

Ohio Civil Rights Commission

- Federal funds critical
- Expenditure reductions eliminated roughly one-third of workforce
- Moneys earmarked for IT upgrades

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OVERVIEW

Duties and Responsibilities

The Ohio Civil Rights Commission is charged with enforcing Chapter 4112. of the Revised Code, which prohibits discrimination in the following areas:

- Employment on the basis of race, color, sex, religion, national origin, age, ancestry, or disability.
- Places of public accommodation on the basis of race, color, sex, religion, national origin, age, ancestry, or disability.
- Housing on the basis of race, color, sex, religion, national origin, ancestry, disability, or familial status.
- Granting of credit on the basis of race, color, sex, religion, national origin, age, ancestry, disability, or marital status.
- Higher education on the basis of disability.

The Commission was established in 1959 with the enactment of Am. S.B. 10 of the 103rd General Assembly. The Governor, with the advice and consent of the Senate, appoints five members to the Commission, not more than three of whom can be of the same political party, and at least one member of whom must be at least 60 years of age.

Agency in Brief

The following table selectively summarizes the Commission's enacted appropriations and staffing information.

| Agency In Brief | | | | | |
|----------------------|----------------------------------|-----------------|--------------------|----------------|-----------------------|
| Number of Employees* | Total Appropriations - All Funds | | GRF Appropriations | | Appropriation Bill(s) |
| | 2008 | 2009 | 2008 | 2009 | |
| 124 | \$11.44 million | \$11.76 million | \$7.42 million | \$7.10 million | Am. Sub. H.B. 119 |

*Employee count is the number of full-time permanent staff obtained from the Department of Administrative Services (DAS) payroll reports as of June 15, 2007.

Federal and State Agency Partnerships

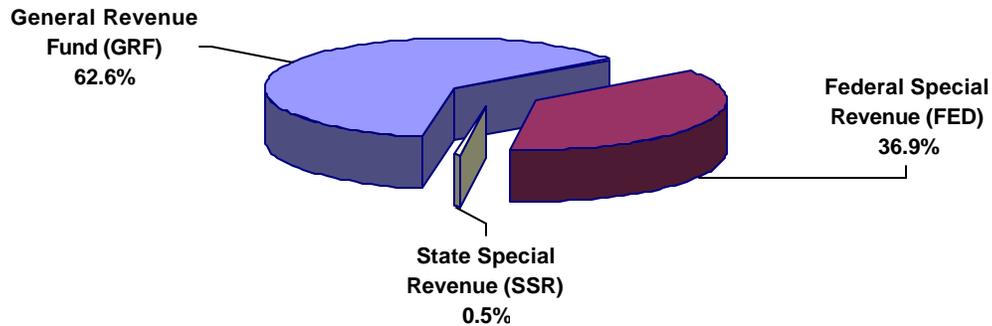
Three of the Commission's more notable ongoing partnerships can be summarized as follows:

- (1) The Commission maintains an annual work-sharing agreement with the U.S. Equal Employment Opportunity Commission (EEOC) for a specific number of cases agreed upon by both parties; the number of cases for federal FY 2007 was around 3,900. EEOC permits the Commission to draw down 50% of the agreement in May and the remaining 50% in September as long as the Commission meets the contracted number of cases submitted and approved by the EEOC. The Commission is currently paid \$540 for every approved case submitted to EEOC, up to the agreed contract number of cases.
- (2) The Commission maintains an annual work-sharing agreement with the U.S. Department of Housing and Urban Development (HUD) for the number of housing discrimination cases actually submitted and approved by HUD by September 30th of each year. HUD permits the Commission to draw down 100% of the agreement in October of each year. The Commission processes on average 450 housing cases annually. HUD pays the Commission \$2,400 for each approved case as long as the case is completed and submitted to HUD within a timely manner. Currently, the Commission completes and submits 99% of its housing cases within the required guidelines that guarantee 100% for a given case under the HUD agreement.
- (3) The Commission enters into an annual interagency agreement with the Office of the Attorney General to reimburse the latter's Civil Rights Section for its legal services, including the equivalent of 5.5 full-time attorneys to prosecute discrimination cases. Under section 4112.10 of the Revised Code, the Civil Rights Section handles all litigation in which the Commission participates as a party pursuant to Chapter 4112. of the Revised Code. Historically, these reimbursement payments have covered approximately 30% of the Civil Rights Section's operating expenses, with the remaining 70% being covered by the Office of the Attorney General's GRF line item 055-321, Operating Expenses. The Commission anticipates reimbursing the Office of the Attorney General \$401,212 in FY 2008 and \$415,254 in FY 2009.

