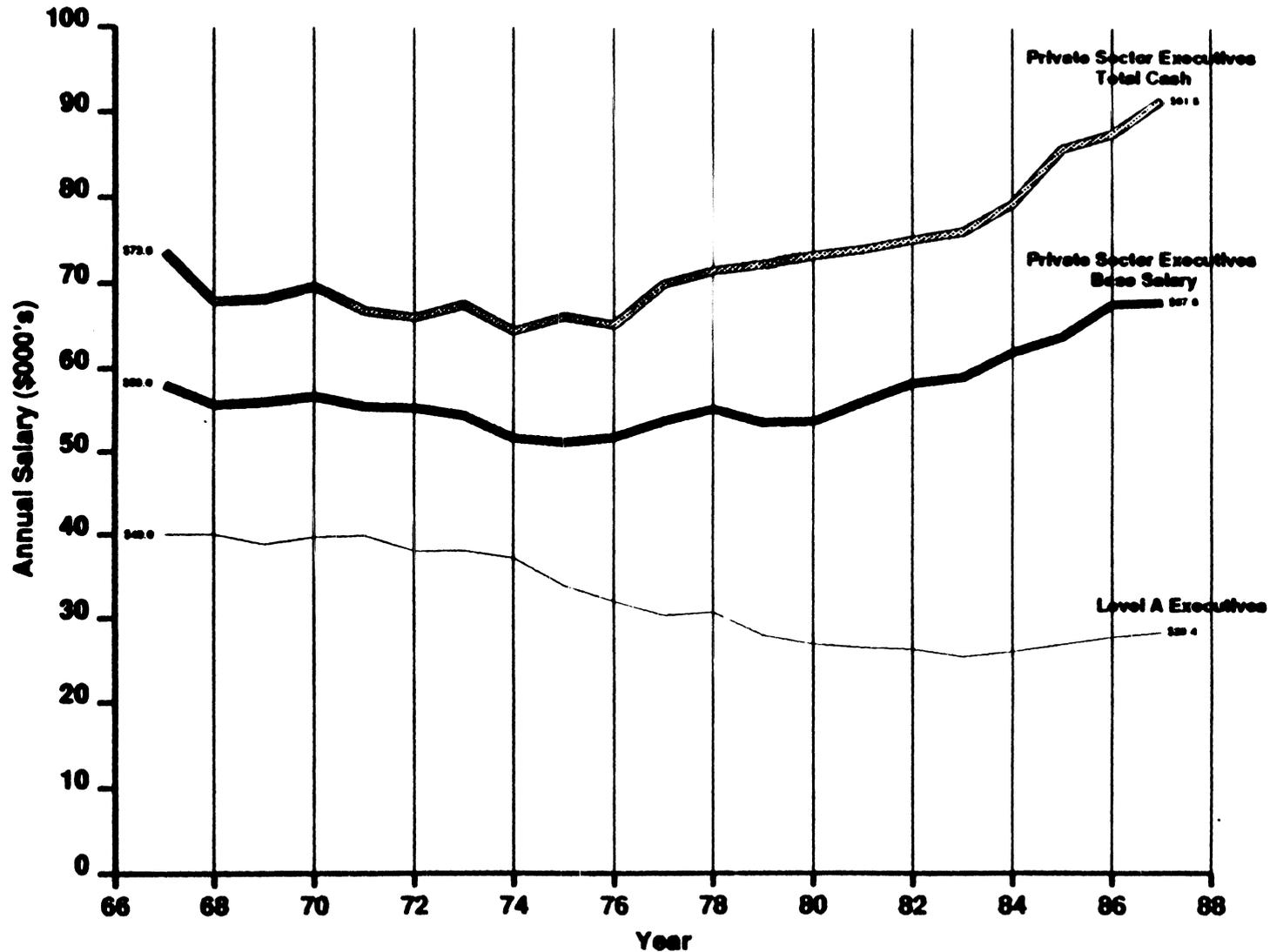
FIGURE I

Erosion of Compensation (Excluding Supplements) for Legislators



Data Compiled Using AMI Set in 1967 Dollars

Comparison of Erosion of Compensation for Level A Executive and Private Sector Counterpart

