

POLICY ADVICE ON REQUEST TO
NEW YORK STATE
DIVISION OF THE BUDGET

ALL FUNDS BUDGET REQUEST FY 2017 – 2018



Statement of the Agency Head



New York State Commission on Judicial Conduct



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EXECUTIVE SUMMARY OF BUDGET REQUEST

The Commission on Judicial Conduct is the sole state agency responsible for receiving, initiating and investigating complaints against judges and justices of the New York State Unified Court System and, where appropriate, conducting evidentiary hearings and imposing public disciplinary sanctions against judges. There are approximately 3,350 judges and justices under the Commission's jurisdiction. The Commission may determine to confidentially caution, publicly admonish, publicly censure or remove a judge from office for misconduct, as well as retire a judge for mental or physical disability.

For six consecutive years, the Executive Budget has recommended no increase in the Commission's funding. In two of those years, the Legislature made modest additions to make up part of the resulting shortfall. Nevertheless, the Commission has not kept pace with the rate of inflation. Our current fiscal year funding of \$5,584,000 is a mere 3.3% above our FY 2010-11 budget of \$5,406,000, while inflation over that same period has been over 10%. The Budget Director's request for a seventh year of "flat" budgeting poses a significant burden. For a small agency like ours, operating on marginal resources and maintaining a perennially flat budget are tantamount to regressive financing, which is inevitable when rising costs (such as rent and other obligations) must be met year after year with virtually the same dollar amount. Rent alone has gone up over \$250,000 since 2010, while our overall budget has only gone up \$178,000 in that time. We have been forced to make harmful cuts to make ends meet. For example, we have reduced our authorized full-time employees (FTEs) from 55 to 50, of which only 44.45 are filled, representing a 19% reduction.¹ Moreover, to save money, vacancies are not filled promptly, and replacements are usually hired at lower salaries. Such deficiencies ultimately detract from the timely completion of Commission business and mean that it takes longer than it should to discipline the guilty and exonerate the innocent. Justice and the public interest are delayed for want of a few dollars.

The Commission is submitting a FY 2017-18 budget request of \$6,134,000, representing an increase of \$ 550,000 (9.85%) over last year. It is designed to meet our current obligations, cover mandated increases and return to staffing at 50 FTEs, while still economizing.

(1) In non-personal services (NPS), where we have been at the same dollar amount for six years (\$1,291,000), our contractual obligations will increase by \$321,000, but we are asking for an increase of only \$219,000, because we will endeavor to find savings from, for example, reducing travel even further and limping along with aging equipment and vehicles.

(2) In personal services (PS), the Commission requires an increase of \$331,000 to cover the contractual mandates while keeping our FTEs to the adjusted allotment of 50.

We recognize an increase of just under 10% may seem high, but had the Commission's funding level been modestly maintained over the last seven years at the annual 2% rate applicable to other agencies in the Executive Budget, our request this year would be unremarkable.²

¹ In dramatic contrast, the Commission's 2010-11 budget of \$ 5,406,000 could support a staff of 48 FTEs.

² Our \$5,406,000 budget in 2010-11, compounded annually at 2%, would be worth \$6,209,800 in 2017-18, *more* than the \$6,134,000 we are requesting.

I. OVERVIEW

The prompt and effective enforcement of judicial ethics is essential to promoting public confidence in the administration of justice, especially in view of the recently renewed attention to integrity in government overall. If the public is to have confidence that judges are accountable for their behavior, without encroachment on their fundamental independence to render fair and proper decisions, the Commission's resources must be commensurate with its significant responsibility and workload. No judge should be under investigation for longer than is reasonable, and no unfit incumbent should remain on the bench longer than appropriate, simply because the resources are lacking for the Commission to do its job promptly as well as fairly.

A. The Commission's Constitutional Independence, Mission and Recent History

The Commission was created in 1978 in the Judiciary Article of the Constitution (Article 6, Section 22). Its enabling statute is the Judiciary Law (Article 2-A, Sections 40-48). The Commission's 11 members are appointed by six (6) different officers of government, none of whom commands a majority: four (4) by the Governor, four (4) by the leaders of the Legislature and three (3) by the Chief Judge of the State of New York. The 11 members serve part-time, without pay. The Commission elects its own Chair and appoints an Administrator, who serves as chief executive officer and head of the agency. The Commission was purposely designed in such a fashion so as to work cooperatively with all three branches of government but not to be dominated or controlled by any one of them. Although the Commission is not an Executive agency, historically its budget request has been submitted to the Legislature by the Governor, as have the budget requests of other constitutionally created, independent officers of state government: the Attorney General (Department of Law) and the Comptroller (Department of Audit and Control).

The Commission is the sole state agency responsible for receiving, initiating, investigating and conducting evidentiary trials with respect to complaints of misconduct or disability against judges and justices of the New York State Unified Court System, which is comprised of approximately 3,350 judges and justices. Where appropriate, at the end of such proceedings, the Commission has authority to render disciplinary decisions of confidential caution, public admonition, public censure, and removal from office or retirement for disability.

The Commission was originally created legislatively as a temporary agency in 1974, began operations in January 1975 and expanded its authority as a result of constitutional and statutory amendments that took effect in April 1978.

The agency has only one program, *i.e.* its core constitutional mission. All agency staff – lawyers, investigators, administrative – are deployed and devoted to investigating and deciding complaints alleging that judges have engaged in misconduct. The number of complaints received annually in the past ten years has substantially increased compared to the first two decades of the Commission's existence.

- Since 2006, the agency has averaged 1,811 new complaints, 442 preliminary inquiries and 206 investigations per year.

- The agency publicly disciplines approximately 18 judges per year and confidentially cautions approximately 30 per year.

The agency also handles its own appellate caseload. By law, disciplined judges have the right of review in the New York State Court of Appeals. In addition, the agency routinely works on its own outside litigation in conjunction with the Attorney General's Office, such as when judges commence lawsuits attempting to enjoin the Commission from investigating complaints or complainants attempt to compel the Commission to investigate or discipline a judge.

The 2009 Report by the Special Commission on the Future of the New York State Courts, established by Chief Judge Judith S. Kaye, highlights the unique and critical role played by the Commission in overseeing disciplinary rules enforcement among the far-flung statewide network of approximately 2,000 justices in approximately 1,200 town and village courts.

The Commission, which provides the only forum for complaints of misconduct against judges in the state unified court system, undertakes comprehensive investigations of such complaints; exonerates the falsely accused; takes appropriate disciplinary action against those who have violated the high standards of conduct applicable to judges; and, by its presence and actions, makes the judiciary more sensitive to ethics standards and less apt to commit misconduct. This mission is of vital importance in protecting both the public and judges from potential abuse. Judges wield considerable power and as such must follow high standards of ethical conduct. If a judge fails to follow these standards, it is in the public interest to provide the appropriate discipline swiftly; but if a judge is falsely accused, he or she should not be subject to prolonged procedures. Undue delay detracts from the Commission's mission and accomplishments.

