

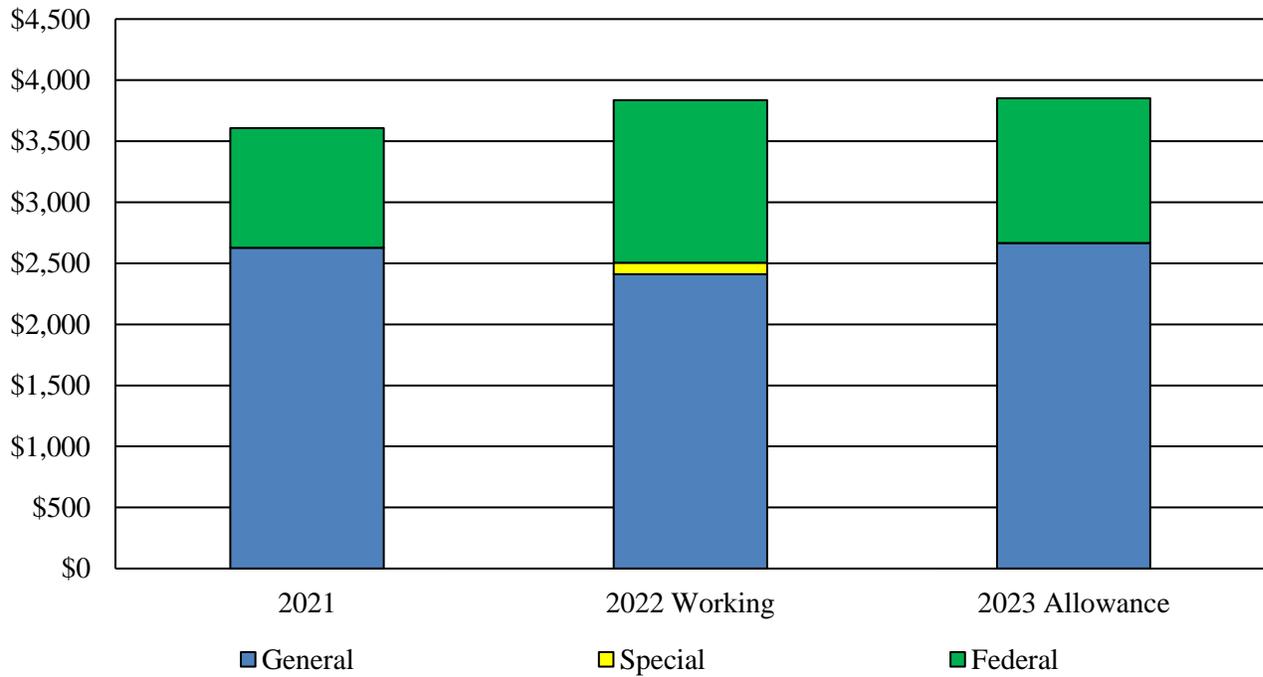
D27L00
Maryland Commission on Civil Rights

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 works to resolve allegations of discrimination through investigation, mediation, and litigation, and conducts education and outreach on a variety of training topics to further its mission of promoting and improving civil rights across Maryland. 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 supplement its efforts related to employment and fair housing.

Operating Budget Summary

Fiscal 2023 Budget Increases \$18,256, or 0.5%, to \$3.9 Million
(\$ in Thousands)



Note: The fiscal 2022 working appropriation includes deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Fiscal 2022

