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## GOVERNMENT

# Do New York Elected Officials Deserve A Raise?

by [Meg O'Connor](http://www.gothamgazette.com/index.php/government/5878-moconnor) (<http://www.gothamgazette.com/index.php/government/5878-moconnor>), Oct 01, 2015

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Mayor de Blasio along the parade route (photo: @BilldeBlasio)

What should the mayor of New York City be paid each year? How much should City Council members be paid? Do elected officials deserve incremental raises each year?

Or, maybe elected officials are overpaid as it is?

Some, like New York Attorney General Eric Schneiderman, think higher government salaries would entice “better” people into public service, meaning smarter and more honest officials.

A host of questions have popped up in New York of late as controversy swirls over corruption in Albany and the pay of state legislators - with some, like Schneiderman, calling for pay increases in order to help prevent corruption. Meanwhile, in New York City, these questions are again relevant as Mayor Bill de Blasio, in a move required by law, has called a pay commission to evaluate city elected officials’ salaries.

“Lawmakers need to come up with adequate compensation where you don’t detract people from running for office because salaries are too low, but on the flip side, not too high that the taxpayers who pay those salaries are incensed,” Blair Horner, Legislative Director at the New York Public Interest Research Group, told Gotham Gazette.

De Blasio appears to have called the commission reluctantly, as it is always tough public relations for politicians to move toward giving themselves and their colleagues raises. In the announcement of the three-person panel, de Blasio’s only statement is to praise the commissioners. The mayor currently makes \$225,000 per year.

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Pay dynamics at the city and state levels are very different in New York, though members of the state Legislature and City Council are all considered part-time and able to earn outside income. There are no term-limits at the state level, while there are in New York City. The mayor is required to call a compensation commission, yet the state is only just moving to such a framework in 2016. Thus, city officials last received a pay raise in 2006, while state officials haven't seen one in over 15 years.

Pay is higher in New York City than at the state level (the governor makes \$179,000 annually), though the cost of living is, of course, higher in the city than any other place in the state. This discrepancy doesn't help state legislators who live in the five boroughs, of course, which is part of the reason we often see state Assembly members seek City Council seats (and earn money from a second job). Members of the state legislature currently earn \$79,500 per year, while a City Council member earns \$112,500 annually.

As always, you'd be hard-pressed to find too many New Yorkers calling for increasing the salaries of elected politicians. With wages stagnant or too low to get by on for so many, elected officials are also reluctant to pursue pay increases, as exemplified by de Blasio's delay in calling the pay commission he recently assembled and the mayor's pledge to not accept any recommended increase until his second term, if he is re-elected.

Not long ago, former Mayor Michael Bloomberg, a billionaire businessman, took \$1 a year to run the city for twelve years. Bloomberg was also reluctant to call a pay commission, which he did leading to the 2006 raises, but refused to do again while in office.

Where do the wages of New York electeds stand now, how do city salaries stack up to those of officials elsewhere, and where may they be heading?

### **New York City Analysis & Background**

The salaries of the mayor, Council members, district attorneys, and other elected officials have not been changed since 2006. Since the cost of living in the city has increased ([http://data.bls.gov/pdq/SurveyOutputServlet?data\\_tool=dropmap&](http://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&)

[series\\_id=CUURA101SA0,CUUSA101SA0](#)) by about 18 percent since then, the commission is all but certain to recommend increases.

One of the factors the commission will take into consideration is what similar positions in the private sector pay. By that standard, many elected officials may be considered underpaid – for example, the average salary for first-year associates at private law firms in New York City is \$160,000 ([http://www.nalp.org/2015\\_assoc\\_salaries](http://www.nalp.org/2015_assoc_salaries)), while New York City's five district attorneys each make \$190,000.