B. Recent Fiscal History and Impact on Agency Mission

Over the years, the Commission's workload steadily increased, far outpacing the resources appropriated to cope with it. Complaints were taking longer to adjudicate, and the backlog of matters pending at year end steadily increased. In FY 2007-08, at the Commission's request, the Legislature increased its appropriation to the Commission from \$2.8 million to nearly \$4.8 million. This constituted the first significant increase in the Commission's resources in nearly 30 years. As a result, in cooperation with the Division of Budget, the Office of General Services and the State Comptroller, the Commission implemented a major staff and physical plant expansion.

In each of the last five fiscal years, mindful of the economic stresses on the national and state economies, the Commission requested and the Legislature appropriated around \$5.4 million. At the same time, the Commission's workload continued to expand. In the years since 2007, when the Legislature increased its appropriation, the Commission has averaged 345 more complaints per year than in the year immediately preceding the budget increase. Last year, as a result of decreased resources, the number of matters pending at year end increased from 171 to 203.

The following chart is illustrative.

Fiscal Year	Annual Budget	Complaints Received	Preliminary Inquiries	New Investigations	Pending Year End	Attorneys/ Investigators	Total Staff
1978-79	\$1,644,000	641	NA	170	324	21/18	63
1988-89	\$2,224,000	1109	NA	200	141	9/13	41
1996-97	\$1,696,000	1490	492	192	172	8/2½	20
2006-07	\$2,800,000	1500	375	267	275	10/7	28½
2007-08	\$4,795,000	1711	413	192	238	17/10	38
2008-09	\$5,173,000	1923	354	262	208	19/10½	47½*
2009-10	\$5,200,000	1855	471	257	243	18/10	47
2010-11	\$5,406,000	2025	439	225	226	18/10	44
2011-12	\$5,384,000	1818	464	172	216	18/9	48
2012-13	\$5,384,000	1785	460	182	206	19/8	47
2013-14	\$5,384,000	1770	477	177	201	19/7	46*
2014-15	\$5,484,000	1767	499	145	171	19/7	46*
2015-16	\$5,584,000	1,959	469	179	203	19/7	45*
2016-17	\$5,584,000					19/7	44.45*

* Authorized for 55 full-time staff in 2008, and 50 in 2014, but to conserve resources, not all 50 are or will be filled.

However, this progress has been slowed by the economic downturn that has impacted the entire country since 2008, as the Commission has instituted voluntary restraints in order to share in the sacrifice being borne by all state agencies. As noted in the above chart, the Commission's current budget has been virtually static for years, despite steady increases in rent and other costs. The number of authorized FTEs has shrunk from 55 to 50, and the number of staff positions actually filled is down to 44.45. Moreover, whenever possible the Administrator deferred filling vacancies to save money needed for other services, and most often replacements were hired at lower salaries than departing staff. Staff education and training programs were dramatically reduced, and other inhibiting economies have been instituted. For example, all stenographic transcription services were eliminated, and staff produces all transcripts in-house from audio recordings of proceedings – a much slower process that prolongs investigations and contributes to a backlog. Field inspections and witness interviews have also been reduced to conserve travel expenses, potentially compromising the thoroughness of certain investigations.

Years of such constraint now threaten to reverse the gains that have been achieved since the Legislature's commitment to the Commission in 2007-08.

C. Recent Fiscal History and Fixed Costs

Since FY 2010-11, while the Commission's budget has remained largely flat, our fixed contractual costs for rent and related expenses have increased steadily, requiring the agency to redirect hundreds of thousands in funds to these fixed costs from program services. This has led to steep reductions in staff and compromised our ability to keep abreast of our expanding caseload.

As described in Section II (E), the Commission maintains offices in New York (principal office), Albany and Rochester. Our OGS-negotiated leases for the Commission offices in New York and Rochester contain annual rent escalation clauses, as shown in the table below.

Fiscal Year	Rent*
2010-11	\$ 836,477
2011-12	\$ 854,179
2012-13	\$ 885,173
2013-14	\$ 956,795
2014-15	\$ 1,024,632
2015-16	\$ 1,061,745
2016-17	\$ 1,085,784

* Figure includes rent only, excluding taxes, utilities and maintenance.

Between 2010-11 and 2015-16, our rent costs alone increased \$249,307. Our rent for 2017-18, excluding taxes, is projected to be \$1,112,098, an increase of \$275,621 over what we paid in 2010-11. These rent cost increases, together with similar escalations in the cost of taxes, utilities and mandated increases in staff salaries (both COLAs and performance advances) have significantly impacted our ability to fill staff vacancies, provide the training and support services necessary to effectively carry out our mandate, and keep abreast of our expanding caseload.

D. Summary of FY 2017-18 Plans

The Commission is requesting an increase of \$550,000 for FY 2017-18, to cover mandated expense increases in rent, COLAs and other contractual obligations, and to fill staff vacancies that have existed for years. The Commission will continue to save funds whenever opportunities arise, as it has in the past by retarding the hiring of replacements, paying new staff less than their predecessors, conducting video conferences in lieu of travel for meetings, etc.

For PS funds the Administrator requests \$4,624,000, an increase of \$331,000 that will (1) cover obligatory COLA increases, (2) cover obligatory annual employee performance advances for those not at the top of their salary grades and (3) restore our staff to 50 FTEs.

For NPS funds the Administrator requests \$1,510,000, an increase of \$219,000 that will cover mandated rises in rent, contractual escalations, essential IT upgrades, and additional professional service. Inflationary and other increases will partially be offset by such sacrifices as deferring the replacement of aged office equipment and vehicles and reducing travel costs to a bare minimum.

This Budget Request of \$6,134,000 for FY 2017-18, representing an increase of \$550,000, after seven years in which the agency's budget was effectively static and well under the inflation rate, will permit the Commission to fulfill its core mission, meet its obligations in the manner and at the level intended by the Constitution and supported by the Legislature, keep abreast of the steady high volume of complaints and reduce the time it takes to resolve matters.

II. PROGRAM GOALS AND DESCRIPTION

The Commission is mandated to provide a forum for complaints against judges, to investigate such complaints if they are facially meritorious, to exonerate judges falsely accused, to take appropriate action against those who have violated judicial standards of conduct, and thereby to help sensitize all judges to their ethical obligations and deter misconduct. The public interest in a strong

Commission was demonstrated by the overwhelming majority by which the electorate constituted the Commission in its present form in the 1977 constitutional referendum. The Commission assumed the judicial disciplinary authority of five separate courts: the Court on the Judiciary, which was abolished, and the four Appellate Divisions, whose mandates in this field were transferred to the Commission.

