

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 232
Appropriations

(Delegate McKay, *et al.*)

Finance

Correctional Services - Commissioner's Duties - Staffing Report

This bill requires the Commissioner of Correction to submit, by October 31, 2017, and by October 31 in every odd-numbered year thereafter, a security and staffing report covering the prior two-year period to the Secretary of Public Safety and Correctional Services, the Governor, and the General Assembly. The report must be based on a joint survey conducted by the administration of the Division of Correction and the exclusive collective bargaining representative of the employees.

Fiscal Summary

State Effect: Potential increase in general fund expenditures in FY 2018 and every other fiscal year thereafter for the Department of Public Safety and Correctional Services (DPSCS) to hire contractual staff to complete the required reports. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The report must include:

- a post-by-post analysis that identifies the actual number of positions needed to safely and securely staff each institution;
- the amount of overtime currently being used to meet minimum standards;

- an accounting of all institution activities that have been impacted by staffing levels;
- an assessment of expected future turnover in personnel; and
- an analysis of the need for additional staff.

Current Law/Background: Pursuant to committee narrative in the 2015 *Joint Chairmen's Report*, in January 2016, DPSCS submitted a biannual post-by-post staffing analysis identifying the minimum number of positions needed to safely and securely staff the State's correctional and detention institutions. According to its analysis, the department needs an additional 455 regular positions to achieve the minimum standard of staffing. The number of positions required to staff facilities has fluctuated over the years based on the number of Special Assignment Posts and the departmental relief factor. Alterations to the department's facility complement and a declining inmate population are also contributing factors.

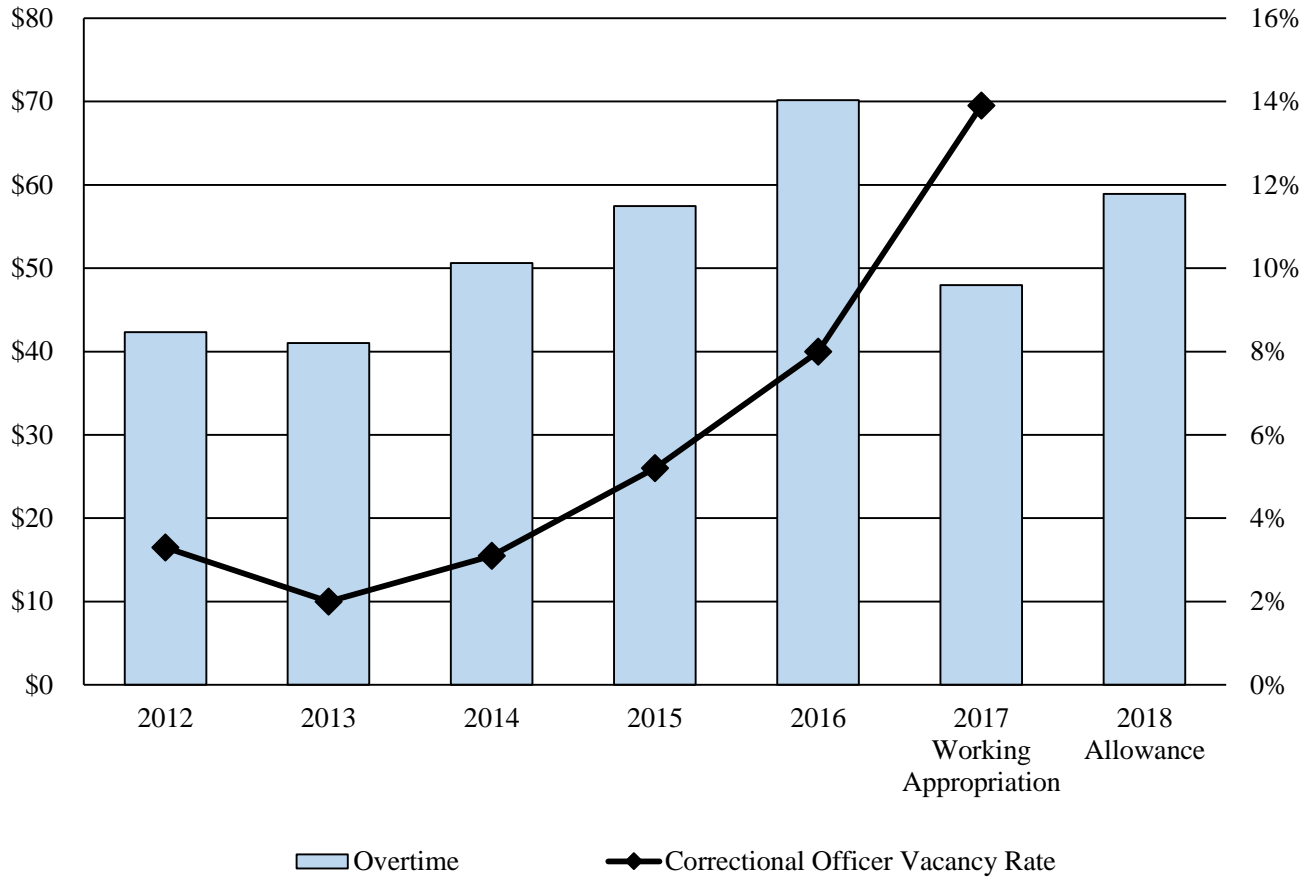
Correctional officer positions account for nearly 65.0% of the entire DPSCS workforce. Despite legislative efforts to increase the number of correctional officer positions due to facility safety and security concerns, DPSCS has had a net decrease of 116 correctional officer positions over the past 15 years, a decline of 1.6%. DPSCS most recently gained 100 correctional officer positions in fiscal 2015.

