

**COMMISSION ON ETHICS AND
LOBBYING IN GOVERNMENT**

**RESOLUTION ON THE PAYMENT OF A PER DIEM ALLOWANCE AND
EXPENSES TO MEMBERS OF THE COMMISSION**

WHEREAS, the Ethics Commission Reform Act of 2022 (ECRA) is intended to improve ethics and restore New Yorkers’ trust in state government by creating a new entity, the Commission on Ethics and Lobbying in Government (the Commission or COELIG), that is more independent, transparent and accountable to the public than any previous ethics State body; and

WHEREAS, ECRA makes COELIG more independent by requiring that persons nominated to serve on the Commission be assessed by an independent review committee, prior to appointment, to determine whether the candidates “meet the qualifications necessary for the services required based on their background and expertise that relate to the candidate’s potential service on the commissioner” [Executive Law §94(3)(d)], and by authorizing the Commission members to govern the body’s operations by appointing the Executive Director for a four-year term [Executive Law §94(6)(1)], electing a chairperson[Executive Law §94(4)(b)], and removing members for substantial neglect of duty, misconduct in office, violation of confidentiality restrictions, inability to discharge the powers or duties or office or violation of ECRA [Executive Law §94(4)(c)]; and

WHEREAS, ECRA renders COELIG more transparent by making the body subject to the Open Meetings Law (Public Officers Law Article 7) and the Freedom of Information Law (Public Officers Law Article 6) [Executive Law §94(4)(g)]; and

WHEREAS, ECRA provides for compensation to Commission members by authorizing the payment of a per diem allowance to the members of the Commission “equal to the salary of a justice of the supreme court divided by two hundred twenty for each day or each pro-rated day actually spent in the performance of the member’s duties” [Executive Law §94(4)(f)]; and

WHEREAS, ECRA specifies that for purposes of payment of the per diem, “a day shall consist of at least seven and one-half hours spent in the performance of the member’s duties”[Executive Law §94(4)(f)]; and

WHEREAS, ECRA provides that members of the Commission “shall be reimbursed for all reasonable expenses actually and necessarily incurred in the performance of the member’s duties” [Executive Law §94(4)(f)];

NOW, THEREFORE, IT IS RESOLVED, that

1. Pursuant to Executive Law §94(4)(f), each Commission member shall receive a per diem hourly allowance, pursuant to the formula set forth in Paragraph 2, below (the “hourly allowance”), for time actually spent (a) preparing for and attending or otherwise participating in regular and specially called meetings of the Commission; (b) preparing for and attending or otherwise participating in meetings of standing and specially constituted committees of the Commission, and of any subcommittees thereof, to which the member has been appointed; (c) preparing for and attending or otherwise participating in public hearings of the Commission convened by the Commission pursuant to Executive Law §94(5); (d) participating in the consideration, preparation or review of substantial basis reports and notices of civil assessment or other penalty made and issued pursuant to Executive Law §94(10)(p)(i) or §94(10)(p)(ii) and the Commission’s regulations at 19 NYCRR §941.13(c) through (f); and (e) performing such other exceptional or extraordinary duties as the Commission Chairperson or the Commission by majority vote may direct such member to perform, provided such duties and the entitlement to an hourly per diem allowance therefor are enumerated in writing.
2. The hourly allowance shall be \$127.81, calculated as follows: $\$210,900 \div 220 \div 7.5 = \127.81 .
3. The hourly allowance shall be adjusted prospectively to reflect any increase in the base salary of a justice of the supreme court.
4. Commission staff shall record Commission members’ attendance at meetings of the Commission, its designated committees and subcommittees, and its any public hearings, and the hours thereof. Each Commission member shall record his or her time actually spent performing the member’s duties as set forth in paragraph 1, above, apart from attendance at regular and specially called meetings of the Commission and its designated committees and subcommittees, and any public hearings, on a form and in a manner prescribed by the Executive Director, noting the specific nature of the duty performed. Time shall be reported in quarter hour increments.

PROPOSED

5. In addition to the allowance provided in Paragraph 1, above, the Commission Chairperson shall be entitled to an allowance for additional time actually spent by the Chairperson performing the unique and necessary duties of the Chairperson in carrying out the responsibilities of that office. Such additional time shall be recorded by the Chairperson on a form and in a manner prescribed by the Executive Director, noting the specific nature of the duty performed. Time shall be reported in quarter hour increments.
6. The Executive Director or his designee shall be responsible for processing the payroll transaction or such other form as may be required by the Office of the State Comptroller.
7. In addition to any per diem allowance they may be afforded, Commission members shall be reimbursed for all reasonable expenses actually and necessarily incurred by them in the performance of their respective duties, according to the guidelines established by the Office of the State Comptroller.
8. A statement of amounts paid to members of the Commission pursuant to this policy will be reported monthly and made publicly available on the Commission's website.
9. This policy shall be effective as of [EFFECTIVE DATE].