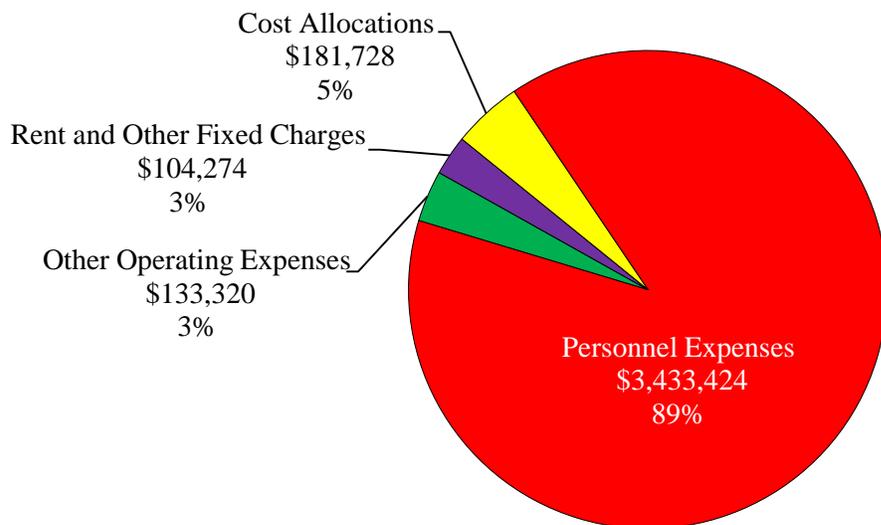
Proposed Deficiency

The fiscal 2023 budget includes one proposed fiscal 2022 federal fund deficiency appropriation of \$99,483 to fund general agency operating expenses and information technology (IT) replacement costs.

Fiscal 2023 Overview of Agency Spending

The total fiscal 2023 allowance for MCCR is \$3.9 million. As shown in **Exhibit 1**, the majority of the agency’s budget (89%) consists of personnel costs. Regular and contractual personnel expenses total \$3.4 million and support 33 regular positions and 1 contractual full-time equivalent. Outside of personnel expenses, the largest share of MCCR’s budget consists of centrally budgeted cost allocations, the largest of which is the Department of Information Technology shared services allocation. These expenses total \$181,728 or 5% of the budget.

Exhibit 1
Overview of Agency Spending
Fiscal 2023 Allowance



Note: The fiscal 2023 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Fiscal 2023 Budget Books; Department of Legislative Services

Proposed Budget Change

As shown in **Exhibit 2**, the fiscal 2023 allowance increases by \$18,256, or 0.5%, from the fiscal 2022 working appropriation. The largest area of increase in the budget is in personnel expenses, which grow by \$168,407 and offset decreases in other operating expenses. The largest decreases in the fiscal 2023 allowance result from one-time spending in fiscal 2022, including a \$95,000 reduction in special fund expenditures for MCCR’s civil rights gala event and other education and outreach activities. Replacement IT equipment purchases also decrease by \$69,840 after taking into account the proposed fiscal 2022 deficiency appropriation.

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

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Total</u>
Fiscal 2021 Actual	\$2,626	\$0	\$981	\$3,607
Fiscal 2022 Working Appropriation	2,410	95	1,330	3,834
Fiscal 2023 Allowance	<u>2,667</u>	<u>0</u>	<u>1,186</u>	<u>3,853</u>
Fiscal 2022-2023 Amount Change	\$257	-\$95	-\$144	\$18
Fiscal 2022-2023 Percent Change	10.7%	-100.0%	-10.8%	0.5%

Where It Goes:	<u>Change</u>
Personnel Expenses	
Employee and retiree health insurance	\$89
Regular salaries.....	59
Employee retirement contributions.....	16
Other fringe benefit adjustments	4
Other Changes	
Cost allocations, including DoIT service allocation.....	34
Other	12
Travel expenses	-31
Replacement equipment purchases – information technology	-70
One-time special fund expenditures for civil rights gala event and outreach activities .	-95
Total	\$18

DoIT: Department of Information Technology

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

Personnel Data

	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22-23</u> <u>Change</u>
Regular Positions	31.00	33.00	33.00	0.00
Contractual FTEs	<u>3.00</u>	<u>1.00</u>	<u>1.00</u>	<u>0.00</u>
Total Personnel	34.00	34.00	34.00	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions		0.66	2.00%
Positions and Percentage Vacant as of 12/31/21		3.00	9.09%
Vacancies Above Turnover		2.34	

