D27L00 Maryland Commission on Civil Rights

Operating Budget Data

(\$ in Thousands)

	FY 16 <u>Actual</u>	FY 17 Working	FY 18 Allowance	FY 17-18 Change	% Change <u>Prior Year</u>
General Fund	\$2,404	\$2,652	\$2,575	-\$78	-2.9%
Adjustments	0	-52	-9	43	
Adjusted General Fund	\$2,404	\$2,600	\$2,566	-\$34	-1.3%
Federal Fund	610	723	686	-37	-5.1%
Adjustments	0	0	-2	-2	
Adjusted Federal Fund	\$610	\$723	\$684	-\$39	-5.4%
Adjusted Grand Total	\$3,014	\$3,323	\$3,250	-\$73	-2.2%

Note: Includes targeted reversions, deficiencies, and contingent reductions.

- The adjusted fiscal 2018 allowance decreases by \$73,000, or 2.2%, from the adjusted fiscal 2017 appropriation. General fund changes reflect a \$52,000 fiscal 2017 negative deficiency for cost savings associated with temporarily vacant positions and a fiscal 2018 \$9,000 decrease from the statewide supplemental pension payment reduction.
- Federal funds decreased by \$39,000 with \$37,000 resulting from changes in federal contracts and \$2,000 from the statewide supplemental pension payment reduction.

Note: Numbers may not sum to total due to rounding.

Personnel Data

	FY 16 <u>Actual</u>	FY 17 <u>Working</u>	FY 18 Allowance	FY 17-18 <u>Change</u>
Regular Positions	33.50	31.00	31.00	0.00
Contractual FTEs	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0.00
Total Personnel	33.50	31.00	31.00	0.00
Vacancy Data: Regular Positions				
Turnover and Necessary Vacancies, Ex Positions	1.55	5.00%		
Positions and Percentage Vacant as of	12/31/16	3.00	9.68%	

- The fiscal 2018 number of regular positions remains the same as fiscal 2017 with 31.0 regular positions.
- The Maryland Commission on Civil Rights (MCCR) needs to maintain 1.55 vacant positions to meet the necessary turnover of 5%. As of December 31, 2016, there were 3.0 vacant positions as a result of recent staff retirements

Analysis in Brief

Major Trends

Complaints Processed and Closed: After fewer complaints and higher case closures were experienced in fiscal 2015, the trend has reversed in fiscal 2016 with higher numbers of complaints received and lower numbers of complaints closed.

Number of Days to Close Complaints: The number of days taken to close complaints has dropped markedly from 918 days in fiscal 2015 to 498 days in fiscal 2016.

Outreach and Events: With the newly reconstituted Education and Outreach Unit (E&O Unit), MCCR has in recent years begun collecting data on the number of outreach activities and events it has participated in or hosted. Since fiscal 2013, the number of events has increased steadily.

Issues

Discrimination Complaint Demographics: MCCR collects data on discrimination complaints by region, discrimination type, and protected class. The Department of Legislative Services (DLS) recommends that MCCR comment on how the types of cases received and the regional distribution of cases informs their current work practices and workload and the potential for an increase in complaints.

Understaffing: Since fiscal 2002, MCCR has lost 42% of its regular positions. There is some data that suggests an expansion of protected classes as well as an increase in hate crimes. A significant portion of hate crimes committed could directly affect caseloads for the agency. **DLS recommends** that MCCR discuss the historical decline in regular positions and the effect it has had on its ability to perform its duties and expand programs like the ones hosted by the E&O Unit.

Recommended Actions

1. Concur with Governor's allowance.



D27L00 Maryland Commission on Civil Rights

Operating Budget Analysis

Program Description

The Maryland Commission on Civil Rights (MCCR) resolves allegations of discrimination through conciliation, mediation, investigation, and litigation in the areas of employment, housing, and public accommodations. In particular, MCCR resolves allegations of discrimination on the basis of race, color, creed, ancestry, religion, sex, age, sexual orientation, national origin, marital status, familial status, genetic information, and physical or mental disability. MCCR maintains work sharing arrangements and contracts with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD) to supplement its efforts related to employment and fair housing. MCCR engages in cooperative efforts with federal, State, local, and private agencies with comparable interests, legal authority, or both.

