

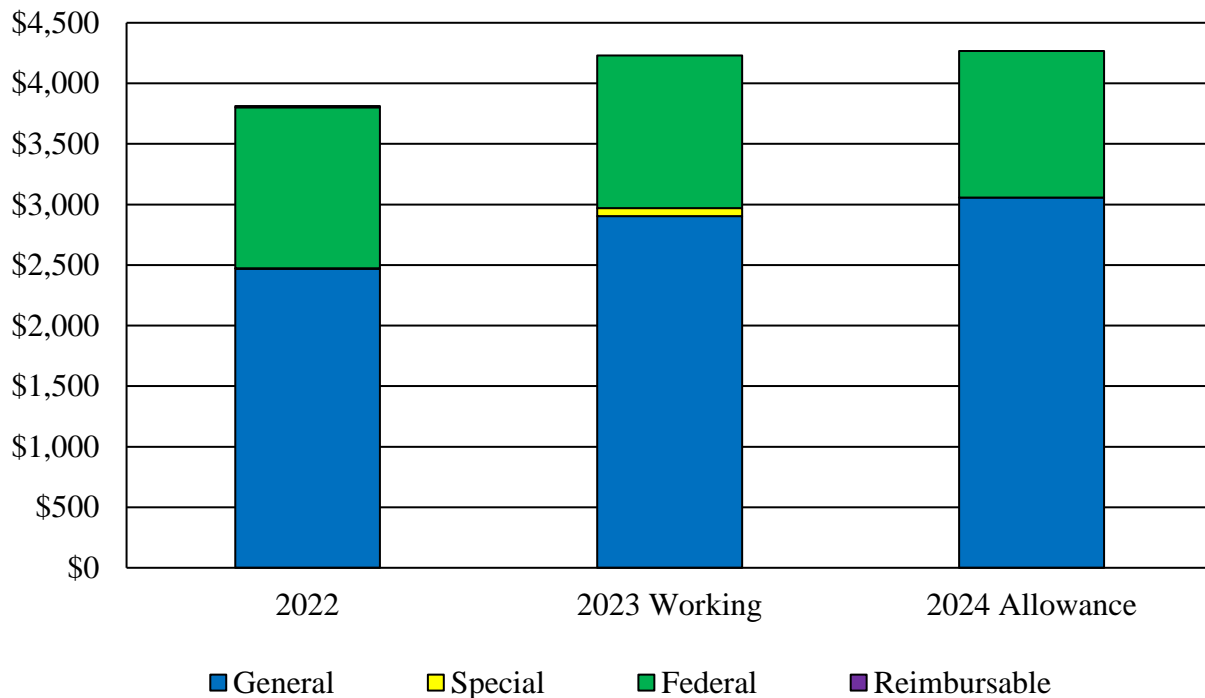
D27L00
Maryland Commission on Civil Rights

Program Description

The Maryland Commission on Civil Rights (MCCR) works to prevent discrimination and ensure equal opportunity in the areas of employment, housing, and public accommodation. MCCR investigates and resolves claims of civil rights violations and carries out educational training programs to expand and promote knowledge about unlawful discrimination and solutions to address it. MCCR maintains work-sharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD) to bolster its work in the areas of employment and fair housing.

Operating Budget Summary

Fiscal 2024 Budget Increases \$36,557, or 0.9%, to \$4.3 Million
(\$ in Thousands)