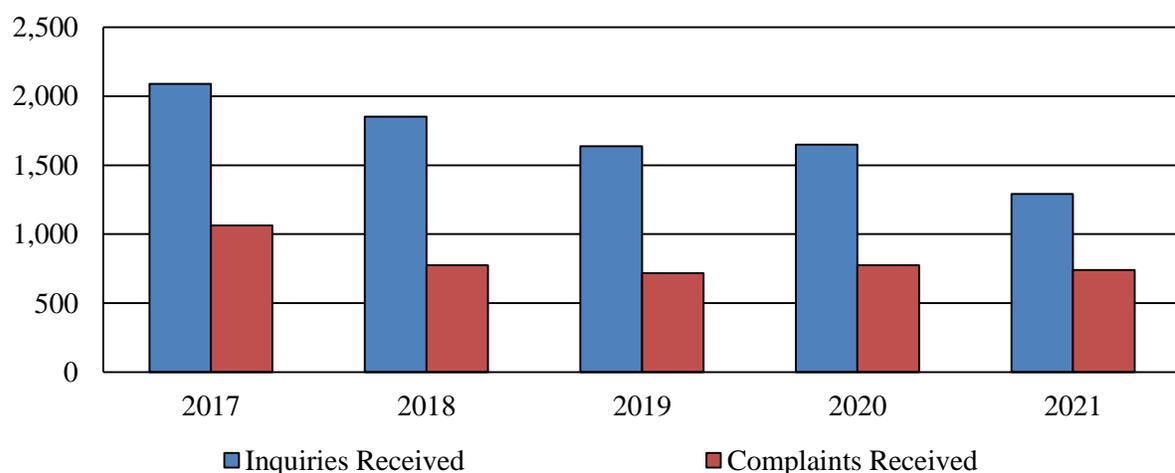
Key Observations

1. Inquiries, Complaints Received, and Cases Closed Decline

MCCR’s Case Processing Department is responsible for intake and investigative services for complaints of discrimination, harassment, and retaliation that are filed by anyone who feels that they have been treated unfairly in the areas of employment, housing, or public accommodation due to membership in a protected class. MCCR receives complaints directly and processes some complaints filed with EEOC and HUD through work-sharing agreements. For complaints filed directly with MCCR, the complainant must first initiate an inquiry by completing a form on the commission’s website and scheduling an interview with the Intake Unit. Following the initial interview, all necessary documentation must be signed and returned to formally file a complaint and initiate the case process. Complaints are required to be filed within 300 days of the alleged incident in cases regarding employment, six months in cases regarding public accommodation, and one year for incidents regarding discrimination in housing practices.

Exhibit 3 illustrates the total number of inquiries received and complaints filed with MCCR each year. In fiscal 2021, the number of inquiries received during the year declined from 1,650 to 1,291, and the number of complaints received declined from 775 to 741. These numbers can fluctuate from year-to-year; however, MCCR notes that these declines can be attributed in part to the COVID-19 pandemic. In particular, employment-related complaints and inquiries, which make up the largest category of cases that are received each year, have declined during the pandemic due to teleworking and less employees being present in an office setting.

