

From: NYS Workers' Compensation Board - Office of General Counsel
<wcbny@govqa.us>
Sent: Tuesday, May 13, 2025 8:43 AM
To: elena@judgewatch.org
Subject: [Records Center] FOIL Records Request :: F000025-012125

--- Please respond above this line ---



Dear Elena Sassower,

Please accept the following in response to your January 21, 2025 Freedom of Information Law (FOIL) request, which was received by the New York State Workers' Compensation Board's (Board's) Office of General Counsel via electronic mail on that same date (FOIL No. F000025-012125).

Your request mentioned:

"TO: Workers' Compensation Board Records Access Officer/Office of General Counsel

The Workers' Compensation Board webpage about itself states, under the heading "Members of the Board":

"The Chair, Vice Chair, and Board Members are eligible for payment of expenses and annual compensation in the performance of their duties pursuant to NYS Workers' Compensation Law, Section 148. Specifically, the Chair's annual compensation (salary plus fringe benefits) is \$337,641 (\$198,926 salary), the Vice Chair's annual compensation is \$286,994 (\$169,087 salary), and the annual compensation of each Board Member is \$268,762 (\$158,345 salary)." (hyperlinking and underlining added). This does not appear to be consistent with Executive Law §169, as modified by the December 10, 2018 Report of the Committee on Legislative and Executive

Compensation (at pp. 6-7, 17-18, 20-21) and thereafter by the Governor pursuant thereto.

Consequently, this is to request, pursuant to FOIL (Public Officers Law, Article VI):

- records as to the basis of the Chair's \$198,926 salary, the Vice Chair's \$169,087 salary, and the Member salaries of \$158,345;
- records as to the specific "fringe benefits" that increased the Chair's compensation to \$337,641, the Vice Chair's compensation to \$286,994, and the Members' compensation to \$268,762;
- records confirming that the salaries of the Chair, Vice Chair, and Members were respectively increased, as of January 1, 2025, to \$225,000, \$200,000, and \$190,000, pursuant to the November 14, 2024 Report of the Commission on Legislative, Judicial and Executive Compensation (at pp. 11-13).
- records as to the resulting new compensation levels and the specifics of the "fringe benefits" comprising same."

With respect to those portions of your request asking for "records as to the specific "fringe benefits" that increased the Chair's compensation to \$337,641, the Vice Chair's compensation to \$286,994, and the Members' compensation to \$268,762," and "records as to the resulting new compensation levels and the specifics of the "fringe benefits" comprising same," Public Officers' Law § 89(3) provides, in relevant part, that an agency is not required to create a record in order to respond to a FOIL request. Please be advised that the fringe rate is set by the New York State Division of Budget, and not by the Board. Accordingly, the Board does not possess or maintain records that are responsive to this prong of your FOIL request.

With respect to the remaining prongs of your FOIL request, the Board has reviewed its files and has located records responsive to your request.

With respect to that portion of your request asking for "records as to the basis of the Chair's \$198,926 salary, the Vice Chair's \$169,087 salary, and the Member salaries of \$158,345," please be advised that these salaries are set by State Bulletins. The most recent State Bulletins which would be affecting the salaries referenced in your request would be State Agencies Bulletin No. 2297 ([State Agencies Bulletin No. 2297 | Office of the New York State Comptroller](#)) and State Agencies Bulletin No. 1807 ([State Agencies Bulletin No. 1807 | Office of the New York State Comptroller](#)).

With respect to that portion of your request asking for "records confirming that the salaries of the Chair, Vice Chair, and Members were respectively increased, as of January 1, 2025, to \$225,000, \$200,000, and \$190,000, pursuant to the November 14, 2024 Report of the Commission on Legislative, Judicial and Executive Compensation

(at pp. 11-13)," please log in to your GovQA account at the following link to retrieve the responsive records.

[FOIL Records Request - F000025-012125](#)

At the above link, please find a listing of the Board Members for the requested time period, confirming the specified salary increases.

To the extent that you deem any portion of this response to your FOIL request to be a denial, it may be appealed within thirty (30) days pursuant to Public Officers Law § 89(4) to the Board's Executive Director at 328 State Street, Room 438, Schenectady, New York 12305.

In all future correspondence relating to this request, please refer to the assigned FOIL Number.

Thank you,

Brian Hamm

FOIL/Records Access

NYS Workers' Compensation Board

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<http://www.wcb.ny.gov>

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To monitor the progress or update this request please log into the [Records Access Center](#)