The Commission's caseload priorities arise out of the number and nature of credible complaints and news media reports of judicial misconduct. The Commission is authorized to determine whether or not there was misconduct and to impose appropriate sanctions, but not to change or reverse a judge's decisions in a particular case.

Once the Commission authorizes an investigation, the goal is to conduct a fair, comprehensive inquiry within a reasonable period of time and, if charges are filed, to complete formal disciplinary proceedings fairly and expeditiously. The following sections A and B describe Commission procedures in handling complaints, as illustrated in the attached flowchart. Depending upon how far each complaint goes through this set of procedures, the elapsed time from intake to resolution may be anywhere from eight (8) weeks in the case of dismissal, to three (3) years or more in the case of a full investigation, hearing and appeal.

A. Investigations

Each incoming complaint is recorded, summarized, analyzed and presented to the Commission. About 25% are clarified with transcript reviews, interviews of the participating lawyers and the complainant, and/or review of court records. If investigation is authorized, staff responsibilities may include interviews with and/or sworn testimony from witnesses, court personnel, attorneys and others; legal and documentary research; review of court transcripts and other court records; monitoring the judge's court; corresponding with and/or taking sworn testimony from the judge; and detailing the investigation in memoranda to the Commission. After this exhaustive process, the Commission must decide whether to dismiss the complaint or to proceed with a formal, adjudicatory disciplinary proceeding. Investigations vary in scope, detail and comprehensiveness, depending on the complexity of the complaint and the issues.

One recent high-priority, intensive investigation entailed – in a three-month period – evaluation of thousands of electronic and paper documents, over 20 subpoenas for testimony and/or records and numerous unsworn witness interviews. The matter, which occupied six (6) Commission staff more or less full-time and resulted in the judge's agreement to resign from office, necessarily diverted resources from many other pending matters. Resolution of those matters was consequently delayed. Had Commission resources been at a level equivalent to what the agency had in 1978, those delays would have been prevented, and justice would have been timelier.

B. Formal Proceedings

If a disciplinary proceeding is authorized by the Commission, the staff prepares and serves a Formal Written Complaint that commences the adjudicatory phase formerly handled by the Court on the Judiciary or the Appellate Division. The formal rules of evidence, specific provisions of the state Judiciary Law and relevant Commission rules take effect. The judge must answer the Formal Written Complaint, for example. An impartial referee must be designated to preside at the

hearing. Witnesses are prepared for trial; pre-hearing motions and discovery take place; conferences are held between the parties and referee; documentary evidence is prepared; stipulations may be negotiated; etc.

The hearing itself proceeds in the fashion of a non-jury trial, with introduction of documentary evidence, testimony, cross-examination and motions before the referee. After the hearing, a transcript is prepared and post-hearing memoranda are submitted to the referee, who then files a written report of his or her findings and conclusions to the Commission. Briefs and oral argument are then presented to the Commission with respect to confirming or disaffirming the referee's report and disciplining the judge. The Commission thereafter renders its decision.

If the Commission determines to discipline the judge, the judge may request review of the action by the Court of Appeals, which is granted automatically upon the judge's request. This generates a new phase of appellate practice that did not exist as of right before the Commission superseded the Court on the Judiciary. Briefs and oral argument must be presented to the Court of Appeals, which may accept or reject the Commission's decision.

The time and resources allocated to particular hearings vary widely from case to case. Where the hearing involves multiple charges of misconduct and numerous witnesses, the process is more demanding than where there is a single issue and few witnesses.

C. Litigation Underscoring the Commission's Work

Since its creation, the Commission has been challenged on more than a hundred occasions – in federal as well as state courts – by judges attacking the constitutionality, authority, procedures and decisions of the Commission, and by complainants unhappy with the outcome of their complaints. Moreover, there have been 96 appeals of Commission disciplinary determinations heard by the Court of Appeals. In no instance has a Commission rule or provision been overturned. In only one instance, in 1988, has a Commission determination been completely vacated, when the Court of Appeals decided the Commission had no jurisdiction on the facts presented. Subsequently, in a 2009 case that revisited the issue, the Court held that the Commission *did* have jurisdiction and remanded the matter for further proceedings, which resulted in public admonishment of the judge. The courts over the years have thus underscored the Legislature's enactment of the public will that there be a strong Commission to enforce ethics standards on the judges of New York State.

In 2010, one judge who was the subject of a removal determination filed a motion to vacate the determination and to accept a proposed stipulation which the Commission had rejected. The Court dismissed the motion and issued an order removing the judge. In one case in 2012, two cases in 2013, one case in 2014, and one case in 2016, after briefs and oral argument, the Court upheld the Commission's determination to remove a judge from office. The Commission staff provided all the litigation services in these proceedings.

D. Personnel Functions and Structure

The Commission itself is composed of 11 uncompensated members, four of whom are appointed by the Governor, four of whom are appointed by the leaders of the Legislature, and three of whom

are appointed by the Chief Judge of the Court of Appeals.³ The Commission members meet once every six to seven weeks for one or two full days and are on call for consultation. At least one member or a referee must be present each time a judge is examined under oath during an investigation; a quorum of 8 must be present for the scheduled meetings at which the Commission reviews and/or decides pending matters.

The Commission elects its own Chair from among its members for a renewable two-year term and hires an Administrator to run the agency, pursuant to statute. The Commission, pursuant to rule, also designates a Clerk to assist it in disciplinary cases, since it would be a conflict for the Administrator (who serves as prosecutor) to do so.

The Administrator of the Commission is an attorney, employed full-time, responsible for hiring and directing staff and for overseeing the day-to-day operations of the agency and both its legal/investigative and administrative activities.

The staff, which is full time, falls into four general categories:

1. **The legal and investigative staff** in each of the Commission's three offices reports to a Deputy Administrator in that office. With the exception of the Clerk of the Commission, all attorneys on staff handle investigations and hearings, with assistance from investigators.

2. **The administrative staff** is divided into two groups. One is responsible for the Commission's records-keeping, files, preparation of materials for Commission meetings, and annual report preparation and distribution, as well as various case-related responsibilities such as processing and summarizing the 1,800 or so incoming complaints per year and providing assistance and information to complainants and others. The other group is responsible for functions including preparation of the annual budget request and cash disbursement plan; payroll processing; classification and compensation research; accounts payable accounting; employee travel reimbursement; employee benefits processing; cash advance accounting; internal accounting and personnel controls; maintenance of accounting and personnel records; selection and implementation of payroll and accounting computer systems; management of vehicle fleet; purchasing; reconciliation of accounts; etc.

3. **The support staff**, *i.e.* secretaries, administrative assistants, clerks and an IT specialist, provides essential IT technology, typing, filing, reception and miscellaneous support functions, including the all-important, statutorily mandated production of transcripts. Periodically, college or law students serve as interns.