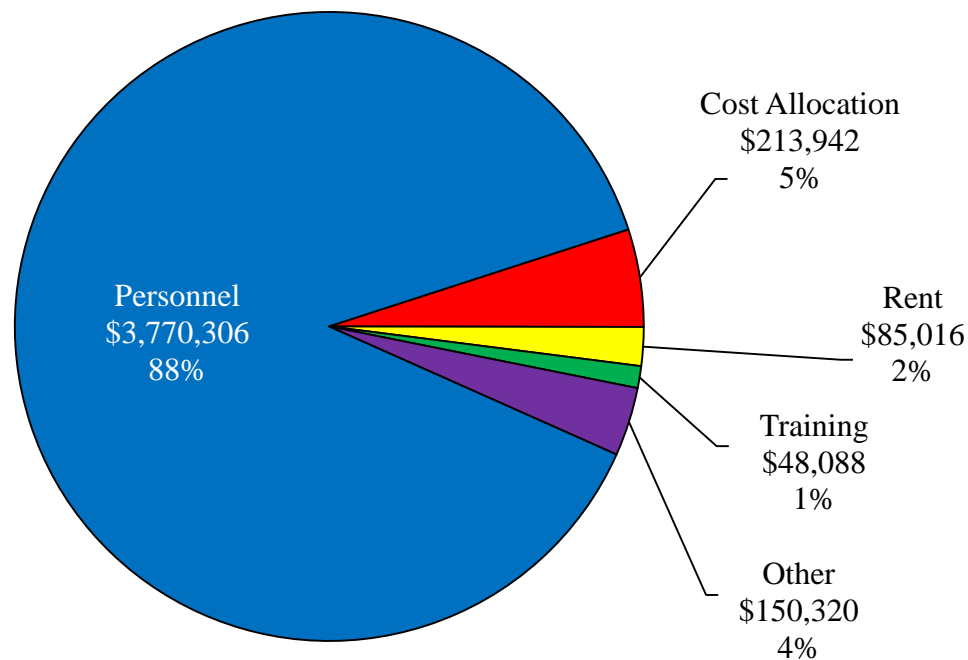
Note: The fiscal 2023 working appropriation includes deficiency appropriations including this agency's share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

- A majority of MCCR’s funding originates from general funds, and the commission receives federal funds from HUD and EEOC to investigate housing-related and employment-related claims, respectively. In fiscal 2023, MCCR also received special funds from donations which were used to support its Civil Rights & Fair Housing Gala.

Fiscal 2024 Overview of Agency Spending

As shown in **Exhibit 1**, MCCR’s fiscal 2024 allowance totals \$4.3 million. Personnel expenses comprise the majority (88%) of total expenditures and fund 33 regular positions and 1 contractual full-time equivalent. The remainder of the budget consists of miscellaneous service contracts and office expenses.

Exhibit 1
Overview of Agency Spending
Fiscal 2024 Allowance



Note: The fiscal 2024 allowance does not include salary enhancements that are budgeted in the Statewide Account within the Department of Budget and Management.

Source: Governor’s Fiscal 2024 Budget Books

Proposed Budget Change

As shown in **Exhibit 2**, the fiscal 2024 allowance increases by approximately \$37,000, or 0.9%, compared to the fiscal 2023 working appropriation after adjusting for a statewide deficiency appropriation. The primary driver of the budget increase is the annualization of a 4.5% cost-of-living adjustment (COLA) provided in November 2022 (\$133,136). Other salary adjustments result in an increase of \$22,919 due to prior reclassifications, which MCCR indicates was to adjust salaries based on current responsibilities.

Exhibit 2 Proposed Budget Maryland Commission on Civil Rights (\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2022 Actual	\$2,471	\$3	\$1,329	\$10	\$3,814
Fiscal 2023 Working Appropriation	2,905	65	1,261	0	4,231
Fiscal 2024 Allowance	<u>3,057</u>	<u>0</u>	<u>1,210</u>	<u>0</u>	<u>4,268</u>
Fiscal 2023-2024 Amount Change	\$152	-\$65	-\$50	\$0	\$37
Fiscal 2023-2024 Percent Change	5.2%	-100.0%	-4.0%	n/a	0.9%

Where It Goes:	<u>Change</u>
Personnel Expenses	
Annualization of 4.5% COLA provided in November 2022.....	\$44
Employee and retiree health insurance.....	35
Reclassifications to adjust Civil Rights Officers' salaries based on current responsibilities	23
Employee retirement system	3
Social Security contributions.....	-1
Turnover adjustments	-3
Salary and wages due to budgeting a vacant position at a lower salary	-29