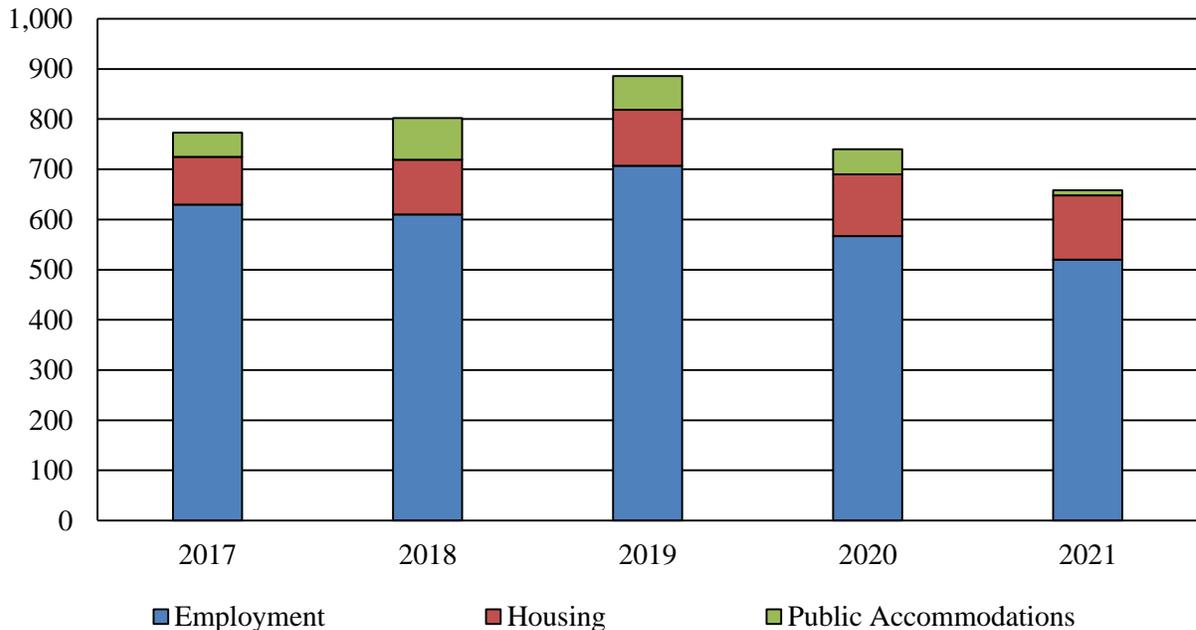
Exhibit 3
Inquiries and Complaints Received for Processing
Fiscal 2017-2021



Source: Maryland Commission on Civil Rights; Department of Budget and Management

The total number of cases closed by case type is shown in **Exhibit 4**. Consistent with employment complaints making up the largest share of cases processed by MCCR, these cases also make up the largest share of cases closed, at approximately 80% in fiscal 2021. Overall, total cases closed declined from 740 to 658 in 2021; however, the number of housing cases closed increased slightly. As previously noted, the impacts of the increased use of telework during the pandemic has resulted in fewer employment complaints filed and thus a reduction in the number of cases closed; in addition, staffing limitations and expanded individual investigator caseloads have contributed to these declines. The total number of public accommodations cases closed also declined due to pandemic-related closures. These closures impacted the number of complaints filed in this area and in some cases impacted the ability of MCCR to conduct full investigations of complaints.