4. **The Clerk of the Commission** reports independently to the 11 Commission members on those matters in which by rule or law the Commission may not be assisted by the Administrator or his staff, such as deciding motions, rendering determinations, drafting opinions, etc. Although an attorney, he or she is not involved in investigating or preparing cases for prosecution.

³ There has been one vacancy for more than 3½ years, to be filled by the Governor with a non-lawyer/non-judge.

Referees: In addition to the regular staff, the Commission calls upon a panel of 60 referees (retired judges or distinguished attorneys), who are independent of staff as required by law and preside over those matters that, after investigation, proceed to formal hearings. Referees work on a per diem basis, as needed, at \$250 a day, which is less than the compensation received by referees in other agencies.

E. Geographic Organization

The Commission has offices in three cities: New York (principal office), Albany and Rochester. Having geographic coverage is critical to being able to serve all citizens of the state because many of the state's judges are in remote locations considerably distant from any major city. Investigations in these remote locations are already more difficult than those in major metropolitan areas, as travel is more time consuming and court may be held in places other than a courthouse, since not all municipalities provide court facilities to their local justices. Our three offices render the courts and complainants in each of the state's four judicial departments more accessible to the Commission and the Commission more accessible to the courts and complainants. All three offices were expanded in 2008 to accommodate the increase in staff made possible by the Legislature's increase in the Commission's budget. In New York City and Rochester, our existing offices were expanded into contiguous space. In Albany, our office was relocated from the Hampton Plaza on State Street to the Corning Tower in Empire State Plaza.

III. WORKLOAD AND RESULTS

Commission workload is a function of the number of complaints received; the size and structure of the state's judiciary; and the size, seriousness and complexity of matters being investigated or heard (tried). In 2015, the Commission received 1,959 complaints against judges, conducted preliminary inquiries as to 469 and investigated 179. Investigations and formal proceedings were also continued in 171 matters commenced but not completed prior to 2015. These numbers will likely remain constant, if not increase. As of 10/13/2016, the number of new complaints received this year was 1,491.

The Commission's workload is also a function of the size and structure of the state's judiciary. Of the state's approximately 3,350 judges, roughly 1,350 preside in courts of record located in readily accessible cities and county seats. The remaining 2,000 are part-time town and village court justices. Many are from remote parts of the state; some hold court in borrowed facilities (including their private business places) because there is no available courtroom. Such physical limitations make investigation of complaints against these judges more difficult and time-consuming.

There is no way to distinguish or prioritize the significance of complaints against full-time higher-court judges versus part-time town and village justices. Part-time town and village justices do not have to be lawyers. Indeed, approximately 1,300 of them, constituting 65% of the town and village justices and 39% of the entire state judiciary, are not lawyers. Yet these justices are part of the state unified court system, subject to the same statewide rules governing judicial conduct, as are full-time judges. They wield considerable power in both civil and criminal matters. Most citizens will have their only experience in a court before one of the state's part-time justices. Complaints against them must be treated individually on the merits, the same as complaints against full-time judges.

Another factor in workload is the nature of the complaints and resulting investigations. A complaint alleging a single instance of rudeness will generally require much less investigation than one alleging a series of financial improprieties. Review of a transcript and several interviews may wrap up the former. Detailed analysis and auditing of records, in addition to interviews, would be required in the latter. On occasion, investigation of a complaint concerning a single incident of misconduct may disclose a wider pattern of misbehavior, triggering a broader investigation.

In addition to conducting full-fledged investigations, the Commission staff conducts an “initial review and inquiry” on over 450 complaints a year (in 2015 the number was 469) before the complaints are presented to the Commission for its decision on whether to authorize an investigation. The “initial review and inquiry” may entail witness interviews and analysis of trial transcripts or other court or public records.

While investigations and initial review and inquiries – entailing interviews, research and summaries of the inquiry to the Commission – can be time-consuming, hearings (full trials) produce considerable additional work and may take months to complete. Hearings are authorized only if the results of an investigation so warrant, and involve trial preparation, the hearing itself, and preparation of a transcript, legal memoranda to the referee, legal memoranda to the Commission, etc., all of which may be reviewed by the Court of Appeals at the judge’s request after the Commission makes its decision.

The number of hearings averages about five (5) each year. A hearing may last one or two days, and in some cases much longer. To date, four (4) hearings have been held in 2016 and one (1) other hearing is scheduled to begin later this year. A large number of cases have been resolved by stipulation, in part because it would have been impossible for staff to have hearings in every matter without a significant decline in the use of resources for conducting investigations and completing those matters expeditiously.

Workload has increased not just for attorneys and investigators, but for other staff as well. For example, staff has taken on the task of preparing transcripts of hearings and investigative testimony, made from electronic recording equipment on site, doing work that was previously performed by court reporting services. That process has saved money but placed further burdens upon secretarial, clerical and administrative personnel.

Our business procedures have also become more complex over time, but the Commission’s finance staff has kept pace with all internal controls and audit requirements, having consistently scored the highest grades available in performance measures evaluated by the State Comptroller’s Office as to payroll, petty cash management, procurement procedures, etc.

The Commission will continue to pursue its goal of effectively discharging its constitutional mandate to investigate and discipline unethical judicial conduct and improving the quality and administration of justice in New York State.

Our current plan includes: (1) Maintaining staff at the level needed to handle the heavy caseload. (2) Increasing the number of Commission meeting-days, from approximately 10 to between 12 and 16, to process the increased number of cases ready for disposition. (3) Continuing to

implement a technology plan developed with assistance from the Office of Court Administration, to facilitate more efficient handling of the substantial caseload and keep the backlog from reappearing. (4) Continuing to make senior staff available to education, training and public awareness events, to improve the quality of judicial conduct and ultimately reduce the number of legitimate complaints that arise.

IV. FINANCIAL NEEDS

A. Personal Service

The agency was authorized for 55 FTEs in 2007, when the Legislature increased its funding. However, in FY 2008-09, in consultation with DOB and in furtherance of achieving savings, the Commission's Administrator agreed to defer the hiring of four (4) staff, effectively reducing the number of FTEs to 51. In FY 2010-11, the Commission's Administrator abolished one (1) position due to the employee's participation in the State's Retirement Incentive Program. At the end of 2010, 44 positions were filled, *i.e.* 19% less than the FTE allotment of 54. Subsequently, recognizing the strained state of the economy and coping with four consecutive years of a "flat" or no-increase budget, the Administrator relinquished four FTE positions, reducing the agency's allotment to 50. As of October 2016, 45 of the 50 were filled. The Commission has no plans to fill the remaining five (5) in the current fiscal year, because the funds that would be needed to pay them have been diverted to pay for other expenses. However, filling these five (5) positions is included the FY 2017-18 budget request due to the increased needs of personal services.