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Where It Goes:	<u>Change</u>
Other Changes	
Cost allocations	27
Rent.....	2
Other expenses.....	2
One-time special funds to support civil rights gala	-65
Total	\$37

COLA: cost-of-living-adjustment

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

Aside from personnel, the largest change in fiscal 2024 is the elimination of \$65,000 in special funds from donations to support MCCR's Biennial Civil Rights & Fair Housing Gala, which took place in August 2022. Special funds were originally included in MCCR's fiscal 2022 allowance for this purpose, but MCCR canceled the funds due to the event being postponed in response to the COVID-19 pandemic, and funds were added to the fiscal 2023 appropriation.

Personnel Data

	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23-24</u> <u>Change</u>
Regular Positions	33.00	33.00	33.00	0.00
Contractual FTEs	<u>0.50</u>	<u>1.00</u>	<u>1.00</u>	<u>0.00</u>
Total Personnel	33.50	34.00	34.00	0.00

Vacancy Data: Regular

Turnover and Necessary Vacancies, Excluding		
New Positions	0.67	2.04%
Positions and Percentage Vacant as of 12/31/22	2.00	6.06%
 Vacancies Above Turnover	 1.33	

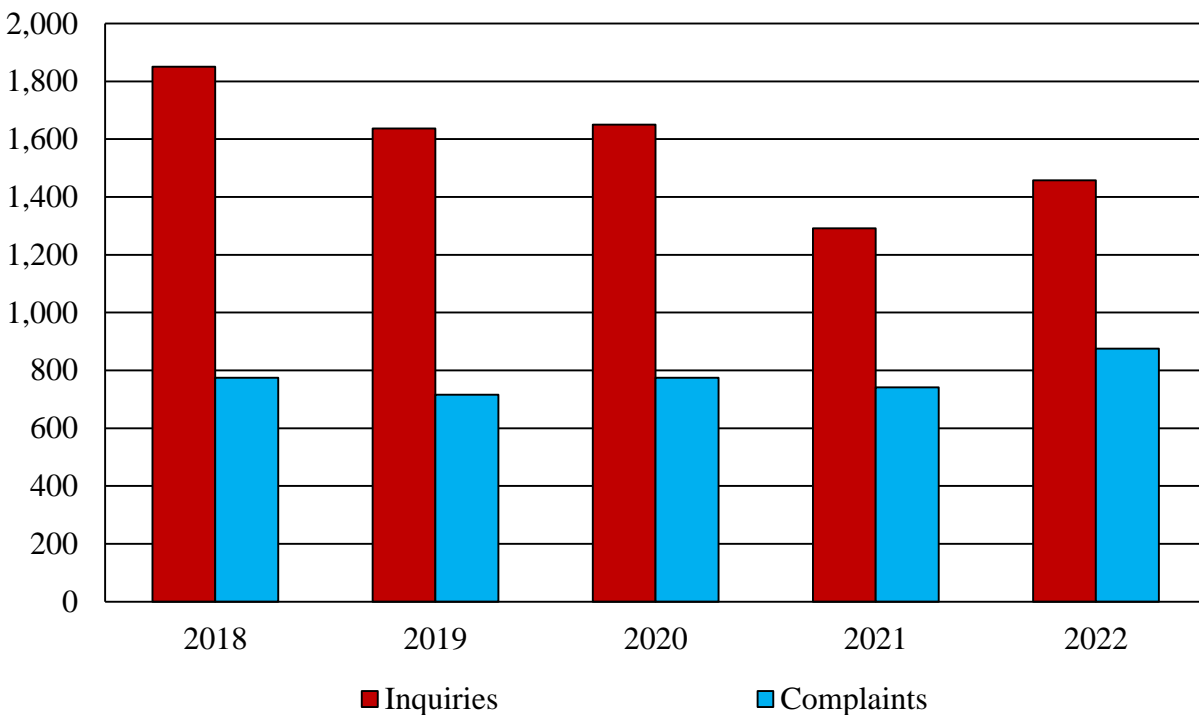
- MCCR's 2 vacant positions have been vacant for less than three months.