In addition, MCCR enforces the State of Maryland's Commercial Nondiscrimination Policy. The policy prohibits the State from contracting with business entities, both public and private, that discriminate in the solicitation, selection, hiring, or treatment of vendors, suppliers, subcontractors, or commercial customers.

MCCR, through education and outreach efforts, seeks to improve community relations and foster a better understanding of the law, thereby reducing the potential number of complaints.

The key goals of MCCR are to improve equal opportunity in Maryland through the use of effective, creative, and efficient case processing activities; and to reduce, eliminate, or resolve instances of unlawful discrimination.

Performance Analysis: Managing for Results

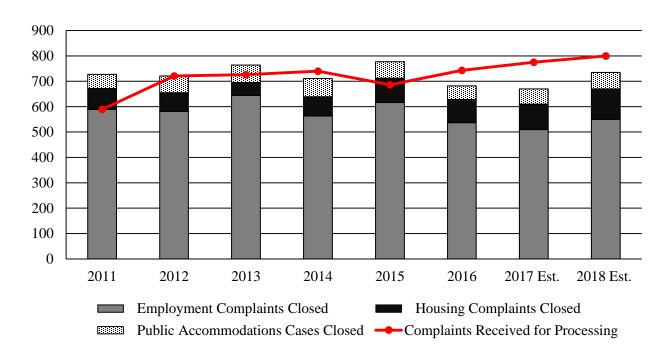
1. Complaints Processed and Closed

MCCR's case processing unit takes discrimination, harassment, and retaliation complaints from anyone who believes that they have been treated unfairly with regard to employment, housing, public accommodation, or State commercial contracts because of their race, color, religion, sex, age, familial status, national origin, marital status, disability, genetic information, sexual orientation, or gender identity. MCCR receives complaints directly and, when appropriate, also files federal complaints on behalf of the complainant with EEOC and HUD.

To file a Complaint of Discrimination, the complainant must provide a written and signed complaint within six months of the alleged incident in cases regarding employment or public accommodation and within one year of an incident regarding housing. Inquiries about the complaint

process can be made by telephone, email, fax, or traditional mail. **Exhibit 1** outlines the number of complaints received and closed for fiscal 2011 to 2016 and estimated complaint totals for fiscal 2017 and 2018. The number of complaints received declined in fiscal 2015, with the number of total cases closed increasing. It appears that this trend has reversed in fiscal 2016 with the number of total complaints received increasing to 743 and the number of cases closed in fiscal 2016 being 682.

Exhibit 1 Complaints Received and Closed Fiscal 2011-2018 Est.



Source: Maryland Commission on Civil Rights

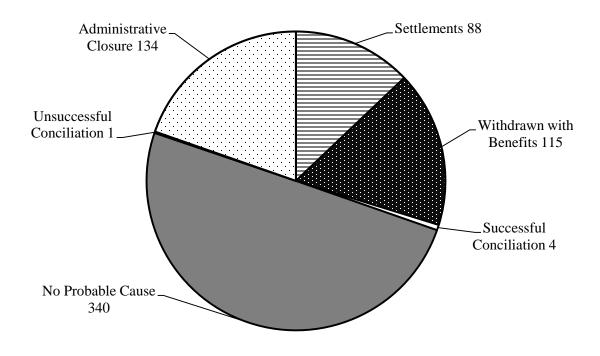
Exhibit 2 shows the number of complaints closed by complaint type from fiscal 2011 to 2016 and estimates for fiscal 2017 and 2018. Closure for a complaint can happen in one of six different ways. Complaints can be closed through:

- administrative closure, which includes complaints that fall outside the jurisdiction of MCCR and complaints that complainants decide to handle through other means (like court);
- no probable cause, which means that there is not sufficient evidence to suggest probable cause;

- successful conciliation, which occurs after probable cause is determined and the parties enter into negotiations and a settlement is agreed to by both parties;
- withdrawn with benefits, which occurs when the complainant and respondent have settled the matter privately; or
- settlements that occur during the investigative phase in which both parties reach a mutually agreeable settlement with the help of MCCR.