1. Personal Service (Regular)

An agency-prepared schedule entitled "Recap of Personal Service Cost Estimates Budget Year 2017-2018" has been generated to document the projected personal service cost. The base of this projection is \$4,074,219, an estimate of the current FY annual staff salary, at 44.45 FTEs. The amount added to the base includes (1) \$77,402 for an obligatory COLA adjustment; (2) \$38,500 in Performance Advance and Longevity payments for eligible staff; (3) \$78,840 for mandated Location Pay; and (4) \$318,687 for FTE adjustment of 5.55 that includes returning two positions from part time to full time and filling 5 vacancies. Our projection is based on the actual salary of each vacated position. It is much less than the \$433,137 that would apply using DOB's formula, *i.e.* 5 times agency's average salary. In total, the amount needed for regular personal service at 50 FTEs is \$4,587,648, rounded to \$4,588,000.

As usual, no calculation for a turnover adjustment has been incorporated into the Personal Service figures. Where possible due to turnover, replacement hires will be phased in and continued efforts will be made to replace departing staff with lower-salaried successors.

2. Personal Service (Temporary)

The request for Personal Service Temporary (PST) on the attached "Recap of Personal Service Cost Estimates" is \$36,000, which primarily will cover (1) per diem expenses for referees, who preside over formal hearings and are compensated at \$250 a day and (2) if possible, compensation for a former Deputy Administrator, now retired, who volunteers his services on a part-time basis.

3. PS Recap

In total, the Recap of Personal Service Cost for FY 2016-2017 is \$4,624,000, which is \$331,000 more than the current year's PS Appropriation.

B. Non-Personal Service

A determined and unrelenting effort has been made for the past seven years, and will continue, to achieve all possible savings in NPS spending. Having previously reduced its fleet of cars from nine (9) to eight (8), the Commission has now downsized its fleet from eight (8) to seven (7) cars by discarding a 2005 Ford Taurus without replacement. The Commission will continue to offset other costs (such as postage and paper) by further increases in its electronic documentation protocols and by continuing its production of all transcripts in-house, although having already reduced outside transcription services to zero, we can no longer achieve new savings in this regard.

However, faced with mandated rises in certain expenses – such as another year increase in rent and associated escalations (on the heels of this year's increase), an increase of \$11,500 in essential IT maintenance and software licensing, and an additional \$100,700 for professional service – the Administrator is requesting an NPS budget of \$1,510,000, which is \$219,000 more than the current year and accounts for offsetting economies in other NPS items.

NPS Categories	2016-17 Approved Appropriation	2017-18 Requested Appropriation	Change
Supplies & Materials	43,000	30,000	-13,000
Travel	40,000	30,000	-10,000
Contractual Services	1,182,000	1,443,000	263,000
Equipment	26,000	5,000	-21,000
TOTAL NPS	1,291,000	1,510,000	+219,000

1. Supplies and Materials

This includes General Office Supplies and Publications. The Commission projected that a small amount of savings would be generated by continually using more online procurement, though it would be offset by inflation. Therefore a decrease in this category is projected.

2. Travel

This category includes all travel expenses of staff, Commission members and referees. The Commission staff has put considerable effort into managing business travel more efficiently for years. Although inflation will add to travel costs in the next fiscal year, it is projected to be offset by savings the agency will continue to generate in using video conferencing tools for Commission meetings and other intra agency communication.

3. Contractual Services

This broad category includes the following:

Real Estate	\$1,233,800	Postage & Shipping	\$5,700
Equipment Lease	\$13,000	OGS Charge-back	\$4,600
Vehicles	\$14,000	Telecommunications	\$7,500
Utilities	\$35,000	Books/Publications	\$2,000
Professional Services	\$107,100	Other/Miscellaneous	\$8,300
IT Service	\$14,000		

The Real Estate cost for FY 2017-2018 will again increase as stated in section C. Recent Fiscal History and Fixed Costs Utility expenses are also projected at an increase due to an additional meter reading and inflation.

The other projected cost increase of \$100,000 in FY2017-18 is for Professional Service. Due to under staffing and increased workload, our in-house transcript service is considerably backlogged. Out-sourcing this service is the only solution. In addition, we have significantly cut our staff training for quite a few years and this needs to be rectified.

The Vehicle Leasing and Maintenance cost for FY 2017-2018 will modestly increase. The agency's three (3) leased vehicles were replaced in 2016 with a new 5-year term with only a \$10 increase in the monthly rate. However, we project an increase in maintenance costs for the aging agency-owned car, but the viability of eliminating the car to save money would be considered.

Telecommunication costs will be slightly higher in FY 2017-2018. The replacement of regular/conventional phone service (provided by outside vendors for a fee) with IP phone service in FY 2008-09 will continue to result in low billings from commercial vendors and in OGS Charge-Back vouchers. The funds projected will be used for wireless phone service for senior staff, back-up internet service, and standard commercial phone lines for the agency fax machines, which cannot be accommodated on the IP phones. The agency has merged certain service lines and canceled certain service items in this category, which will generate continued savings in the next budget year. However, the inflation of outside vendors' service is inevitable.

The cost for Equipment Rental and Maintenance is also projected as relatively lower. Equipment leases have renewed since this fiscal year. The rates increase slightly. However, retiring one copier and changing the model of other copiers do generate savings. The repair and maintenance costs will also be reduced. The increases in Professional Services and IT Services include increases in licensing and maintenance service fees due to changes in IT technology, as implemented by the Office of Court Administration, with whom the Commission contracts for IT services. The agency will continue archiving documents electronically in-house to minimize or eliminate the need for commercial vendors.

The savings in Postage and Shipping costs are projected to be continually negated by cutting a fax line and using electronic communications more often. The decrease in OGS and OFT Charge-backs is mainly due to accounts reclassification in SFS.

Books/Publications and Other/Miscellaneous services are also projected to be constant.

The funds requested for all the other items in this category have been adjusted upward for inflation and downward for anticipated savings or for reclassification.

4. Equipment & Furniture

The replacement of aging or malfunctioning equipment deemed essential is anticipated at around \$5,000, which is a bare minimum.

5. NPS Recap

In total, the Commission requests funding for FY 2017-18 Non Personal Services in the amount of \$1,510,000, an increase of \$219,000 in bare essentials from FY 2016-17.

C. Conclusion

The total (PS and NPS) budget requested for FY 2017-2018 is **\$6,134,000**. This includes (1) a PS request of \$4,624,000 and (2) a NPS request of \$1,510,000, all for mandates.

Complete schedules are attached.