Key Observations

1. MCCR Carries Backlog of Cases as Staffing Remains Level

Over the last several years, MCCR received 1,200 to 1,800 inquiries and 700 or more complaints of potential civil rights violations annually. As shown in **Exhibit 3**, following a dip in cases in fiscal 2021 attributed primarily to the COVID-19 pandemic, case counts have again started to rise as offices and other spaces have reopened to the public.

Exhibit 3
Civil Rights Inquiries and Complaints Received
Fiscal 2018-2022



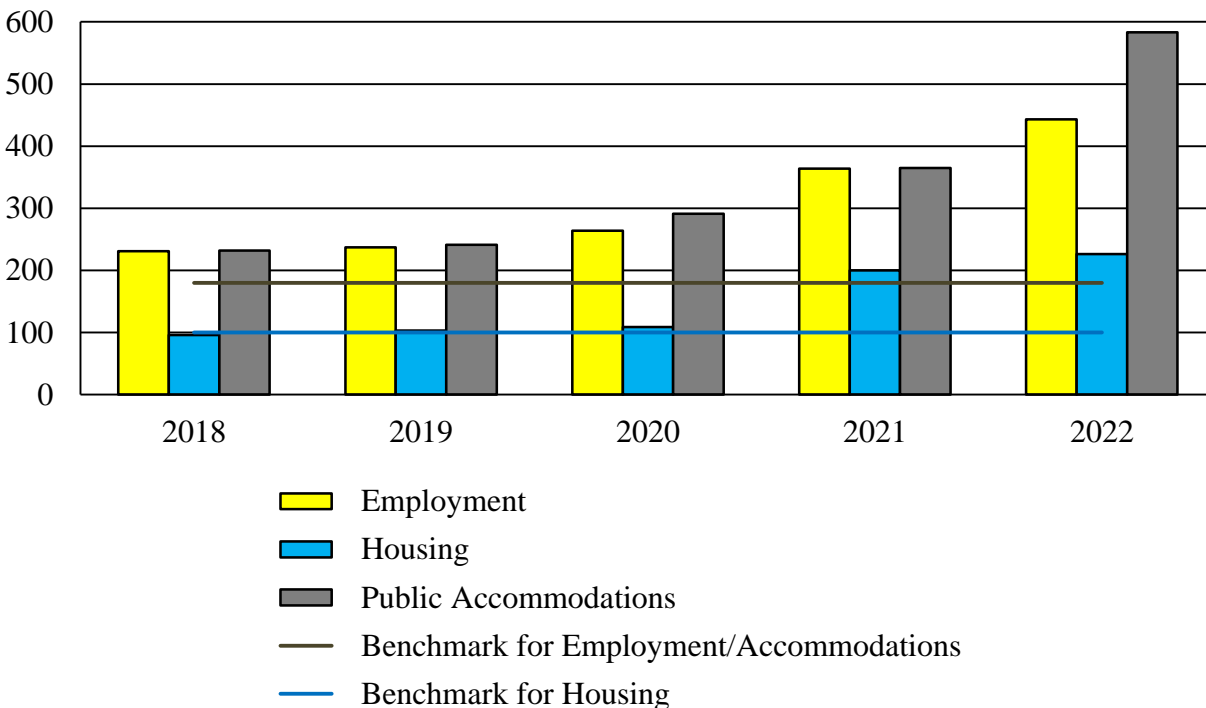
Source: Governor's Fiscal 2024 Budget Books

As new cases are received, MCCR accumulates a backlog of cases that remain unassigned to an investigator until sufficient staff time is freed up to process a case. Committee narrative in the 2022 *Joint Chairmen's Report* (JCR) requested that MCCR provide an update on the backlog. As of October 2022, MCCR reported a backlog of 273 unassigned cases, with 435 open assigned cases. Of these cases (assigned and unassigned), 421 (59%) have been

unresolved for more than one year. MCCR has made progress in decreasing the backlog since fiscal 2021 by streamlining its internal processes for investigating cases. MCCR had reported 567 unassigned cases as of June 30, 2021, more than double its most recently reported backlog.