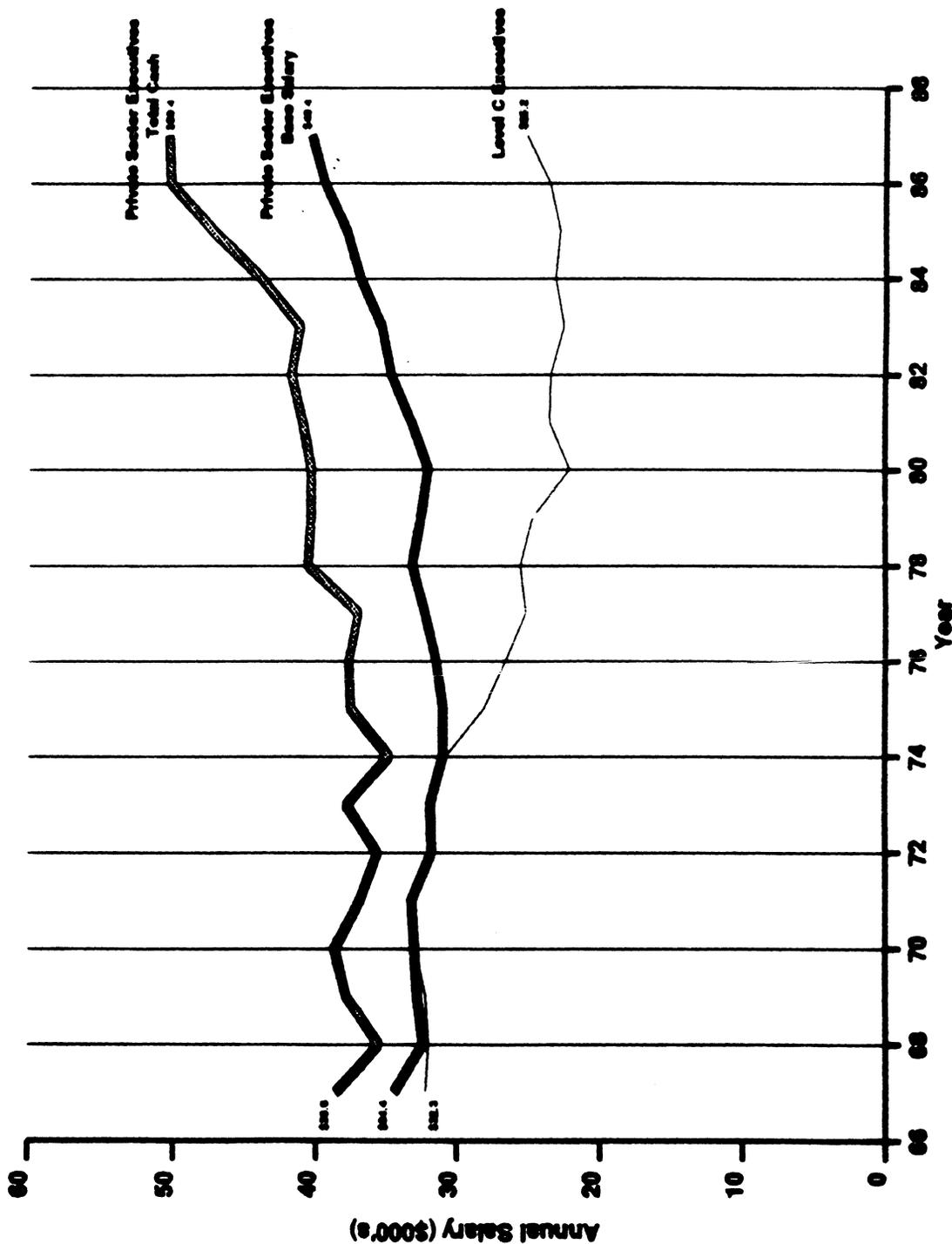


Data Compiled Using AMI Set in 1967 Dollars

FIGURE II

FIGURE III

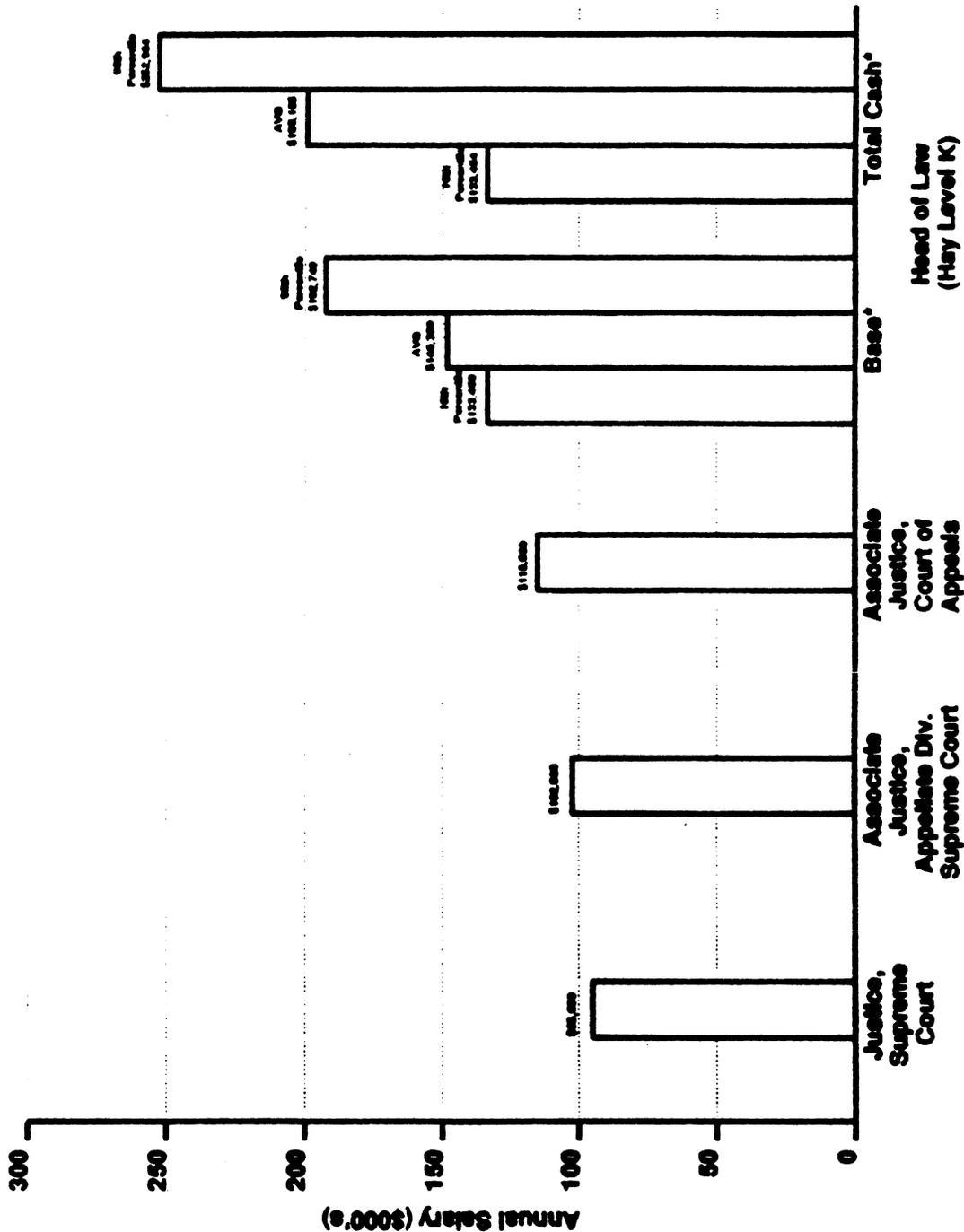
Comparison of Erosion of Compensation for Level C Executive and Private Sector Counterpart



Data Compiled Using AMI Set in 1967 Dollars.