Expense by Fund Group Summary

The pie chart immediately below shows the Commission's total enacted appropriations (FYs 2008 and 2009) by fund group. This information includes moneys appropriated from the General Revenue Fund (GRF), the Federal Special Revenue (FED) Fund Group, and the State Special Revenue (SSR) Fund Group. The GRF typically funds in the range of 60% to 65% of the Commission's annual operating expenses, with the remainder largely drawn largely from revenues generated through work sharing agreements between the Commission and both the EEOC and HUD. The EEOC contract is for a fixed dollar amount, subject to modification by EEOC. The HUD contract is variable depending upon the number of eligible cases processed the previous year. From the Commission's perspective, both sources of federal funding are somewhat unpredictable.

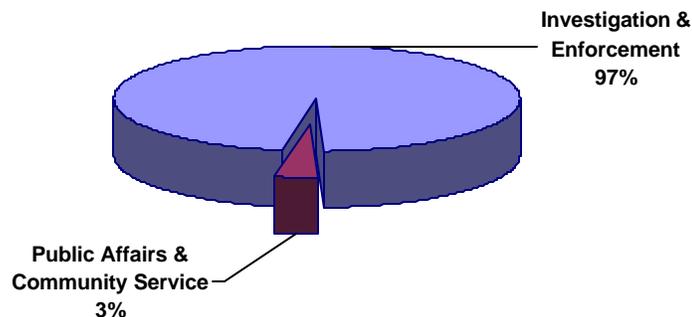
**Total Budget by Fund Group
FYs 2008 and 2009**



Expense by Program Summary

The pie chart immediately below shows the Commission's total enacted appropriations (FYs 2008 and 2009) by program. The Commission is a single program series agency with two major activities. First, it receives, mediates, and investigates complaints and adjudicates discrimination charges filed by citizens of Ohio pertaining to discrimination in employment, housing, places of public accommodation, credit, and admission to, and participation in, activities sponsored by institutions of higher education. State law mandates that investigations must be completed within one year. Second, in addition to its enforcement responsibilities, the Commission is mandated to conduct educational and public outreach programs.

**Total Budget by Program
FYs 2008 and 2009**



Depleting Federal Cash Reserves

As a result of GRF budgetary constraints in effect for the last few fiscal years, the Commission has been forced to tap more heavily into its reserve of federal funding, which consists of EEOC and HUD reimbursement payments used to partially offset the cost of investigating cases. Under the enacted budget for the FY 2008 - 2009 biennium, this pattern of relying on its federal cash reserve to supplement GRF appropriations for the purpose of covering annual operating costs will continue. The Commission has stated that the continuation of this fiscal practice may, by some point in time during FY 2009, completely deplete its federal cash reserve.

Information Technology Equipment

In its biennial budget request submitted to the Office of Budget and Management in October 2006, the Commission noted the need to upgrade its computers, software, and other information technology (IT) equipment. In particular, 180 desktops and 5 servers, originally purchased in February 2002, were identified for replacement. (Most state agencies have established a three to five year replacement cycle for their IT equipment.) At that time, the Commission estimated that it would need approximately \$318,733 to make these purchases and upgrades in order to remain compliant with EEOC and HUD standards. The enacted budget contains a temporary law provision requiring the Commission use at least \$318,000 of its FY 2008 GRF appropriations to purchase computer and information technology equipment.

Staffing Levels

In FY 2000, the Commission's annual staffing level, as measured by the number of full-time equivalent (FTE) positions, totaled around 200. In subsequent fiscal years, as a result of a tight budgetary environment, the Commission instituted various cost reduction measures, which included cutting payroll expenses by eliminating in the range of 5% to 10% of its staff positions annually. Based on the enacted budget covering the FY 2008 - 2009 biennium, the Commission anticipates being able to employ an annual workforce of around 130 FTEs. This means that, over the course of the last eight years, the Commission has eliminated roughly 70 FTEs, or 35% of its FY 2000 annual staffing level. The Commission made those staff reductions through a variety of mechanisms, including abolishing positions, implementing an early retirement incentive plan, downsizing by attrition, and ending the practice of using college interns.

ANALYSIS OF THE BUDGET

The Commission is a single program series agency with two major activities or programs, both of which are discussed in more detail below.