To measure the agency’s ability to process cases in a timely manner, MCCR employs internally defined benchmarks for cases related to employment and public accommodation at 180 days per case and uses the HUD benchmark of 100 days per case for housing related cases. As shown in **Exhibit 4**, the average number of days taken to process and resolve a case by MCCR has exceeded benchmarks in each of the three case areas over the last several years and has done so at an increasing rate since fiscal 2019. However, the average case processing time is also impacted by the age of cases in MCCR’s overall portfolio. As older cases are resolved, the average processing duration would be expected to increase at least in the short term. Therefore, MCCR’s efforts since 2021 to address the backlog and resolve open cases would be expected to contribute to a rise in average case processing times. **MCCR should discuss the degree to which this effort has led to the increased case processing times in fiscal 2022.**

Exhibit 4
Average Number of Days to Process Cases Against Benchmarks
Fiscal 2018-2022



Source: Governor’s Fiscal 2024 Budget Books

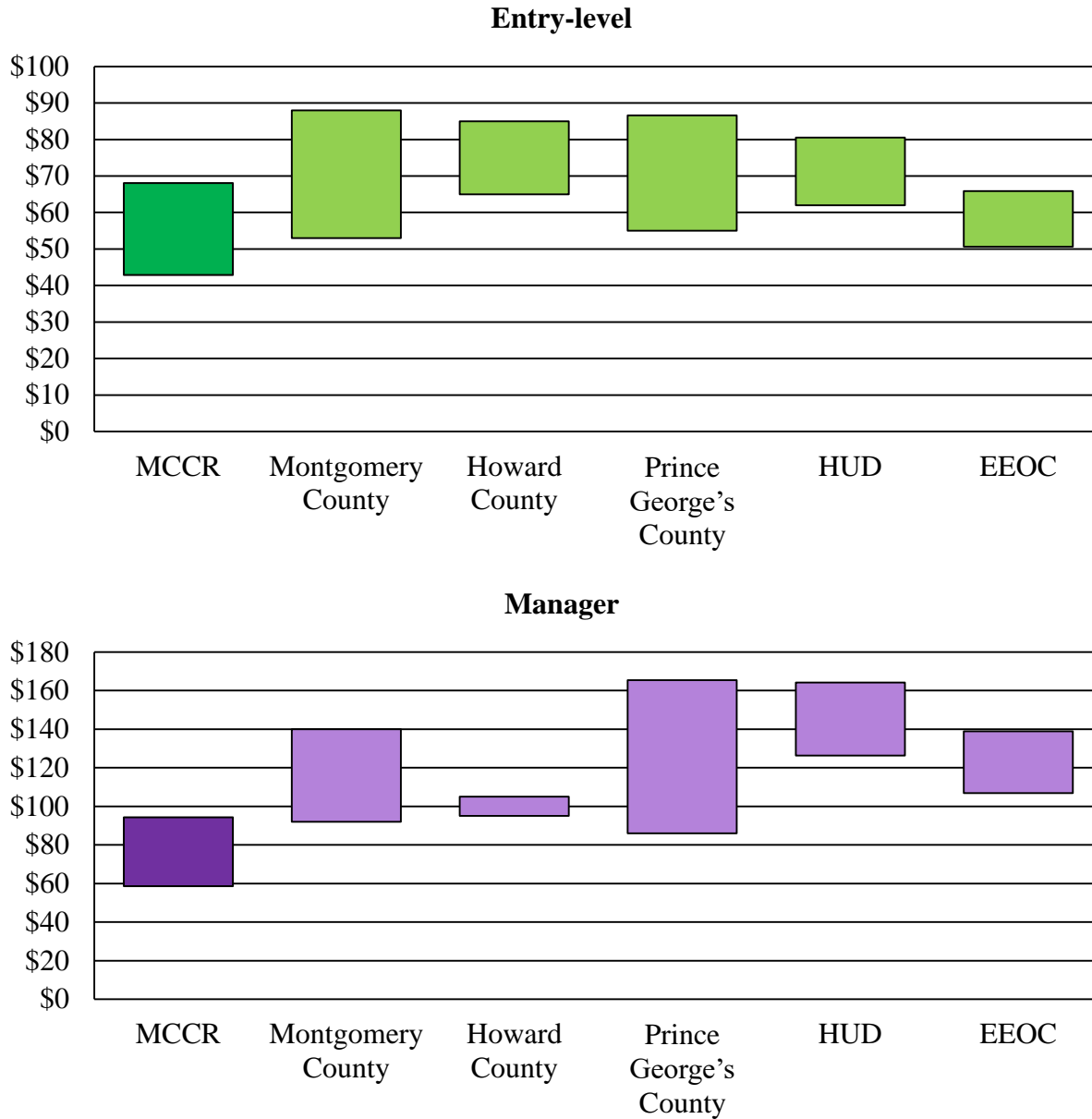
Barriers to Resolving the Backlog

MCCR has reported that the primary cause of the backlog is insufficient staff. In its 2022 JCR response, MCCR reported that without additional authorized positions, the office will continue to have a backlog of cases. MCCR reports carrying about 250 to 300 unassigned cases per month. To address the high volume of cases, MCCR Civil Rights Officers (CRO) who investigate cases have taken on higher caseloads, which impacts MCCR's ability to recruit and retain staff. MCCR reported in its response to the 2022 JCR that as of October 2022, CROs investigating employment cases were assigned 25 to 30 cases per investigator, which MCCR considers acceptable. For housing and public accommodation cases, investigators are assigned 43 cases each, which MCCR considers high and aims to decrease to 25 to 30 per investigator. MCCR reports needing 10 to 12 additional authorized CRO positions to adequately process the volume of inquiries and complaints in a timely manner.

In addition, MCCR has cited an inability to offer competitive salaries to its investigative staff; when coupled with high staff caseload ratios, this makes employee retention challenging. According to MCCR, of the nine CROs who have left the commission since fiscal 2020, six resigned to take another position elsewhere and three retired. However, it is unclear whether those who left took similar positions at another agency. MCCR also reports that many CROs left the agency soon after receiving training due to the workload for the salary offered.