Exhibit 4
Cases Closed by Type
Fiscal 2017-2021



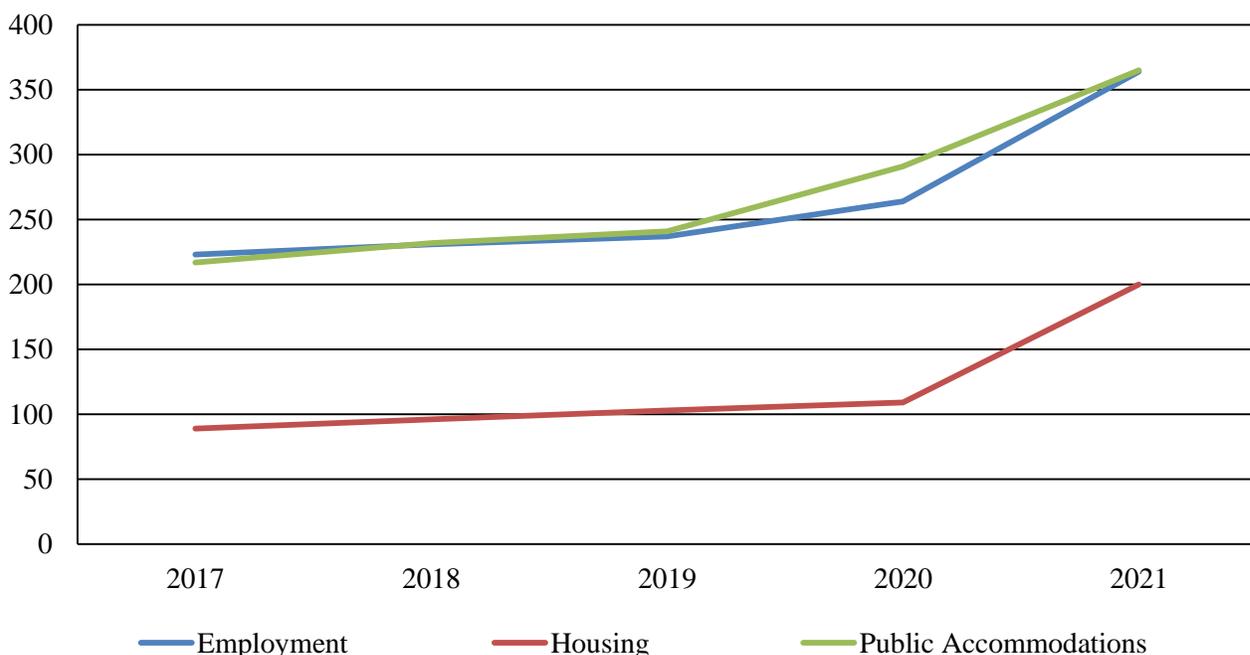
Source: Maryland Commission on Civil Rights; Department of Budget and Management

2. Case Processing Times Increase

MCCR has an internal benchmark of 180 days for closure of employment and public accommodations cases, and HUD has set a benchmark of 100 days for closure of housing cases. As shown in **Exhibit 5**, the average number of days to process a case has increased for each category in

each of the past five years. In fiscal 2021, case processing times averaged 364 days for employment cases, 200 days for housing cases, and 365 days for public accommodations cases. Average case processing times increased by 100 days for employment cases and 91 days for housing cases in fiscal 2021 and have increased by 124 days for public accommodations cases since fiscal 2019. These averages are now double the benchmarks set for each case type.

Exhibit 5
Average Number of Days to Process a Case
Fiscal 2017-2021



Source: Maryland Commission on Civil Rights; Department of Budget and Management

The main factors cited by MCCR impacting the growth in case processing times are staffing constraints and the limited number of cases that are able to be assigned to each investigator in order to maintain workable caseload sizes. In response to concerns raised during the 2021 legislative session, committee narrative in the 2021 *Joint Chairmen's Report* (JCR) requested that MCCR submit a report on:

- the number of pending and open cases received by MCCR for processing;
- the number of cases that have been unresolved for over one year;

- the number of cases awaiting assignment to an investigator;
- the current caseload per investigator;
- an estimated timeframe for assigning outstanding cases to investigators; and
- a comparison of case processing times to other jurisdictions with similar size caseloads.

As stated in the report, MCCR indicates that as of June 30, 2021, there were a total of 896 cases that were open or pending, and 154 cases that had been open for over one year. A total of 567 cases were awaiting assignment to an investigator. The number of cases awaiting assignment are impacted by the maximum caseload size per investigator, which are limited by MCCR in order to allow for adequate time and attention for each case. For the Employment and Public Accommodations Units, the maximum caseload per investigator is 40 cases, and for the Housing Unit, the maximum is 20 cases. However, MCCR explained that the actual size of caseloads per investigator varies based on investigator experience and the level of complexity of the issues involved in each case.

MCCR also included in the response a projected timeline that would allow the remainder of outstanding cases not currently assigned to an investigator to be assigned by June 30, 2022. MCCR indicated that this timeline is a conservative projection and that its current investigative staff size is not adequate to move cases into active investigation status more quickly than this estimate without increasing the number of investigators. However, MCCR explained that if additional investigator positions were added, an additional 25 to 40 cases per new investigator position could be immediately assigned into active investigation status once the positions were filled.