Elected officials can reject salary increases, and the acceptance or rejection of the commission's recommendations typically takes into account the state of the city's economy and budget at the time. While the city's revenues are quite strong and the budget has been growing rapidly, Mayor de Blasio and many other elected officials have decried income inequality and may be reluctant to exacerbate differences between their salaries and the earnings of lower-income constituents.

In 1991, as reported (<http://www.nytimes.com/1999/06/08/nyregion/it-s-that-time-again-pay-raise-debated-for-city-officials.html>) by The New York Times, both Mayor David Dinkins and City Council Speaker Peter Vallone Sr. agreed that elected officials should not receive pay increases due to the city's budget crisis.

In 1995, everyone except Public Advocate Mark Green accepted the raises that were approved by the Council and the mayor. Green said (<http://www.nytimes.com/1999/06/08/nyregion/it-s-that-time-again-pay-raise-debated-for-city-officials.html>) that he could not "in good conscience accept a large salary increase" at a time when he was being forced to fire members of his staff and cut services for those in need.

Former Mayor Mike Bloomberg, a billionaire from his private sector success, accepted just \$1 a year during his time as mayor of New York City, 2002-2013. De Blasio is of much more modest means than Bloomberg, and has two children in college and two mortgages. According to The New York Post (<http://nypost.com/2015/09/19/de-blasio-moves-to-give-himself-and-others-at-city-hall-a-raise/>), when asked whether Mayor de Blasio believes raises are justified, a spokesperson said he would "decline" accepting

any pay hike "for the duration" of his current term.

### Other Cities

At \$225,000 a year, the mayor's salary is more than four times greater than median household income in New York City, which is \$52,259.

According to the City of Los Angeles salary [database \(http://salaries.scpr.org/list/mayor\)](http://salaries.scpr.org/list/mayor), the title of highest-paid mayor in the country belongs to LA Mayor Eric Garcetti, who makes \$239,993 annually (<http://salaries.scpr.org/list/mayor>). Although Mayor Garcetti makes roughly \$15,000 more per year than Mayor de Blasio, he is responsible for approximately 4.6 million fewer people. (2014 Census estimates put the population of New York City at 8.5 million, and Los Angeles at 3.9 million.)

In New York, City Council members currently make \$112,500, plus stipends, with salaries part of the regular commission review. In Chicago, council members – called aldermen – make approximately \$115,000 annually, and their salaries have been [pegged \(http://www.chicagotribune.com/news/local/politics/ct-chicago-aldermen-salaries-2-20141128-story.html\)](http://www.chicagotribune.com/news/local/politics/ct-chicago-aldermen-salaries-2-20141128-story.html) to changes to the cost of living for the past eight years. Since aldermen can reject taking a salary increase (or decrease, should the cost of living go down), there is an \$11,000 difference between the highest and lowest salaries of Chicago's 50 aldermen. (Though they are paid similarly, each of those 50 aldermen are responsible for far fewer constituents than New York's 51 City Council members, given population differences.)

In Los Angeles, the salary for Council members is higher – at \$184,610, Council members make a little over four times the \$49,497 median household income in LA. However, members of LA's City Council are not allowed to earn income from outside jobs, nor do they receive stipends.

On the state level, meanwhile, at \$79,500 New York state lawmakers have the [third-highest salaries \(http://www.ncsl.org/research/about-state-legislatures/2014-ncsl-legislator-salary-and-per-diem-table.aspx\)](http://www.ncsl.org/research/about-state-legislatures/2014-ncsl-legislator-salary-and-per-diem-table.aspx) in the country compared to their peers. Lawmakers in California earn the most with a salary of \$90,526 annually, while

Pennsylvania's legislators make \$84,012 per year. Still, state legislators, especially many from New York City, are seeking an increase as the cost of living increases.

### **De Blasio's Commission**

Albeit a bit late, Mayor Bill de Blasio recently followed the law and appointed (<http://www1.nyc.gov/office-of-the-mayor/news/627-15/mayor-de-blasio-independent-quadrennial-advisory-commission-bringing-together-three>) an advisory commission to review the compensation levels of elected officials, including mayor, public advocate, comptroller, borough presidents, City Council members, and district attorneys. The three-person commission will recommend changes to those compensation levels, if warranted, in November.