There was one unsuccessful conciliation in fiscal 2016 in which probable cause was determined and both parties entered negotiations but a settlement could not be determined. This case has been moved to litigation. Because cases where probable cause is evident but settlements are not agreed to are so rare, there is not a formal closure code for these types of cases.

Exhibit 2
Case Closure by Closure Type
Fiscal 2016



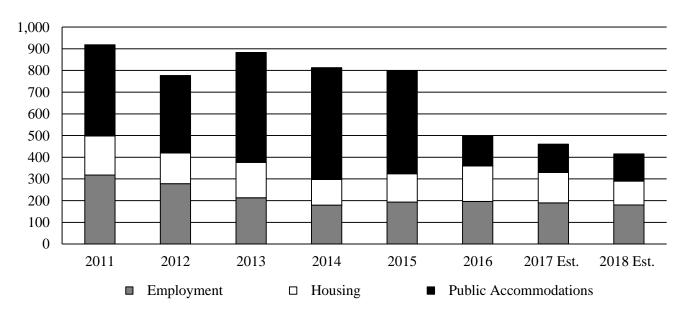
Just under half of the total cases result in a "no probable cause" closure classification. While this is common, it does not necessarily mean that discrimination did not occur. Closures with no probable cause emphasize the need for more education, both for entities whom complaints are filed against and constituents, so they can better understand what discrimination practices are prohibited and how to equip themselves if discrimination is experienced.

2. Number of Days to Close Complaints

Exhibit 3 shows the number of days to close an investigation or case through settlement. These numbers do not include cases in litigation or other cases with probable cause. The number of days has decreased markedly from 918 days in fiscal 2011 to 498 days in fiscal 2016, with the number of days projected to decrease to 415 for all complaints in fiscal 2018. Public accommodations cases are largely responsible for the decrease in days. Processing time for both employment and housing complaints have increased by 3 and 33 days, respectively. The decrease in time to process public accommodations complaints can be attributed to a single complainant with seven cases that were several years old. Once those cases were closed, the average time to close public accommodation cases significantly declined and is now more representative of the average number of days to close those cases.

Exhibit 3

Days to Process a Case
Fiscal 2011-2018 Est.

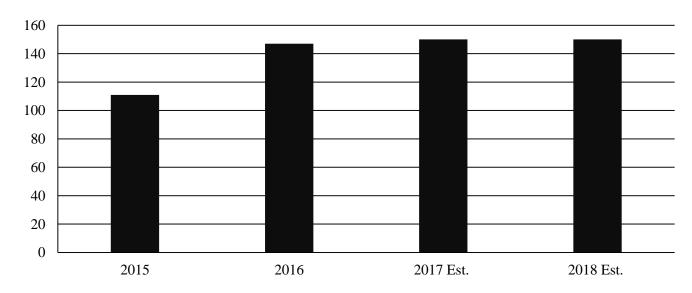


3. Outreach and Events

A newer Managing for Results (MFR) metric measures the number of education and outreach activities that MCCR has participated in. The Education and Outreach Unit (E&O Unit) was reconstituted in 2013 and is responsible for creating and providing educational programming, materials, and support for businesses, State and local government, nonprofits, and community organizations. Educational efforts were made historically, but a lack of funding and staff has hampered education and outreach efforts. In fiscal 2016, approximately 4,500 people have participated in educational programming provided by the E&O Unit. **Exhibit 4** outlines the number of activities hosted or attended by MCCR from fiscal 2013 to projections in fiscal 2017 and 2018. Some of the programming includes trainings conducted by MCCR staff on:

- Disability Awareness and Etiquette;
- Sexual Orientation and Gender Identity for Workplaces;
- Understanding your Rights; and
- Creating Safe Spaces for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual Individuals: Becoming an Ally workshops.

Exhibit 4
Education and Outreach Activities
Fiscal 2015-2018 Est.