**New York State
Division of the Budget
All Funds Budget Request FY 2017-18
Agency Summary
Recapitulation of Current Year Adjusted Appropriations
and Requested Changes for the Next Fiscal Year**

Agency: NYS Commission on Judicial Conduct

(A)	(B)	(C)	(D)
Appropriation Category/Fund Type	Adjusted Appropriations 2016-17	Requested Change	Total Request (Column B+C) 2017-18
State Operations			
General Fund	5,584,000	550,000	6,134,000
Special Revenue - Federal			0
Special Revenue - Other			0
Enterprise			0
Internal Service			0
Private Purpose Trust			0
Subtotal	5,584,000	550,000	6,134,000
Aid to Localities			
General Fund			0
Special Revenue - Federal			0
Special Revenue - Other			0
Enterprise			0
Subtotal			0
Capital Projects			
Capital Projects Fund			0
Special Revenue - Other			0
Enterprise			0
Internal Service			0
Subtotal			0
Debt Service			0
Agency Total	5,584,000	550,000	6,134,000

**New York State
Division of the Budget
All Funds Budget Request FY 2017-18
Program Recapitulation
of Current Year Adjusted Appropriations
and Requested Changes for the Next Fiscal Year**

Agency: NYS Commission on Judicial Conduct

Category:

JUDICIAL COMM.

(A)	(B)	(C)	(D)
Program/Fund Type	Adjusted Appropriations 2016-17	Requested Change	Total Request (Column B+C) 2017-18
Program			
General Fund	5,584,000	550,000	6,134,000
Special Revenue - Federal			0
Special Revenue - Other			0
Enterprise			0
Internal Service			0
Private Purpose Trust			0
Program Total	5,584,000	550,000	6,134,000
Program			
General Fund			0
Special Revenue - Federal			0
Special Revenue - Other			0
Enterprise			0
Internal Service			0
Private Purpose Trust			0
Program Total	0	0	0
Program			
General Fund			0
Special Revenue - Federal			0
Special Revenue - Other			0
Enterprise			0
Internal Service			0
Private Purpose Trust			0
Program Total	0	0	0
All Program Recapitulation			
Program	5,584,000	550,000	6,134,000
Program			0
Program			0
Agency Total	5,584,000	550,000	6,134,000

**New York State
Division of the Budget
All Funds Budget Request FY 2017-18
State Operations and Aid to Localities
Recapitulation of Current Year Adjusted and
and Requested New Year Appropriations**

Agency: JUDICIAL COMMISSION
Program: JUDICIAL CONDUCT
Division/Institution:

Fund Type: GENERAL
Fund: STATE
Subfund: 1220000-33301-10050

(A)	(B)	(C)	(D)
Object and Subobject of Appropriation/Aid Purpose	Adjusted Appropriations 2016-17	Change	Requested Appropriations (Column B+C) 2017-18
State Operations			
Personal Service			0
Personal Service -- Regular	4,257,000	331,000	4,588,000
Temporary Service	36,000	0	36,000
Holiday/Overtime Compensation			0
Total PS	4,293,000	331,000	4,624,000
Nonpersonal Service			
Supplies and Materials	43,000	(13,000)	30,000
Travel	100,000	(70,000)	30,000
Contractual Services	1,122,000	323,000	1,445,000
Equipment	26,000	(21,000)	5,000
Fringe Benefits			0
Indirect Costs			0
Total NPS	1,291,000	219,000	1,510,000
Maintenance Undistributed			
Personal Service -- Regular			0
Temporary Service			0
Holiday/Overtime Compensation			0
Supplies and Materials			0
Travel			0
Contractual Services			0
Equipment			0
Fringe Benefits			0
Indirect Costs			0
Total MU	0	0	0
Total State Operations	5,584,000	550,000	6,134,000
Aid to Localities			
Purpose:			
--			0
--			0
--			0
--			0
--			0
Total Aid to Localities	0	0	0
Grand Total SO and ATL	5,584,000	550,000	6,134,000

**NYS Division of the Budget
Miscellaneous Receipts Status Report**

Status	Receipt Name	Indicator	Receipt Description	Agency Contact	DOB Contact
Agency : 1220000 - Judicial Conduct, Commission on					
DOB Approved	Fees for Copy of Documents	Regulatory	Collected fees for material used by public who access our files and make paper or electronic copies	Wanita Gonzalez ((646) 386-4724)	bdpaol
DOB Approved	Refunds	Regulatory	Refunds received	Shouchu Luo ((646) 386-4768)	bdpaol
DOB Approved	Reimbursements	Regulatory	Fees collected from any users who access to the agency's public records and make hard copy or down load data to a CD	Shouchu Luo ((646) 386-4768)	bdpaol

CJC01 : 2017-18 Budget Request SUM Final

10/17/2016

Categories		2016-2017 Request A	2016-2017 Approved B	2017-2018 Request C	Compared to 2016-17 App D = C - B
PS	Salary	\$4,310,000	\$4,257,000	\$4,588,000	\$331,000
	Temp	\$36,000	\$36,000	\$36,000	\$0
	Add *				
Total		\$4,346,000	\$4,293,000	\$4,624,000	\$331,000
Non-PS	Supplies	\$21,000	\$43,000	\$30,000	-\$13,000
	Travel	\$42,000	\$40,000	\$30,000	-\$10,000
	Contractual	\$1,347,000	\$1,182,000	\$1,445,000	\$263,000
	Equipment	\$14,000	\$26,000	\$5,000	-\$21,000
Total		\$1,424,000	\$1,291,000	\$1,510,000	\$219,000
Agency Sum		\$5,770,000	\$5,584,000	\$6,134,000	\$550,000

Recap of Personal Service Cost Estimates
Budget Year 2017- 2018, Annual & Non-Annual Salaried Positions
 Estimates From Pay Period 2016-PP11