The correctional officer vacancy rate directly affects departmental overtime spending since facilities must be fully staffed all hours of the day, all days of the year. As the vacancy rate has grown to nearly 14.0% as of January 2017, overtime spending has soared to more than \$70.0 million, as shown in **Exhibit 1**.

From a safety perspective, as vacancies and the use of overtime have increased, so have assault rates. The offender-on-offender assault rate increased to 6.03 assaults per 100 offenders in fiscal 2016, compared to a rate of 4.5 assaults the prior year. Similarly, the offender-on-staff assault rate increased from 1.57 to 2.49 assaults per 100 offenders.

The Governor's proposed fiscal 2018 budget abolishes 400 vacant positions prompted by the department's plans to downsize operations at the Maryland Correctional Institution – Hagerstown (MCI-H). As of January 13, 2017, DPSCS had a total of 1,694 vacancies, of which 985 were for correctional officers. Nearly two-thirds of the total vacancies fall within the correctional officer classification series, which also includes dietary, maintenance, supply officers, case managers, etc., meaning that a majority of the abolished positions will need to be front line staff positions. With the partial closure of MCI-H, at least some portion of correctional positions will no longer be needed. DPSCS intends to reallocate filled positions throughout the department to alleviate staffing shortages in other areas.

Exhibit 1
DPSCS – Employee Overtime
Fiscal 2012-2018 Allowance
(\$ in Millions)



DPSCS: Department of Public Safety and Correctional Services

Note: Vacancy data is from January of each fiscal year.

Source: Department of Public Safety and Correctional Services

The Governor’s proposed fiscal 2018 budget plan includes an assumed reversion from DPSCS of \$5.0 million in general funds. It is anticipated that these funds will be available for reversion due to the department’s extraordinarily high number of vacancies. As of January 1, 2017, DPSCS had 635 funded vacancies across the entire department. The fiscal 2017 budget cut \$7.8 million in general funds, \$100,000 in special funds, and 58 regular positions from DPSCS. The abolished positions consisted entirely of

administrative positions, with actual salary and fringe benefit savings of \$2.4 million. DPSCS absorbed the additional \$5.5 million reduction with excess personnel funding available from other vacancies.

State Expenditures: DPSCS has conducted similar biannual post-by-post staffing analyses in response to legislative directives. The bill's requirement to complete such a report every two years, in conjunction with the exclusive collective bargaining representative of the employees, may not be absorbable within the existing budgeted resources of DPSCS. Although the required reports may result in future operational efficiencies for DPSCS, general fund expenditures may increase for DPSCS to hire contractual staff to complete the required reports in fiscal 2018 and every other fiscal year thereafter.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2017
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