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The E&O Unit has also participated in large-scale outreach events including the:

- Baltimore Federal Executive Board's Hispanic Heritage Month Celebration Event;
- National Association on Mental Illness Maryland State Conference; and
- When Life Hurts public assistance event hosted by the Department of Public Safety and Correctional Services and the Department of Juvenile Services.

Fiscal 2017 Actions

Proposed Deficiency

MCCR had a fiscal 2017 negative deficiency appropriation of \$52,000 in cost savings associated with salaries for 4 retired civil rights officers.

Section 20 Position Abolitions

As a part of the Section 20 budget bill position abolishment of 657 regular positions, MCCR abolished 2 regular positions.

Proposed Budget

As seen in **Exhibit 5**, the fiscal 2018 allowance for MCCR has decreased \$73,000 from the adjusted fiscal 2017 working appropriation. This includes a general fund decrease of \$34,000, or 1.3%, and a federal fund decrease of \$39,000, or 5.4%.

Exhibit 5 Proposed Budget Maryland Commission on Civil Rights (\$ in Thousands)

How Much It Grows:	General <u>Fund</u>	Federal <u>Fund</u>	<u>Total</u>
Fiscal 2016 Actual	\$2,404	\$610	\$3,014
Fiscal 2017 Working Appropriation	2,600	723	3,323
Fiscal 2018 Allowance	<u>2,566</u>	<u>684</u>	<u>3,250</u>
Fiscal 2017-2018 Amount Change	-\$34	-\$39	-\$73
Fiscal 2017-2018 Percent Change	-1.3%	-5.4%	-2.2%

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Where It Goes:

Personnel Expenses

Workers' compensation premium assessment	\$68
Deficiency – one-time salary savings in fiscal 2017	52
Turnover adjustments	-2
Social Security	-13
Retirement	-42
Employee and retiree health insurance	-78
Increments and other compensation	-137
Other Changes	
HUD, EEOC, and public accommodations training for investigators (federal funds)	\$37
IT Services from the Department of Information Technology	35
Legal transcripts, language, and interpretation contracts	16
Office furniture	9
Conference registration and travel for trainings	6
Statewide system allocations (Human Resources, Personnel, and Budget System)	-25
Miscellaneous expenses	1
Total	-\$73

EEOC: U.S. Equal Employment Opportunities Commission HUD: U.S. Department of Housing and Urban Development

IT: information technology

Note: Numbers may not sum to total due to rounding.

Personnel

The fiscal 2018 budget includes a \$152,000 decrease in personnel expenses. This includes a decrease of \$137,000 for regular positions that were returned to their base salary levels. MCCR had 4 civil rights officers retire in fiscal 2016, and the new employees hired start at the base rate for their positions.

Across-the-board Reductions

The fiscal 2018 budget bill includes a \$54.5 million (all funds) across-the-board contingent reduction for a supplemental pension payment. Annual payments are mandated for fiscal 2017 through 2020 if the Unassigned General Fund balance exceeds a certain amount at the close of the fiscal year. This agency's share of these reductions is \$8,594 in general funds, and \$1,746 in federal funds. This action is tied to a provision in the Budget Reconciliation and Financing Act of 2017.

Other Changes

MCCR received an increase of \$37,000 in federal funds for training and a \$6,000 general fund increase for travel, which includes HUD, EEOC, and Public Accommodation training for their civil rights officers. The costs for the HUD training is responsible for a large portion of the increase because the contract MCCR has with HUD previously included federal funding for training at the National Fair Housing Academy and that expense is no longer covered in the contract. In addition, because of the recent turnover, there is a need for more staff to attend conferences than is normally the case.

There is a net increase of \$26,000 for new and changing contracts for MCCR. The unexpected loss of its information technology (IT) specialist caused an immediate need for IT services that are now being provided by the Department of Information Technology (DoIT). As a result, there is a \$35,000 general fund increase for IT services from DoIT. There is also a \$16,000 general fund increase in contractual services for multilingual translation and interpretation. The translation and interpretation services are an essential component of the agencies intake, investigation, and outreach initiatives. These increases in contract expenses are offset by a \$25,000 general fund decrease in statewide allocations including the Enterprise Budget System, the Statewide Personnel System, and the Shared Human Resources contract.