Department: 21-Miscellaneous Boards and Commissions		Fund: 003 - State Operations Account	
Agency: 21080-Judicial Commissions		Account: 10050-State Purposes Account	
		Program: 33301-Judicial Conduct	
LINE NO	DESCRIPTOR	NO. OF POSITIONS FTE (A)	NEXT FISCAL YR ESTIMATE (B)
	Annual-Salaried Personal Service; Current Fiscal Year (CFY) Ending Estimate		
1	Filled Annual-Salaried Positions; CFY	44.450	4,090,557
	Adjustments to Current Year Ending Estimate		
2	General Salary Increases; Next Fiscal Year (NFY) (Including NS)	44.450	77,402
3	Performance Advances & Step Increases; NFY (Excl. most NS, M8 & SG38)		
4	Longevity Comp & Longevity Increases; NFY (Excl. most NS, M8 & SG38)		
5	SUNY Performance Incentive; NFY		
6	Annualization of Current Fiscal Year Increases		-16,338
7	<i>Subtotal -- Annual-Salaried Positions (lines 1 through 6)</i>	44.450	4,151,621
	Other Compensation		
8	Geographic Differential		
9	Inconvenience Pay (Irregular Intermittent Pay Below)		
10	Location & Supplemental Location Pay	28.000	78,840
11	Premium Pay In Lieu of Overtime		
12	Pre-Shift Briefing, Command, Expanded Duty, Marine Off Road Enf, Facility Security Supervisor, Expertise, Haz Material, DSP Haz Duty, Special Assg to Duty, Admin Maint Pay		
13	Shift Differential		
14	Taxable Maintenance & Clothing and Uniform Allowance		
15	Sub-Subtotal - Other Compensation (8 through 14)		78,840
16	<i>Subtotal -- Annual-Salaried Positions (lines 7 and 15)</i>	44.450	4,230,461
	Average FTE (A-FTE) Adjustment		
17		0.000	
18	Average Salary: (18B) = Average Annual [\$93,400] + Average Other Comp [\$1,774] --- CJC= 57,421		57,421
19	Default A-FTE Adjustment: (19B) = Average Salary (18B) X FTE Adjustment (19A) X .82 (use .82 if 19A is positive; use 1 if 19A is negative)	5.550	318,687
20	<i>Subtotal -- Annual-Salaried Positions (Including A-FTE Adjustment) (lines 16 and 19)</i>	50.000	4,549,148
	Additions to Annual-Salaried Position Projections		
21	DRP Repayment	0.000	0
22	Longevities & Performance Awards (For Graded & NS Items)		
23	Performance Advances & Longevities from NS (Excluding Trainees) Listing	44.450	38,500
24	Performance Advances from NS (Trainee) Listing.		
25	Irregular Intermittent Inconvenience Pay		
26	Overtime Compensation		
27	Civilian Hazardous Duty Pay		
28	Holiday Pay		
29	Leave & Over time Accrual Payments Adjustment		
30	Miscellaneous		
31	Sub-Subtotal - Additions (21 through 30)		38,500
32	<i>Subtotal -- Annual-Salaried Positions (lines 20 and 31)</i>	50.000	4,587,648
	Subtractions from Annual-Salaried Position Projections		
33	Maintenance Undistributed		
34	Suballocations From Other Agency(s)		
35	35B = Turnover Adjustment Factor (TAF) X 20B (see Instructions for TAF calculation)		
36	Miscellaneous		
37	Sub-Subtotal - Subtractions (33 through 36)		0
38	<i>Total -- Annual-Salaried Positions (line 32 minus line 37)</i>	50.000	4,587,648
	Compensation for Nonannual-Salaried Employees		
39	Regular (example: hourly)		36,000
40	Overtime		
41	Extra Service Compensation		
42	Hazardous Duty Pay		
43	Holiday Pay		
44	Miscellaneous (Additions or Reductions)		
45	<i>Total -- Nonannual-Salaried Positions (lines 39 through 44)</i>		36,000
46	<i>Grand Total -- Estimated Personal Service For NFY (lines 38 and 45)</i>	50.000	4,623,648

Group Listing
 Budget Year 2017-18, Annual Salaried Positions
 Estimated from Payroll 2017 - PP11

Department 21		Miscellaneous Boards and Commissions Agen				21080 Judicial Commissions					
TITLE CODE	TITLE	FTE	NU	SG	Current Year - Adjusted Amount			Next Year - Estimated Amount			Diff.
					F		G			H	
					ANNUAL	OTHER	TOTAL	ANNUAL	OTHER		TOTAL
A	B	C	D	E	F1	F2	F3	G1	G2	G3	G4
Fund:	003	State Operations Account		Subfund: State Purposes Account							
Program:	33301	Judicial Conduct									
POSITION POOL ID - 001		COST CEN1216200041C JUDICIAL COMMISSIONS									
25 01300	SENR CLERK	1	79	600	54,861	3,029	57,890	55,680	3,017	58,697	807
32 99761	INFORMATION TECHNOLO	1	79	600	98,089	3,029	101,118	99,553	3,017	102,570	1,452
93 02244	CHF ADMIN OFFICER	1	79	600	124,561	3,029	127,590	126,421	3,017	129,438	1,848
94 43457	PRIN ATTY	2	79	600	276,932	6,058	282,990	281,066	6,034	287,100	4,110
95 19055	PUBLIC INFO OFFICER	1	79	600	85,255	3,029	88,284	86,527	3,017	89,544	1,260
95 20181	EXECUTIVE SECRETARY	1	79	600	81,122	3,029	84,151	82,333	3,017	85,350	1,199
95 21001	ADMR	1	79	600	173,246	3,029	176,275	175,832	3,017	178,849	2,574
95 21005	ADMNV ASSNT	1	79	600	71,227	3,029	74,256	72,291	3,017	75,308	1,052
95 21027	SENR ADMNV ASSNT	2	79	600	124,452	3,029	127,481	126,310	3,017	129,327	1,846
95 21030	CLERK OF COMMISSION	1	79	600	152,628	3,029	155,657	154,907	3,017	157,924	2,267
95 21036	SENR INVESTIGATOR	3	79	600	232,209	3,229	235,438	235,675	3,216	238,891	3,453
95 21037	SENR ATTORNEY	5	79	600	568,201	6,058	574,259	576,685	6,034	582,719	8,460
95 21038	DEPY ADMINISTRATOR	4	79	600	610,512	3,229	613,741	619,628	3,216	622,844	9,103
95 21040	ADMNV OFFICER	1	79	600	83,914	3,029	86,943	85,167	3,017	88,184	1,241
95 21041	ASST ADMIN OFFICER	2	79	600	116,426	6,058	122,484	118,164	6,034	124,198	1,714
95 21042	STAFF ATTORNEY I	1	79	600	90,632	0	90,632	91,984	0	91,984	1,352
95 21043	STAFF ATTORNEY II	5	79	600	484,871	9,087	493,958	492,104	9,051	501,155	7,197
95 21049	SECY II	3.8	79	600	183,140	6,058	189,198	185,872	6,034	191,906	2,708
95 21050	INVESTIGATOR I	1.65	79	600	86,941	3,029	89,970	88,239	3,017	91,256	1,286
95 21051	INVESTIGATOR II	4	79	600	227,660	3,029	230,689	231,060	3,017	234,077	3,388
95 21052	JR ADMNV ASSNT	1	79	600	39,117	0	39,117	39,702	0	39,702	585
95 21053	ADMNV FIN & PERS OFFR	1	79	600	124,561	3,029	127,590	126,421	3,017	129,438	1,848
PPID Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750
CC Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750
Program Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750
Account Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750
Fund Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750
Agency Totals		44.5			4,090,557	79,154	4,169,711	4,151,621	78,840	4,230,461	60,750