The salaries of elected officials in New York City have not been reviewed since 2006; former Mayor Mike Bloomberg declined to appoint a commission in 2011. The appointment of an advisory commission in 2006 was itself the result of postponement, since a commission was supposed to be appointed in 2003, but Bloomberg opted to delay appointing a commission since the city was already facing budget cuts.

The 2006 commission's recommendations ([http://www.citizensunion.org/www/cu/site/hosting/Reports/2006\\_QuadCompensationCommission\\_Report.pdf](http://www.citizensunion.org/www/cu/site/hosting/Reports/2006_QuadCompensationCommission_Report.pdf)) resulted in a salary increase of 25 percent for Council members, bumping their compensation levels from \$90,000 to \$112,500, and increased the mayor's salary by 15.4 percent, from \$195,000 to \$225,000.

New York City law requires the salaries of elected officials to be reviewed every four years by a trio of private citizens who are generally recognized for their knowledge of management and compensation. This year, the commission includes Fritz Schwarz, Jr., the Chief Counsel at the Brennan Center for Justice, who will chair the Commission; Jill Bright, Chief Administrative Officer at Condé Nast; and Paul Quintero, Chief Executive Office at ACCION EAST, Inc., a nonprofit that works to empower low- to moderate-income business owners with access to capital and financial education.

According to §3-601 (<http://law.justia.com/codes/new-york/2006/new-york-city->

[administrative-code-new/adc03-601\\_3-601.html](#)) of the New York City code, in making its recommendations, the commission will take into consideration: “the duties and responsibilities of each position; the current salary of the position and the length of time since the last change; any change in the cost of living; compression of salary levels for other officers and employees of the city; and salaries and salary trends for positions with analogous duties and responsibilities both within government and in the private sector.”

Requiring regular commissions and placing the responsibility for recommending salary increases on private citizens are means to quell discontent around the inherently contentious issue of raising the pay of elected officials. Ultimately, the mayor may accept, reject, or amend the findings of the commission, and the City Council votes on any new salaries to approve them into law.

### **State Level Compensation and Corruption**

In April, the state Assembly included the creation of a commission on legislative, judicial, and executive compensation in a [budget bill](#) ([http://assembly.state.ny.us/leg/?default\\_fld=&bn=A06721&term=&Summary=Y&Actions=Y&Text=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=A06721&term=&Summary=Y&Actions=Y&Text=Y)). It [calls for](#) (<http://www.capitalnewyork.com/article/albany/2015/04/8565337/legislative-pay-raise-commission-created>) a commission to review the compensation levels of the legislative, judicial, and executive branches to be established every four years. The first, though, will be convened in 2016, and pay raise recommendations could be passed that would go into effect for the new class of legislators come 2017.

The commission will consist of seven members: three appointed by the governor; one appointed by the Senate majority leader; one appointed by the speaker of the Assembly; and two appointed by the chief judge of the Court of Appeals.

Previously, a special commission on compensation had to be empanelled when agreed upon.

However, given the overwhelming unpopularity of any mention of potentially increasing the salaries of government officials, especially given the consistent parade of corruption

cases coming out of Albany, their salaries often go unchanged for long periods of time. New York state-level officials have not had their salaries increased since 1999 – a duration that would be uncommon in the private sector and in many public-sector jobs.

A 2014 Quinnipiac University [poll](http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/new-york-state/release-detail?ReleaseID=2121) (<http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/new-york-state/release-detail?ReleaseID=2121>) found that a vast majority of New York State voters (82 percent) oppose a pay raise for state legislators. Yet, many experts agree a review of the compensation levels of elected officials is much needed, not only because good compensation levels are necessary to attract skilled people to the positions, but also because it may help deter corruption.