Single Program Series

Protection of Civil Rights

Purpose: To protect the civil rights of Ohio's citizens as well as take a proactive approach through educating, training, and disseminating publications informing the public of their rights

The following table shows the line items that are used to fund the Protection of Civil Rights program series, as well as the enacted funding levels.

| Fund | ALI | Title | FY 2008 | FY 2009 |
|--|---------|--------------------|---------------------|---------------------|
| General Revenue Fund | | | | |
| GRF | 876-321 | Operating Expenses | \$7,415,134 | \$7,097,134 |
| General Revenue Fund Subtotal | | | \$7,415,134 | \$7,097,134 |
| Federal Special Revenue Fund | | | | |
| 334 | 876-601 | Investigations | \$3,965,507 | \$4,602,185 |
| Federal Special Revenue Fund Subtotal | | | \$3,965,507 | \$4,602,185 |
| State Special Revenue Services Fund | | | | |
| 217 | 876-604 | Operations Support | \$60,000 | \$60,000 |
| State Special Revenue Fund Subtotal | | | \$60,000 | \$60,000 |
| Total Funding: Protection of Civil Rights | | | \$11,440,641 | \$11,759,319 |

This analysis focuses on the following specific programs within the Protection of Civil Rights program series:

- **Program 1.01: Investigations and Enforcement**
- **Program 1.02: Public Affairs and Community Service**

Program 1.01: Investigations and Enforcement

Program Description: This program receives, investigates, and prosecutes charges of unlawful discriminatory practices in the areas of employment, housing, places of public accommodation, credit, and higher education (disability only). Each year, the Commission processes between 5,000 and 6,000 discrimination charges, which include charge intake, field investigation, conciliation/settlement, case recommendations, public hearings, compliance reviews, and enforcement.

Funding Source: (1) GRF, (2) federal reimbursement payments, and (3) payment for the provision of various goods and services, including copies of Commission documents

Implication of the Budget: The enacted budget: (1) provides a level of annual funding that will support the payroll related expenses of around 130 FTEs, and (2) requires that at least \$318,000 of the Commission's FY 2008 GRF appropriations be used to purchase computer and information technology equipment.

Program 1:02: Public Affairs and Community Service

Program Description: This program provides technical assistance and other community service programs to inform the public about Ohio laws against discrimination. The Commission conducts, sponsors, and participates in workshops, seminars, and other types of training in order to educate the public about their rights, as well as to educate the community about their responsibilities to achieve voluntary compliance with anti-discrimination laws. The program also prepares educational materials for use by K-12 schools to eliminate prejudice and foster good will among Ohio's diverse citizenry.

Funding Source: Federal funds designated specifically for technical assistance and community service programs

Implication of the Budget: According to the Commission, the enacted budget for this program will provide support for the equivalent of four full-time staff and permit it to perform the minimum statutorily mandated educational services and activities, including the delivery of various outreach programs.

FY 2008 - 2009 Final Appropriation Amounts

All Fund Groups

Line Item Detail by Agency

FY 2007 Adj. **FY 2008** **% Change** **FY 2009** **% Change**
FY 2005: **FY 2006: Appropriations:** **Appropriations:** **2007 to 2008:** **Appropriations:** **2008 to 2009:**

Report For: Main Operating Appropriations Bill

Version: Enacted

CIV Civil Rights Commission, Ohio

| | | | | | | | | | |
|---|---------|--------------------|----------------------|----------------------|----------------------|----------------------|---------------|----------------------|---------------|
| GRF | 876-100 | Personal Services | \$ 6,601,418 | ---- | \$ 0 | \$ 0 | N/A | \$ 0 | N/A |
| GRF | 876-200 | Maintenance | \$ 400,000 | ---- | \$ 0 | \$ 0 | N/A | \$ 0 | N/A |
| GRF | 876-300 | Equipment | \$ 42,441 | ---- | \$ 0 | \$ 0 | N/A | \$ 0 | N/A |
| GRF | 876-321 | Operating Expenses | ---- | \$ 7,252,949 | \$ 7,470,667 | \$ 7,415,134 | -0.74% | \$ 7,097,134 | -4.29% |
| General Revenue Fund Total | | | \$ 7,043,858 | \$ 7,252,949 | \$ 7,470,667 | \$ 7,415,134 | -0.74% | \$ 7,097,134 | -4.29% |
| 334 | 876-601 | Investigations | \$ 3,389,717 | \$ 3,543,634 | \$ 3,560,000 | \$ 3,965,507 | 11.39% | \$ 4,602,185 | 16.06% |
| Federal Special Revenue Fund Group Total | | | \$ 3,389,717 | \$ 3,543,634 | \$ 3,560,000 | \$ 3,965,507 | 11.39% | \$ 4,602,185 | 16.06% |
| 217 | 876-604 | Operations Support | \$ 22,496 | \$ 10,626 | \$ 50,951 | \$ 60,000 | 17.76% | \$ 60,000 | 0.00% |
| State Special Revenue Fund Group Total | | | \$ 22,496 | \$ 10,626 | \$ 50,951 | \$ 60,000 | 17.76% | \$ 60,000 | 0.00% |
| Civil Rights Commission, Ohio Total | | | \$ 10,456,071 | \$ 10,807,208 | \$ 11,081,618 | \$ 11,440,641 | 3.24% | \$ 11,759,319 | 2.79% |