Commission on Judicial Conduct: 2017-2018 Non-Personal Service Cost Projection

Categories	2016-2017 Request	2016-2017 Approved	2016-2017 Spending	2017-2018 Request	Increase to 2016-17 Approved
	A	B	C	E	(E-B)
Supplies & Materials	\$21,000	\$43,000	\$29,630	\$30,000	-\$13,000
Travel	\$42,000	\$40,000	\$25,291	\$30,000	-\$10,000
Contractual Services	\$1,347,500	\$1,182,000	\$1,332,699	\$1,445,000	\$263,000
Equipment Rental & M	\$13,000	\$16,300	\$12,272	\$13,000	-\$3,300
Car (Leased & State Owned)	\$22,500	\$14,500	\$13,760	\$14,000	-\$500
Utility	\$35,000	\$34,000	\$34,100	\$35,000	\$1,000
Real Estate	\$1,218,190	\$1,074,500	\$1,220,418	\$1,233,800	\$159,300
Postage and Shipping	\$4,000	\$5,000	\$4,858	\$5,700	\$700
Others/Misc.	\$3,000	\$5,500	\$800	\$800	-\$4,700
Professional Service	\$13,700	\$6,400	\$12,525	\$107,100	\$100,700
IT Service	\$16,660	\$2,500	\$12,892	\$14,000	\$11,500
Books & Pulication	\$2,650	\$2,800	\$1,900	\$2,000	-\$800
Telephone	\$9,440	\$9,000	\$7,436	\$7,500	-\$1,500
OGS Charge Back	\$960	\$2,500	\$4,417	\$4,600	\$2,100
Commission	\$8,400	\$9,000	\$7,321	\$7,500	-\$1,500
Equipment	\$13,500	\$26,000	\$7,000	\$5,000	-\$21,000
Office \$ IT Equipment	\$11,500	\$23,000	\$5,000	\$3,000	-\$20,000
Office Furniture	\$2,000	\$3,000	\$2,000	\$2,000	-\$1,000
Vehicles	\$0	\$0	\$0	\$0	\$0
Total NPS	\$1,424,000	\$1,291,000	\$1,394,620	\$1,510,000	\$219,000

Schedule of Annual Salaried Positions
Commission on Judicial Conduct

Cost Center : 620004

Item No.	Title	Statu s	Advance, Not		MC top Adj	Updated	Adjusted Amt
			Exceed	(04/01/2016)			
0001	Administrator	NS	\$173,073		Y	\$ 173,073	\$0
0002	Deputy Administrator	NS	\$152,462		Y	\$ 152,476	\$14
0009	Deputy Administrator	NS	\$152,462		Y	\$ 152,476	\$14
0010	Senior Attorney	NS	\$124,426		Y	\$ 124,437	\$11
0011	Senior Attorney	NS	\$124,426		Y	\$ 124,437	\$11
0012	Senior Attorney	NS	\$124,426		Y	\$ 124,437	\$11
0013	Senior Attorney	NS	\$124,426		Y	\$ 124,437	\$11
0014	Staff Attorney II	NS	\$101,525		Y	\$ 101,536	\$11
0016	Staff Attorney I	NS	\$90,541		N	\$ 90,541	\$0
0019	Senior Investigator	NS	\$83,831		\$ 83,839	\$ 83,839	\$8
0020	Investigator I	NS	Vacant		Vacant	Vacant	\$0
0021	Jr. Administrative Assistant	NS	\$54,800		Y	\$ 54,806	\$6
0022	Investigator I	NS	\$43,809		N	\$ 43,809	\$0
0023	Investigator II	NS	\$64,403		Y	\$ 64,409	\$6
0025	Investigator I	NS	\$54,800		Y	\$ 54,806	\$6
0028	Administrative Assistant	NS	\$71,148		Y	\$ 71,156	\$8
0029	Senior Administrative Assistant	NS	\$64,093		N	\$ 64,093	\$0
0030	Senior Administrative Assistant	NS	\$60,235		N	\$ 60,235	\$0
0032	Finance/Personnel Officer	NS	\$124,425		Y	\$ 124,437	\$12
0034	Secretary II	NS	\$49,209		Y	\$ 49,214	\$5
0035	Secretary II	NS	\$49,209		Y	\$ 49,214	\$5
0036	Secretary II	NS	\$44,144		N	\$ 44,144	\$0
0038	Senior Administrative Assistant	NS	Vacant		Vacant	Vacant	\$0
0042	Assistant Admn. Officer	NS	\$64,403		Y	\$ 64,409	\$6
0047	Senior Clerk	NS	\$54,800		Y	\$ 54,806	\$6
0060	Deputy Administrator	NS	\$152,462		Y	\$ 152,476	\$14
0061	Staff Attorney II	NS	\$101,525		Y	\$ 101,536	\$11
0062	Staff Attorney II	NS	\$101,525		Y	\$ 101,536	\$11
0063	Principal Attorney	NS	\$138,315		Y	\$ 138,328	\$13
0064	Executive Secretary	NS	\$81,041		N	\$ 81,041	\$0
0065	IT Specialist	NS	\$97,991		N	\$ 97,991	\$0
0078	Investigator II	NS	Vacant		Vacant	Vacant	\$0
0079	Investigator II	NS	\$64,403		Y	\$ 64,409	\$6
0089	Deputy Administrator	NS	\$152,462		Y	\$ 152,476	\$14
0090	Clerk of the Commission	NS	\$152,462		Y	\$ 152,476	\$14
0091	Staff Attorney I	NS	\$69,887		N	\$ 69,887	\$0
0092	Staff Attorney II	NS	\$101,525		Y	\$ 101,536	\$11
0093	Staff Attorney II	NS	\$78,252		N	\$ 78,252	\$0
0094	Principal Attorney	NS	\$138,315		Y	\$ 138,328	\$13
0095	Investigator II	NS	Vacant		Vacant	Vacant	\$0
0096	Senior Investigator	NS	\$75,463		N	\$ 75,463	\$0
0097	Investigator I	NS	\$49,305		N	\$ 49,305	\$0
0098	Senior Investigator	NS	\$72,675		N	\$ 72,675	\$0
0100	Public Information Officer	NS	\$85,170		N	\$ 85,170	\$0
0101	Chief Administrative Officer	NS	\$124,425		Y	\$ 124,437	\$12
0102	Secretay II	NS	\$39,078		N	\$ 39,078	\$0
0103	Secretary II	NS	\$49,209		Y	\$ 49,214	\$5
0104	Assistant Administrative Officer	NS	Vacant		Vacant	Vacant	\$0
0105	Assistant Administrative Officer	NS	\$51,901		N	\$ 51,901	\$0
0107	Administrative Officer	NS	\$83,830		Y	\$ 83,839	\$9
			\$4,112,297			\$ 4,112,581	\$284

Signature Robert M. Boudette Date 9/1/16