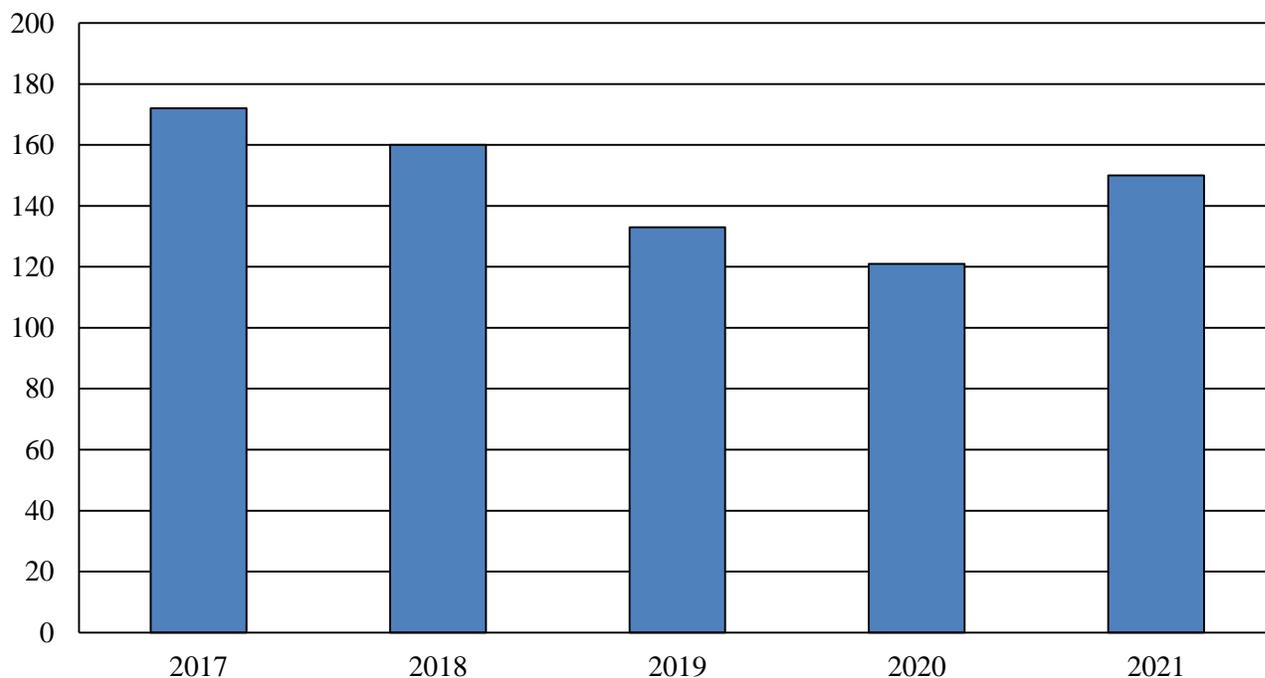
Limited detail was also provided on how MCCR's case processing times compare to those of other jurisdictions or states with similar sized caseloads. Based on information that MCCR obtained from the Delaware Division of Human Relations, the New Jersey Human Relations Counsel, the Pennsylvania Human Relations Commissions, and the Fairfax County (Virginia) Office of Human Rights and Equity Programs, MCCR concluded that these organizations are experiencing similar staffing issues and caseload backlogs. MCCR also noted that the average case processing times for these organizations are similar to that experienced by MCCR, between 270 to 365 days for all cases.

Due to continued growth in case processing times, MCCR should comment on its progress and continued challenges to addressing its backlog of cases. The Department of Legislative Services (DLS) recommends committee narrative requesting that MCCR submit a report updating the budget committees on the size of the backlog, investigator staffing and caseload size, and an updated timeline for assigning remaining cases into active investigation status.