“Compensation, of course, affects the recruitment pool,” said Gerald Benjamin, professor of political science and director of the Benjamin Center at SUNY New Paltz. “You want to attract and retain people of ability, and honest people, therefore the whole compensation question is linked to the corruption question. ‘Why are you stealing from your campaign fund?’ ‘Well, I’m not paid enough.’ If we want to have greater probity we also have to consider greater compensation.”

Former state Assemblymember William Scarborough, a Democrat from Queens, was recently [sentenced](http://www.timesunion.com/local/article/Assemblyman-William-Scarborough-faces-sentencing-6503039.php) (<http://www.timesunion.com/local/article/Assemblyman-William-Scarborough-faces-sentencing-6503039.php>) to thirteen months in prison for submitting at least \$40,000 in fraudulent state travel vouchers for days he had not actually traveled to Albany. In a [statement](http://www.timesunion.com/news/article/Exclusive-Assemblyman-William-Scarborough-to-6228256.php) (<http://www.timesunion.com/news/article/Exclusive-Assemblyman-William-Scarborough-to-6228256.php>), Scarborough, who was first elected in 1994, apologized for his actions, blamed “severe financial problems,” and pointed out that state legislators had not received a raise in sixteen years.

Members of the Senate and Assembly currently make a base government salary of \$79,500 per year. (The positions are considered part-time, though, and many legislators make outside income.) The governor of New York makes \$179,000, the attorney general and the comptroller each make \$151,500.

In January, then-Assembly Speaker Sheldon Silver, a Manhattan Democrat who has



been in office for several decades, was charged with five counts of fraud and corruption. Federal investigators allege Silver exploited his position to rake in millions in [bribes and kickbacks \(http://www.nytimes.com/2015/01/23/nyregion/speaker-of-new-york-assembly-sheldon-silver-is-arrested-in-corruption-case.html\)](http://www.nytimes.com/2015/01/23/nyregion/speaker-of-new-york-assembly-sheldon-silver-is-arrested-in-corruption-case.html). And in May, then-Senate Majority Leader Dean Skelos, a Republican from Long Island, was [indicted \(http://www.nytimes.com/2015/05/29/nyregion/dean-skelos-ex-senate-leader-and-son-are-indicted-in-corruption-case.html\)](http://www.nytimes.com/2015/05/29/nyregion/dean-skelos-ex-senate-leader-and-son-are-indicted-in-corruption-case.html) on charges of wire fraud, extortion, conspiracy, and bribe solicitation. Both face trial beginning in November.

Aside from major, and even minor, corruption scandals, there is a perpetual flow of questions about campaign donations, pay-to-play dynamics, and legislators earning outside income and how their non-governmental work may affect their work for the state.

These ongoing questions and the recent spate of corruption in Albany prompted Attorney General Eric Schneiderman to propose a sweeping ethics reform bill, the [End New York Corruption Now Act \(http://www.ag.ny.gov/press-release/op-ed-end-corruption-now\)](http://www.ag.ny.gov/press-release/op-ed-end-corruption-now), which seeks to drastically lower and restrict campaign contribution limits, end outside employment income for legislators, expand terms to four years, and increase legislators' salaries to \$174,000 annually.

Yet the [final legislative package \(http://observer.com/2015/06/schneiderman-calls-absence-of-ethics-reform-from-albany-deal-incomprehensible/\)](http://observer.com/2015/06/schneiderman-calls-absence-of-ethics-reform-from-albany-deal-incomprehensible/) at the end of the 2015 session came and went without including any of Schneiderman's reforms.

Some good government organizations, like the New York Public Interest Research Group, don't agree with all of Schneiderman's propositions. Horner told Gotham Gazette, "We have not endorsed the Attorney General's proposal that state legislators should get the same pay as city lawmakers. Our view is, there's a process. Their salaries should be determined by independent people using basic objective measurements as much as possible, making independent determinations on what is an adequate compensation level for elected officials."