Issues

1. Discrimination Complaint Demographics

MCCR collects a variety of data around the demographics, region, and type of complaints received and processed by their office. **Exhibit 6** shows a detailed breakdown of the complaints by region and complaint type. **Exhibits 7**, **8**, and **9** break down some of the more notable trends illustrated in the data. For example, as seen in Exhibit 7, the majority of complaints received are employment-related complaints. There have been 552 employment complaints, which eclipses complaints regarding housing or public accommodation. There have been no complaints in reference to State contracts in fiscal 2016. Of the complaints received, as seen in Exhibit 8, most are received from the Central Region of Maryland. Exhibit 9 shows that of the counties included in Central Maryland; the majority of complaints are received from Baltimore City and Anne Arundel and Baltimore counties.

Exhibit 6
Complaints Received by County and Discrimination Type
Fiscal 2016

	Employment	Housing	Public Access
West			
Allegany	8	2	0
Frederick	13	4	0
Garrett	1	1	0
Washington	7	5	3
Central			
Anne Arundel	69	16	10
Baltimore City	172	10	5
Baltimore	89	21	5
Carroll	4	0	0
Harford	8	4	35
Howard	18	1	0
Montgomery	49	18	4
Prince George's	53	10	3
Southern			
Calvert	3	1	0
Charles	11	0	0
St. Mary's	3	0	0
Eastern Shore			
Caroline	3	0	0
Cecil	9	4	0
Dorchester	3	0	0
Kent	3 3	0	0
Queen Anne's		0	1
Somerset	5	0	1
Talbot	4	0	0
Wicomico	11	0	0
Worcester	3	1	1

Exhibit 7 Complaints by Complaint Type Fiscal 2016

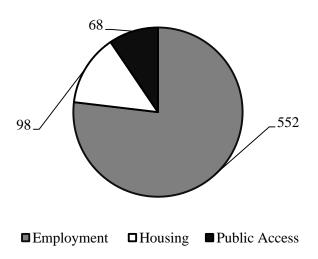


Exhibit 8 Complaints from Each Region Fiscal 2016

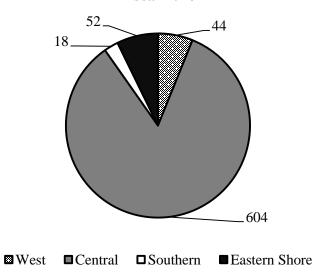
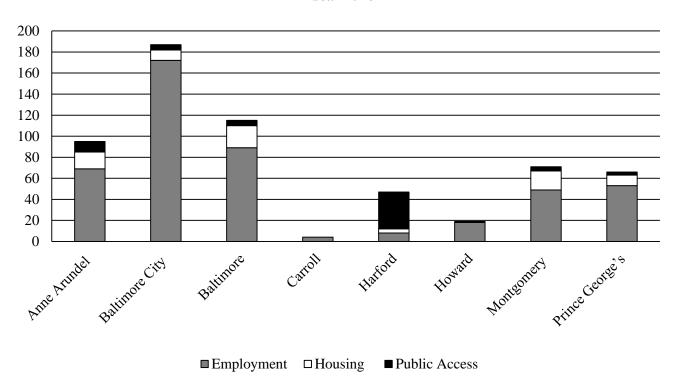


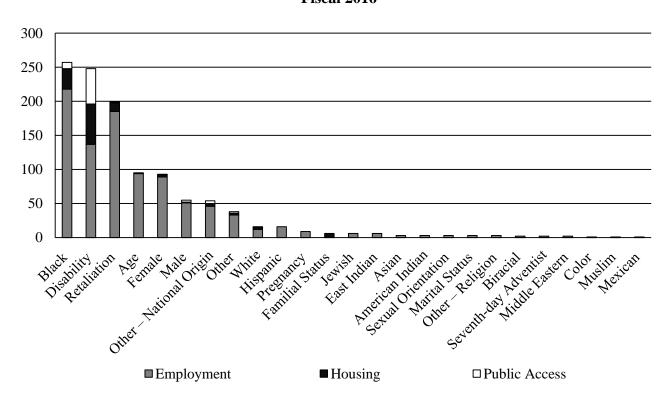
Exhibit 9 Complaints in Central Region Fiscal 2016