FIGURE IV

Current Salaries—Judicial Branch vs. Head of Law in Corporations in New York City



* Data Projected to May 1, 1960

Current Salaries — Judicial Branch vs. Head of Law in Corporations in New York City

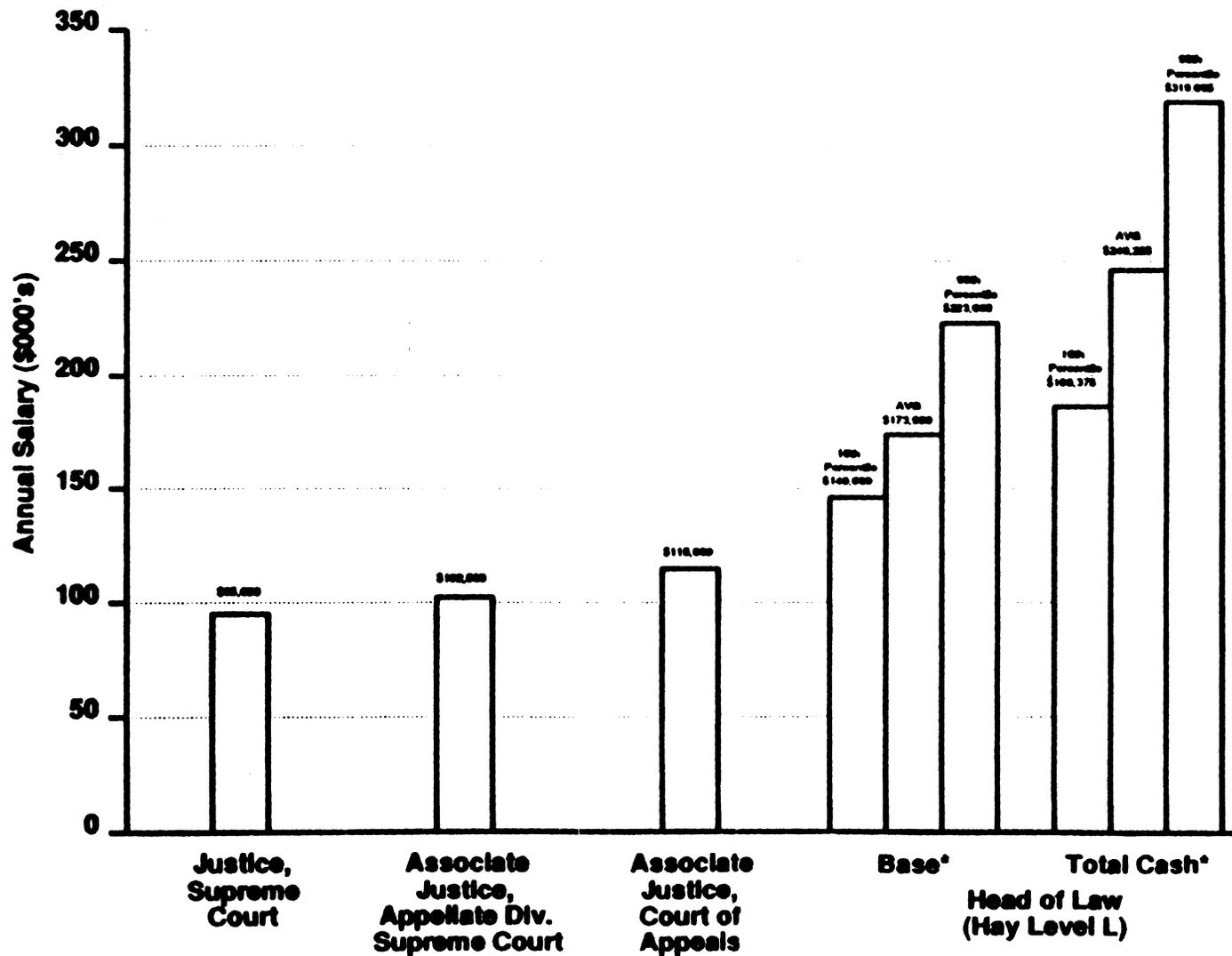


FIGURE V

* Data Projected to May 1, 1988