## City v State

Two major differences between New York City law and state law are that in New York City, both the mayor and the City Council need to approve the recommendations made by the compensation commission in order for any raises to go into effect. This means that the Council and the mayor are effectively voting to increase their own salaries, since the raises can be retroactive to the date of recommendations. Mayor de Blasio, however, has promised not to take a salary increase until the start of his second term, if he is re-elected to one.

Whereas in the state, the pay commission's recommendations for legislative pay raises will automatically become law and go into effect for the next class of lawmakers, on January 1, 2017, unless the Legislature specifically votes against the increases. The commission's recommendations are due November 15, 2016. To be sure, many of the same officials will be in office in January of 2017 as are in office now, but it is still a difference.

While city officials are not supposed to have control of the regular establishment of a compensation commission, they are able to vote in retroactive salary increases, an ability that has raised eyebrows. In its [report \(http://www.citizensunion.org/www/cu/site/hosting/Reports/2006\\_QuadCompensationCommission\\_Report.pdf\)](http://www.citizensunion.org/www/cu/site/hosting/Reports/2006_QuadCompensationCommission_Report.pdf), the 2006 quadrennial advisory commission suggested "limiting the ability of government officials to raise their own salaries and receive them immediately would improve the integrity of the government and public confidence in it."

## Lulus

The compensation levels of New York City Council members in particular has been hotly debated, since Council members can earn an additional \$5,000 to \$25,000 a year in [stipends \(http://newyork.cbslocal.com/2014/01/23/govt-watchdog-city-council-broke-a-promise-by-voting-to-dole-out-stipends/\)](http://newyork.cbslocal.com/2014/01/23/govt-watchdog-city-council-broke-a-promise-by-voting-to-dole-out-stipends/), or "lulus," for leadership positions, including heading committees and subcommittees. What's more, Council members are the only elected city officials among those included in the commission review that are considered part-time and allowed to earn outside income from another job.

The Speaker of the Council controls the amount and distribution of lulus, which can result in lulus being used to “reward allies and enforce discipline,” as former Council Member Walter McCaffrey [stated \(http://www.citizensunion.org/www/cu/site/hosting/Reports/2006\\_QuadCompensationCommission\\_Report.pdf\)](http://www.citizensunion.org/www/cu/site/hosting/Reports/2006_QuadCompensationCommission_Report.pdf) before the 2006 Quadrennial Commission.

In its report, the 2006 Commission [called \(http://www.nytimes.com/2006/10/24/nyregion/24raises.html?\\_r=0\)](http://www.nytimes.com/2006/10/24/nyregion/24raises.html?_r=0) lulus “ripe for reform,” and recommended that either a future Charter Revision Commission or the Council should consider reforming the practice of awarding extra stipends to Council members.

“There’s no question that lulus should be done away with. Lulus are a terrible idea.,” Susan Lerner, executive director of Common Cause New York, told Gotham Gazette. “People should be paid an appropriate base salary, and there should not be increases or stipends or special favors given out at the discretion of the speaker. It’s a politicized situation and it has all too frequently been used in the past as a way of punishment and reward. It has another negative aspect, which is the creation of committees unnecessarily. It interferes with the well thought out committee structure. We see that in a much worse way in Albany.”

According to [The New York Times \(http://www.nytimes.com/2006/11/16/nyregion/16pay.html\)](http://www.nytimes.com/2006/11/16/nyregion/16pay.html), the 2006 advisory commission found that “Outside of New York, almost no other city council or state legislature distributes such stipends.” Even in Congress, every representative earns the same pay regardless of responsibility or seniority.

In 2014, \$376,000 in stipends was doled out to Council members. City Council Speaker Melissa Mark-Viverito received \$25,000, while Majority Leader Jimmy Van Bramer was awarded \$20,000 (though he turned it down).