Complaints received in reference to racial discrimination against Black citizens represent the largest number of complaints with the majority of them being in reference to employment specifically. Complaints from Black citizens are closely followed in frequency by complaints regarding disability discrimination and retaliation as seen **Exhibit 10**.

Exhibit 10

Discrimination Complaints by Protected Class
Fiscal 2016



Protected Class	Total	Protected Class	<u>Total</u>
Black	257	East Indian	6
Disability	248	Asian	3
Retaliation	199	American Indian	3
Age	95	Sexual Orientation	3
Female	93	Marital Status	3
Male	55	Other – Religion	3
Other – National Origin	54	Biracial	2
Other	38	Seventh-day Adventist	2
White	16	Middle Eastern	2
Hispanic	16	Color	1
Pregnancy	9	Muslim	1
Familial Status	6	Mexican	1
Jewish	6		

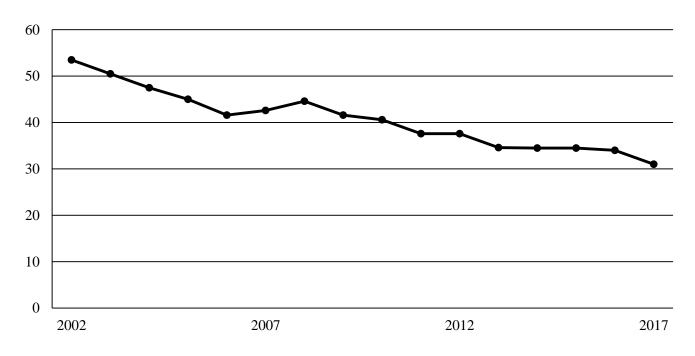
The number of cases by region and protected class are a direct indication of how and where MCCR should devote resources. This information helps inform the number of staff needed for each unit, the training provided to staff, the training designed by MCCR to be offered to the public, and the necessary legal expertise of the Office of General Counsel. This data also provides context to the current MFR data collected, highlighting the causes of fluctuations in number of complaints received and days to process cases.

The Department of Legislative Services (DLS) recommends that MCCR comment on how the types of cases received and the regional distribution of cases informs their current work practices and workload.

2. Understaffing

MCCR over time has lost a significant amount of staff. In 2002, the agency had 53.5 regular positions. It currently has 31.0 positions, as seen in **Exhibit 11**. This is a loss of over 42% of the staff since 2002. It currently has 11.0 investigators housed in its Baltimore Investigation Units, which has a caseload ratio of almost 68:1, based on complaints received for processing. MCCR also has 4.0 investigators in its Intake Unit at the end of calendar 2016. This unit is responsible for fielding and responding to the 1,745 annual inquires received by MCCR regarding acts of discrimination. In addition to the current workload for protected classes, State and federal laws continue to expand protections. For example, as of October 2015, interns have been added to employment discrimination protections through Chapter 43 of 2015. The agency may need more staff to accommodate the number of cases. Also, as education and outreach programs continue to increase, there will likely be more complaints of discrimination reported, as awareness about the presence and activities of the agency increase.

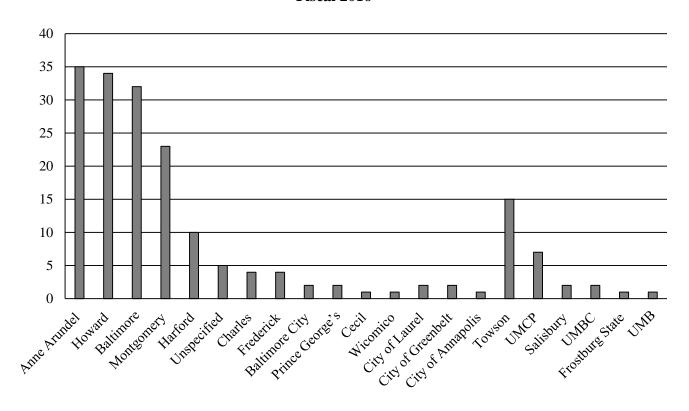
Exhibit 11
Regular Employees
Maryland Commission on Civil Rights
Fiscal 2002-2017