Exhibit 5 illustrates the comparison between calendar 2022 salary bands for entry-level and supervising CROs at MCCR and equivalent positions in Howard, Montgomery, and Prince George's counties, as well as HUD and EEOC. MCCR salaries fall behind local jurisdictions with fewer total cases, and which represent smaller populations and geographic areas. As shown in this exhibit, MCCR salaries start at lower ranges and have lower top salary levels than comparable positions in similar agencies. The fiscal 2024 allowance includes a total of \$282,269 to address salary concerns related to the CRO positions. This total includes funding within MCCR's budget to reclassify some positions (\$47,013), as well as in the Department of Budget and Management as an annual salary review (ASR) adjustment for 18 CROs (\$235,256) to provide step adjustments to resolve salary inequities between certain positions. The ASR is in addition to regular COLAs and increments for all State employees. A subsequent fiscal 2024 salary data comparison between MCCR and nearby jurisdictions is necessary to understand the degree to which wage disparities still exist between MCCR and similar offices.

Exhibit 5
Investigator Salary Bands
Calendar 2022
(\$ in Thousands)



EEOC: U.S. Equal Employment Opportunity Commission
HUD: U.S. Department of Housing and Urban Development
MCCR: Maryland Commission on Civil Rights

Source: Maryland Commission on Civil Rights

To better understand MCCR's turnover and why employees leave the agency, the Department of Legislative Services (DLS) recommends adopting committee narrative requesting that MCCR provides an analysis of employee recruitment and retention, indicating tenure and reason given for leaving MCCR. DLS also recommends adopting committee narrative requesting an update on backlogged and open cases.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Employee Recruitment and Retention Update: The Maryland Commission on Civil Rights (MCCR) indicates that high workloads and inability to offer competitive salaries to investigative staff, impede recruitment and retention efforts. The committees request that MCCR submit a report providing the following information:

- number of individuals by classification that have left the agency fiscal 2020 through the close of fiscal 2023;
- length of tenure in dates;
- analysis of the reasons given by employee for leaving, if available;
- number of these individuals by fiscal year leaving the agency that took a comparable position, if available; and
- description of recruitment and retention efforts undertaken in fiscal 2022.