Ten council members were offered \$15,000 apiece and thirty-four others \$8,000 [each \(http://newyork.cbslocal.com/2014/01/23/govt-watchdog-city-council-broke-a-promise-by-voting-to-dole-out-stipends/\)](http://newyork.cbslocal.com/2014/01/23/govt-watchdog-city-council-broke-a-promise-by-voting-to-dole-out-stipends/). Eleven council members have refused to accept the money this year (including Van Bramer), according to the [Daily News](#)

[editorial board \(http://m.nydailynews.com/opinion/editorial-heroes-villains-nyc-council-article-1.2311257\)](http://m.nydailynews.com/opinion/editorial-heroes-villains-nyc-council-article-1.2311257), which continues its own ongoing crusade against the lulus.

Upon Mayor de Blasio's recent announcement of a new compensation commission, Dick Dadey, executive director of Citizens Union, [told \(http://nypost.com/2015/09/19/de-blasio-moves-to-give-himself-and-others-at-city-hall-a-raise/\)](http://nypost.com/2015/09/19/de-blasio-moves-to-give-himself-and-others-at-city-hall-a-raise/) The New York Post that he supports elected officials getting raises since "eight years is a long time to go without one," but pointed out that "the real question isn't whether they get raises, it's the size of the raises and whether the commission will look at limiting [elected officials'] outside income and banning 'lulus.'"

The controversy surrounding stipends for elected officials in New York is not specific to the city, as Horner told Gotham Gazette: "At state level, there are a lot of stipends being divied out, many for positions for which there's not obvious work being done. The stipends are increasingly being used as a way to reward loyalty and seniority and are less about the workload. We don't object to a stipend being offered if somebody has to do real additional work, but we think there should be a limit on it."

Professor Benjamin told Gotham Gazette, "Regarding additional compensation, lulus in Albany, I think that this process grew up to compensate leaders in part to make salary adjustments. So, in a small body like the Senate you can give every committee chair something more. In the Assembly, you can reward a lot of people, but not all people. There should be some increment of compensation for leadership positions, but I prefer to have salary equity and less in the way of special payments, with periodic salary adjustments, which would be fair and better."

### Next Steps

Blair Horner, of NYPIRG, told Gotham Gazette that pegging salaries to cost-of-living changes could "unnecessarily exacerbate public citizens. They don't get to choose if their salaries go up and down. And if what they see in their lives is that their salaries are stagnant but elected officials are going up, they're going to resent that. It's hard to do that because it's a politically charged topic. If you're going to make changes, it needs to

be done in a delicate matter. One way to do that is to maximize independence of who makes the call and focus on publicly defensible metrics.”

Professor Benjamin, who is also currently part of a compensation commission in Ulster County, expressed a similar point of view: “I think having a commission is a good idea.” Benjamin believes, though, that it is important that “sometimes the commission says ‘we won’t increase the pay.’ In my current commission in Ulster County, because the positions are part-time, I advocated for the legislature giving up its health insurance coverage for a significant salary increase. And the effect of that was to link the consideration to the total compensation package.”

“Simple constitutionality requires that policy-makers make the decision about things that government spends, and one of the things that government spends is on their salaries,” Benjamin added.

This year’s New York City advisory commission will report back with its recommendations in November. While it’s clear that the compensation levels of elected officials need to be reviewed from time to time, the announcement of a review commission is generally seen as unfavorable – in this case prompting the New York Post to print a headline (<http://nypost.com/2015/09/19/de-blasio-moves-to-give-himself-and-others-at-city-hall-a-raise/>) declaring, “Bill de Blasio moves to give himself a raise.”

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by Meg O’Connor, Gotham Gazette

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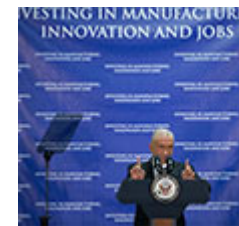
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