Hate Crimes

As an extension of employment, housing, public accommodation, and procurement contract discrimination, MCCR also maintains records of every Maryland Supplementary Hate Bias Incident Report Form filed by law enforcement officials and compiled by the Maryland State Police as outlined in § 2-307 (b)(4) of the Annotated Code of Maryland. While MCCR only records hate crimes reported from the State Police, historically an increase in hate crimes has paralleled an increase in discrimination complaints. Complaints received by MCCR are expected to increase from 1,745 in fiscal 2016 to 1,900 in fiscal 2017, and 2,150 in fiscal 2018. This directly affects intake and caseload numbers, particularly when the current trend is for fewer cases closed and higher numbers of complaints. **Exhibit 12** outlines the number of hate crimes by jurisdiction. The highest number of hate crimes in fiscal 2016 were committed in four counties, Anne Arundel, Baltimore, Howard, and Montgomery, with Anne Arundel reaching the top of the list with 35 hate crimes reported. **Exhibit 13** shows the number of hate crimes by motivation with 86 crimes being committed on the bases of race toward Black citizens.

Exhibit 12 Hate Crimes by Jurisdiction Fiscal 2016

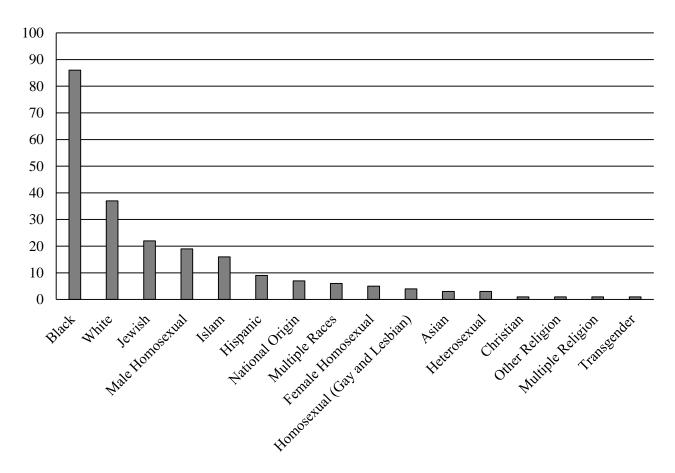


UMB: University of Maryland, Baltimore

UMBC: University of Maryland Baltimore County UMCP: University of Maryland, College Park

Note: Incidents on college campuses and municipalities are not included in jurisdictional counts.





In fiscal 2016, MCCR has seen an increase in hate crimes reported. In the weeks following the 2016 presidential election (which took place in fiscal 2017 outside of the timeframe for data reported below), there was a dramatic increase in hate crimes. Nationally, for example, within 10 days following the presidential election, there were 867 hate crimes reported to the Southern Poverty Law Center. A significant number of hate crimes were also noted in Maryland. If these acts take place in the workplace and if initiated by an employer or colleague, they could result in formal complaints with MCCR.

DLS recommends that MCCR discuss the historical decline in regular positions and the effect it has had on its ability to perform its duties and expand programs like the ones hosted by the E&O Unit and the potential for an increase in complaints.

Reco	mmen	ded	Act	ions
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1. Concur with Governor's allowance.

Appendix 1 Current and Prior Year Budgets Maryland Commission on Civil Rights (\$ in Thousands)

	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2016					
Legislative Appropriation	\$2,427	\$0	\$663	\$0	\$3,090
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	40	0	8	0	48
Reversions and Cancellations	-63	0	-61	0	-124
Actual Expenditures	\$2,404	\$0	\$610	\$0	\$3,014
Fiscal 2017					
Legislative Appropriation	\$2,623	\$0	\$717	\$0	\$3,339
Cost Containment	0	0	0	0	0
Budget Amendments	30	0	6	0	36
Working Appropriation	\$2,652	\$0	\$723	\$0	\$3,375

Note: Does not include targeted reversions, deficiencies, and contingent reductions. Numbers may not sum to total due to rounding.