Information Request	Author	Due Date
Employee recruitment and retention update	MCCR	September 15, 2023

2. Adopt the following narrative:

Update on Backlogged and Open Cases: The Maryland Commission on Civil Rights (MCCR) most recently reported a backlog of 273 cases that have yet to be assigned to an investigator. As of October 2022, there were 435 open cases, 431 of which were unresolved for more than one year. The committees request a report providing an update with the following data as of July 1, 2023:

- current number of open and pending cases, by case type;
- number of cases that have been unresolved for more than one year;
- average case processing times by case type for fiscal 2023;
- number of filled investigator staff positions and caseload size by unit; and

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- current average staff to caseload ratios by case type and a comparison to the staff to caseload ratios held at similar offices in other jurisdictions.

Information Request	Author	Due Date
Update on backlogged and open cases	MCCR	September 15, 2023

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

The 2022 JCR requested that MCCR prepare two reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Open Cases and Investigator Staffing:*** MCCR reported on multiple data points to illustrate the current state of the backlog of pending and open cases received by the commission. Further discussion regarding MCCR’s high caseloads and staffing challenges can be found in Key Observation 1 of this analysis.
- ***Case Resolution Processes and Resolution Types:*** In its response, MCCR described a typical resolution process, which involves intake, investigation, and conflict resolution between two parties. MCCR also submitted data breaking out the types of resolutions reached in closed cases between fiscal 2020 and 2022. Most of the resolutions during this period were for employment cases, and most resulted in a no cause finding.

Appendix 2
Object/Fund Difference Report
Maryland Commission on Civil Rights

<u>Object/Fund</u>	<u>FY 22 Actual</u>	<u>FY 23 Working Appropriation</u>	<u>FY 24 Allowance</u>	<u>FY 23 - FY 24 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	33.00	33.00	33.00	0.00	0%
02 Contractual	0.50	1.00	1.00	0.00	0%
Total Positions	33.50	34.00	34.00	0.00	0%
Objects					
01 Salaries and Wages	\$ 3,201,997	\$ 3,546,901	\$ 3,706,460	\$ 159,559	4.5%
02 Technical and Special Fees	67,508	109,537	111,934	2,397	2.2%
03 Communication	28,893	34,020	34,020	0	0%
04 Travel	985	12,000	12,000	0	0%
07 Motor Vehicles	4,440	3,000	3,000	0	0%
08 Contractual Services	315,037	314,528	276,298	-38,230	-12.2%
09 Supplies and Materials	10,771	15,000	15,000	0	0%
10 Equipment – Replacement	72,539	1,000	1,000	0	0%
11 Equipment – Additional	6,281	500	500	0	0%
13 Fixed Charges	105,135	104,274	107,460	3,186	3.1%
Total Objects	\$ 3,813,586	\$ 4,140,760	\$ 4,267,672	\$ 126,912	3.1%
Funds					
01 General Fund	\$ 2,470,769	\$ 2,836,817	\$ 3,057,180	\$ 220,363	7.8%
03 Special Fund	3,350	65,000	0	-65,000	-100.0%
05 Federal Fund	1,329,467	1,238,943	1,210,492	-28,451	-2.3%
09 Reimbursable Fund	10,000	0	0	0	0.0%
Total Funds	\$ 3,813,586	\$ 4,140,760	\$ 4,267,672	\$ 126,912	3.1%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include salary adjustments budgeted within the Statewide Account in the Department of Budget and Management.