Current Salaries — Judicial Branch vs. Partner, New York City Law Firms

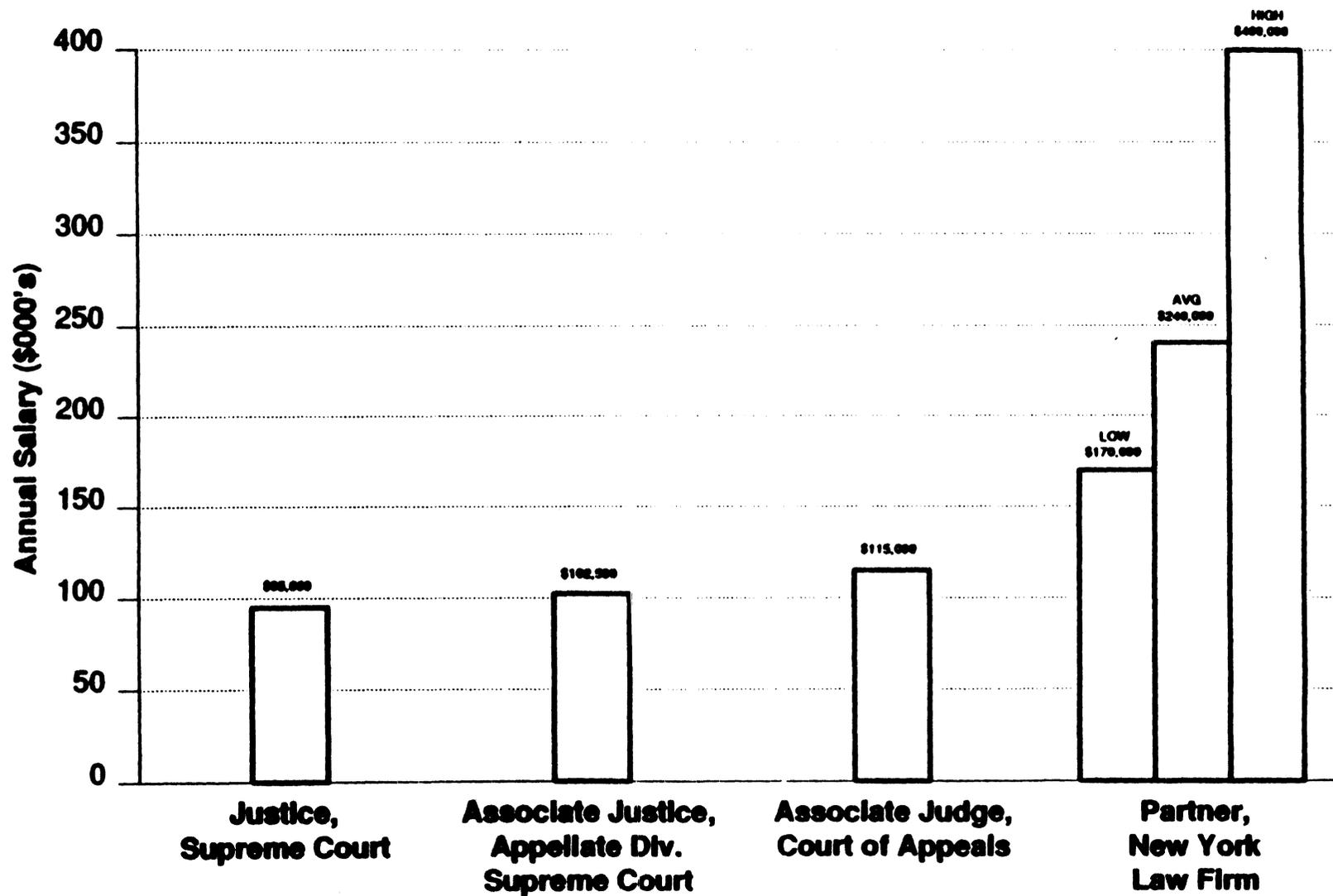
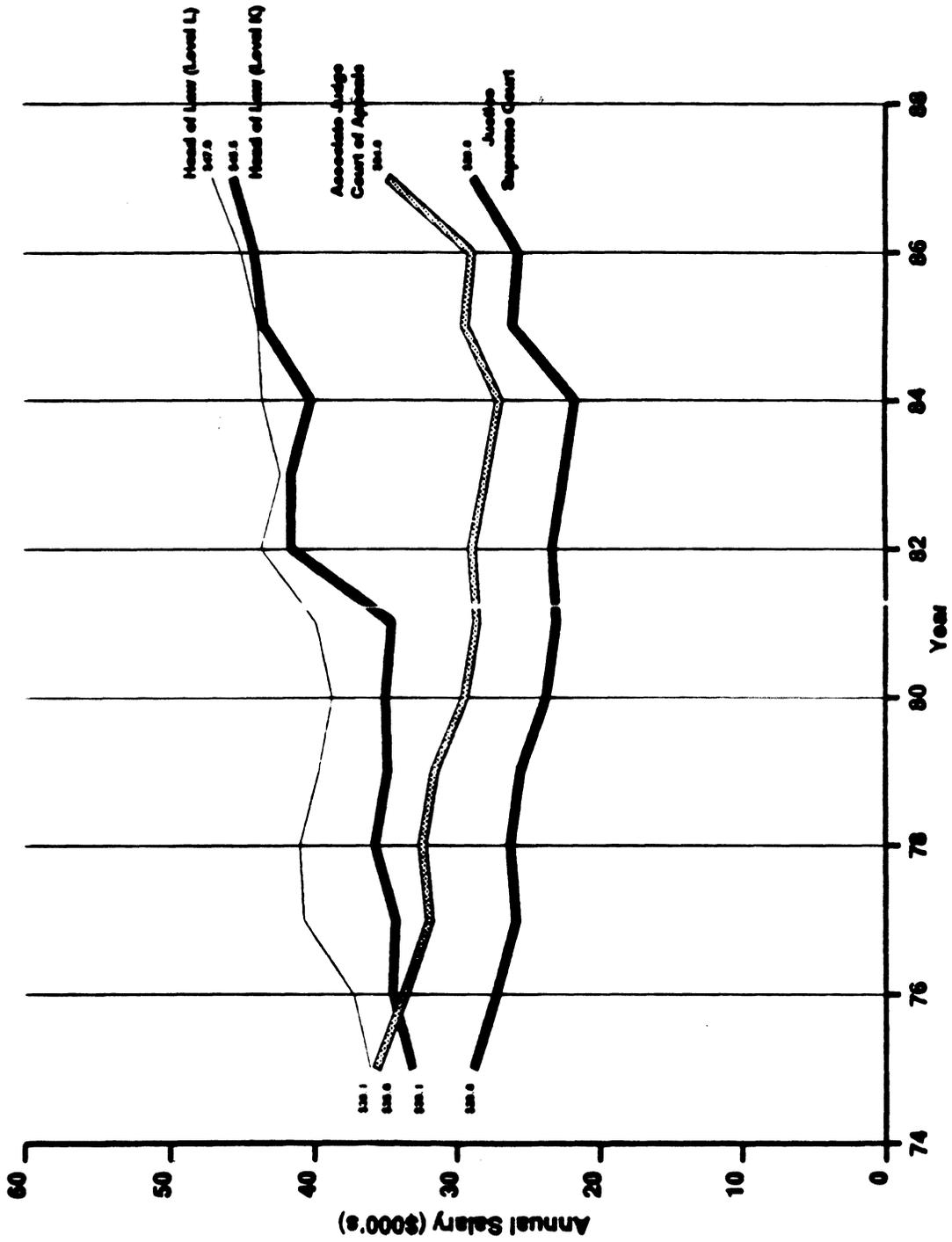