Fiscal 2016

The fiscal 2016 legislative appropriation for the Maryland Commission on Civil Rights was increased by \$48,000 through budget amendments. The restoration of a 2% pay reduction increased general funds by \$40,000 and federal funds by \$8,000.

There was \$63,312 in reverted general funds because of the timing of staff retirements and new hires. There was also \$60,916 in federal funds canceled in association with the delayed hiring of 1 federally funded assistant general counsel position, which was subsequently eliminated in fiscal 2017.

Fiscal 2017

To date, the fiscal 2017 budget was increased by \$36,000. Specifically, a budget amendment for statewide salary adjustments increased general funds \$29,528 and federal funds \$6,125.

Appendix 2 Audit Findings

Audit Period for Last Audit:	March 12, 2012 – June 8, 2015
Issue Date:	September 2015
Number of Findings:	0
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	n/a

The Office of Legislative Audits found no audit findings.

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Appendix 3
Object/Fund Difference Report
Maryland Commission on Civil Rights

		FY 17			
	FY 16	Working	FY 18	FY 17 - FY 18	Percent
Object/Fund	Actual	Appropriation	Allowance	Amount Change	Change
D 14					
Positions	22.50	21.00	21.00	0.00	00/
01 Regular	33.50	31.00	31.00	0.00	0%
Total Positions	33.50	31.00	31.00	0.00	0%
Objects					
01 Salaries and Wages	\$ 2,777,251	\$ 3,122,499	\$ 2,929,270	-\$ 193,229	-6.2%
02 Technical and Spec. Fees	25,046	4,500	41,000	36,500	811.1%
03 Communication	39,718	44,442	43,405	-1,037	-2.3%
04 Travel	18,724	17,500	23,965	6,465	36.9%
07 Motor Vehicles	675	1,000	1,000	0	0%
08 Contractual Services	44,996	82,766	108,036	25,270	30.5%
09 Supplies and Materials	12,720	12,000	13,000	1,000	8.3%
10 Equipment – Replacement	2,025	0	9,000	9,000	N/A
12 Grants, Subsidies, and Contributions	500	1,000	1,000	0	0%
13 Fixed Charges	92,045	89,391	90,539	1,148	1.3%
Total Objects	\$ 3,013,700	\$ 3,375,098	\$ 3,260,215	-\$ 114,883	-3.4%
Funds					
01 General Fund	\$ 2,404,029	\$ 2,652,323	\$ 2,574,501	-\$ 77,822	-2.9%
05 Federal Fund	609,671	722,775	685,714	-37,061	-5.1%
Total Funds	\$ 3,013,700	\$ 3,375,098	\$ 3,260,215	-\$ 114,883	-3.4%

Note: Does not include targeted reversions, deficiencies, and contingent reductions.

Appendix 4 Fiscal Summary **Maryland Commission on Civil Rights**

Program/Unit	FY 16 <u>Actual</u>	FY 17 <u>Wrk Approp</u>	FY 18 Allowance	Change	FY 17 - FY 18 <u>% Change</u>
01 General Administration	\$ 3,013,700	\$ 3,375,098	\$ 3,260,215	-\$ 114,883	-3.4%
Total Expenditures	\$ 3,013,700	\$ 3,375,098	\$ 3,260,215	-\$ 114,883	-3.4%
General Fund	\$ 2,404,029	\$ 2,652,323	\$ 2,574,501	-\$ 77,822	-2.9%
Federal Fund	609,671	722,775	685,714	-37,061	-5.1%
Total Appropriations	\$ 3,013,700	\$ 3,375,098	\$ 3,260,215	-\$ 114,883	-3.4%

Note: Does not include targeted reversions, deficiencies, and contingent reductions.