3. Education and Outreach Activities Presented by MCCR Increase

MCCR’s Education and Outreach Unit is responsible for creating and providing educational programming, materials, and resources for businesses, units of State and local government, nonprofits, and community organizations that further the mission of the commission. **Exhibit 6** provides information on the total number of activities held by the commission each year. In fiscal 2021, 150 education and outreach activities were held by MCCR, an increase over the previous two fiscal years due to a transition to virtual training. MCCR notes that it experienced some benefits from shifting to virtual trainings, including the ability to increase the number of monthly trainings held and participants per class. MCCR anticipates the continued use of virtual trainings during the remainder of fiscal 2022. This transition counteracted declines in recent fiscal years that occurred in part due to staffing constraints, consolidation of certain training, and pandemic-related interruptions.

Exhibit 6
Education and Outreach Activities Presented by MCCR
Fiscal 2017-2021



MCCR: Maryland Commission on Civil Rights

Source: Maryland Commission on Civil Rights; Department of Budget and Management

Operating Budget Recommended Actions

1. Adopt the following narrative:

Open Cases and Investigator Staffing: The committees remain concerned by the size of the backlog of pending and open cases that have been received for processing by the Maryland Commission on Civil Rights (MCCR) and are interested in receiving further information on current investigator staffing and caseload trends. The committees request a report providing a status update which includes the following data as of June 30, 2022:

- the total number of open and pending cases;
- the number of cases that have been unresolved for more than one year;
- the number of cases currently awaiting assignment to an investigator;
- an updated timeframe estimate for assigning the remaining outstanding cases to investigators;
- the number of filled investigator staff positions and caseload size by unit, noting any vacant investigator positions; and
- an analysis of any additional factors impacting staffing turnover or constraints and rising case processing times.

Information Request	Author	Due Date
Report on pending and open cases and investigator staffing	MCCR	September 1, 2022

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 JCR requested that MCCR prepare one report. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Status Update on Pending and Open Cases:*** MCCR submitted an update at the end of fiscal 2021 on the status of its inventory of pending and open cases, investigator caseloads, and a comparison of case processing times with other jurisdictions. Further discussion of this data can be found in Key Observation 2 of this analysis.

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

<u>Object/Fund</u>	<u>FY 21 Actual</u>	<u>FY 22 Working Appropriation</u>	<u>FY 23 Allowance</u>	<u>FY 22 - FY 23 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	31.00	33.00	33.00	0.00	0%
02 Contractual	3.00	1.00	1.00	0.00	0%
Total Positions	34.00	34.00	34.00	0.00	0%
Objects					
01 Salaries and Wages	\$ 3,012,961	\$ 3,160,166	\$ 3,328,573	\$ 168,407	5.3%
02 Technical and Special Fees	167,599	104,419	104,851	432	0.4%
03 Communication	31,670	22,217	34,020	11,803	53.1%
04 Travel	656	43,500	12,000	-31,500	-72.4%
07 Motor Vehicles	2,005	4,200	3,000	-1,200	-28.6%
08 Contractual Services	266,919	284,877	249,528	-35,349	-12.4%
09 Supplies and Materials	23,999	15,231	15,000	-231	-1.5%
10 Equipment – Replacement	2,530	2,500	1,000	-1,500	-60.0%
11 Equipment – Additional	456	1,000	500	-500	-50.0%
13 Fixed Charges	98,303	96,897	104,274	7,377	7.6%
Total Objects	\$ 3,607,098	\$ 3,735,007	\$ 3,852,746	\$ 117,739	3.2%
Funds					
01 General Fund	\$ 2,626,438	\$ 2,409,854	\$ 2,667,198	\$ 257,344	10.7%
03 Special Fund	0	95,000	0	-95,000	-100.0%
05 Federal Fund	980,660	1,230,153	1,185,548	-44,605	-3.6%
Total Funds	\$ 3,607,098	\$ 3,735,007	\$ 3,852,746	\$ 117,739	3.2%

Note: The fiscal 2022 working appropriation does not include deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.