FIGURE VI

Source: David J. White and Associates as cited in *The American Almanac of Jobs and Salaries* (1987-1988)

FIGURE VII

Comparison of Erosion of Compensation for Judicial Branch and Head of Law from Corporations Nationwide



Data Compiled Using AMI Set in 1967 Dollars

**APPENDIX III
(INDIVIDUALS WHO PROVIDED PUBLIC TESTIMONY)**

<u>Name</u>	<u>Place</u>	<u>Date</u>
Hon. Warren Anderson, Temporary President of the Senate	Albany	April 26, 1988
Edward N Costikyan, Esq. designated by Chief Judge Sol Wachtler	New York City	April 14, 1988
Judge Edward J. Greenfield, New York County, representing The Association of Supreme Court Justices of the State of New York	New York City	April 14, 1988
Hon. Melvin Miller, Speaker of the Assembly	Albany	April 26, 1988
Hon. Elizabeth Moore, Director, Governor's Office of Employee Relations	Albany	April 26, 1988
Judge Geoffrey O'Connell, Nassau Conty, representing the District Court Judges Association	New York City	April 14, 1988
Mr. Frank Quill, representing "We the People"	Albany	April 26, 1988
Judge C. Raymond Radigan, Nassau County, representing the New York State Surrogates Association and the New York State Bar Association Judiciary Committee	New York City	April 14, 1988
Judge Albert M. Rosenblatt, Chief Administrative Judge of the State of New York	New York City	April 14, 1988
Judge John R. Schwartz, Rochester City Court Judge	Rochester	April 18, 1988

**APPENDIX IV
(ENABLING LEGISLATION)**

CHAPTER 263
1987 LAWS OF NEW YORK STATE

§ 17. (a) A temporary state commission on executive, legislative and judicial compensation is hereby created to examine, evaluate and make recommendations with respect to adequate levels of compensation for the governor, lieutenant governor, attorney general, comptroller, those state officers referred to in section one hundred sixty-nine of the executive law, members of the legislature and judges and justices of the state-paid courts of the unified court system. The commission shall examine the adequacy of pay received by the governor, lieutenant governor, attorney general, comptroller, those state officers referred to in section one hundred sixty-nine of the executive law, members of the legislature and judges and justices of the state-paid courts of the unified court system taking into account the overall economic climate, the levels of salaries received by other professionals in government and private enterprise and the ability of the state to fund increases in compensation. The commission also shall formulate a systematic and appropriate mechanism by which the state shall regularly review and adjust levels of pay received by the governor, lieutenant governor, attorney general, comptroller, those state officers referred to in section one hundred sixty-nine of the executive law, members of the legislature and judges and justices of the state-paid courts of the unified court system.

(b) The commission shall consist of thirteen members to be appointed as follows: four shall be appointed by the governor; two shall be appointed by the temporary president of the senate; one shall be appointed by the minority leader of the senate; two shall be appointed by the speaker of the assembly; one shall be appointed by the minority leader of the assembly; and three shall be appointed by the chief judge of the court of appeals. The governor shall designate the chairman from among the members so appointed. Vacancies in the membership of the commission shall be filled in the same manner as the original appointment.

(c) The commission may meet within and without the state, may hold public hearings and shall have all the powers of a legislative committee pursuant to the legislative law.

(d) The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

(e) No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her

appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

(f) To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, agency or public authority of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

(g) The commission shall make its first report to the governor, the legislature and the chief judge of the court of appeals of its findings, conclusions and recommendations not later than February first, nineteen hundred eighty-eight, and shall submit with such report such legislative proposals as it deems necessary to implement its recommendations. The commission may thereafter submit such additional reports as it deems necessary.

(h) The commission may employ and at its pleasure remove such personnel as it may deem necessary for the performance of its functions and fix compensation within amounts made available therefore by budgetary appropriation.

