

PS COMMITTEE #1
April 25, 2013

Worksession

MEMORANDUM

April 23, 2013

TO: Public Safety Committee
FROM: Susan J. Farag, Legislative Analyst
SUBJECT: **Worksession: FY14 Operating Budget
Department of Correction and Rehabilitation (DOCR)**

Those expected for this worksession:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation (DOCR)

Stefan LoBuglio, Chief, Pre-Release and Re-Entry Services

Angela Talley, Chief, Pre-Trial Services

Craig Dowd, DOCR

Bruce Meier, Office of Management and Budget

Major Issues:

- 1) DOCR is taking steps to address leave use and overtime by adding a Disability and Light Duty Management Position;
- 2) The recommended budget includes \$80,000 for CRIMS IT support; and
- 3) At Council staff's request, DOCR identified some facility security issues for Committee review.

The County Executive's recommendation for the Department of Correction and Rehabilitation is attached at ©1-5.

Overview

For FY14, the County Executive recommends total expenditures of \$66,598,101 for the Division of Correction and Rehabilitation (DOCR), a 2.2% increase from the FY13 approved budget.

	FY12 Actual	FY13 Approved	FY14 CE Recommended	% Change FY13-14
Expenditures				
General Fund	\$63,182,301	\$65,181,902	\$66,598,101	2.2%
Grant Fund	\$262,217			
TOTAL Expenditures	\$63,444,518	\$65,181,902	\$66,598,101	2.2%
Positions:				
Full-time	511	515	516	0.2%
Part-time	5	2	2	0.0%
TOTAL Positions	516	517	518	0.2%
FTEs	558.2	511.8	517.8	1.2%

The FY14 County Executive recommendation is a net increase of \$1,416,199 listed below as same-service adjustments.

Identified Same Service Adjustments	
Increase Cost: FY14 Compensation Adjustment	\$1,745,789
Increase Cost: Retirement Adjustment	\$1,346,168
Increase Cost: Motor Pool Adjustment	\$105,899
Increase Cost: Other Labor Contract Costs	\$102,550
Increase Cost: CRIMS IT support	\$80,000
Increase Cost: Printing and Mail Adjustment	\$8,601
	Total Increase: \$3,389,007
Decrease Cost: Group Insurance Adjustment	(\$262,320)
Decrease Cost: Annualization of FY13 Personnel Costs	(\$664,098)
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	(\$1,046,390)
	Total Decreases: (\$1,972,808)
NET SAME SERVICES ADJUSTMENT TOTAL:	\$1,416,199

FY14 Expenditure Issues

ONGOING OVERTIME, LEAVE, AND NET ANNUAL WORKHOUR ISSUES

The Committee has been briefed regularly over the past several years on various DOCR staffing issues that have impacted leave usage and overtime accrual, and which therefore contributed to overtime expenditures. DOCR has had significant staff reductions over the past five years, due to budget constraints. In FY08, DOCR had 579 total positions, compared to the 518 included in the recommended FY14 operating budget. While many efficiencies have been

achieved with the operational changes made, the loss of such a large number of positions has had an impact on leave use and overtime.

Over the past several years DOCR has taken steps to identify systemic issues contributing to overtime, and ways to minimize both leave usage and overtime accrual. In addition, the Office of Legislative Oversight (OLO) recently conducted a study on “Employee Work Hours and Leave in Montgomery County Government” (March 2013), which sought to understand how regular hours worked by County government employees affected overtime hours, and helped determine how many employees are actually needed. The report identified specific issues within various departments, including DOCR. Some findings by DOCR and OLO include:

- DOCR conducted a staffing analysis, which determined a Shift Relief Factor of 6.15 for each 24/7 post;
- DOCR has had a higher than usual vacancy rate over the past 18 months, which has contributed significantly to the use of overtime backfill;
- The OLO report indicated DOCR is a high user of average leave taken (418 hours/year), had a lower employee availability (79.8%), had FMLA leave comprise 8% of all leave taken, and put 11% of employees on sick leave restriction;
- The OLO report identified that DOCR has the highest percentage (26%) of employees on light duty; and
- The OLO report identified that DOCR has the highest percentage of unscheduled leave (13.6%).

OLO identified changes that should be made both at the County and departmental levels. At the County level, OLO recommended that the Office of Human Resources (OHR) take on a more centralized role in leave administration. It also acknowledged that most leave is used appropriately within the context of County regulation and respective collective bargaining agreements.

DOCR has also been taking steps to help address staffing issues. DOCR continues to work on determining the appropriate mix of new permanent positions and the continued use of overtime. The Department has noted that it is necessary to fill most vacant positions first before it can determine optimal staffing needs. The approved FY13 operating budget included \$176,000 to resume conducting background investigations for applicants in an effort to expedite hiring and fill vacancies.

Background Investigations: While the FY13 operating budget included \$176,000 to resume conducting background investigations for job applicants, the Department was unable to hire investigators on a contractual basis. The FY14 recommended budget converts contractual operating expenses to personnel costs. An Administrative Specialist and Office Services Coordinator were hired mid-FY13 to perform these functions. The two positions are term positions. The Department will reevaluate the need for the positions after a year of stable staffing and process is restored.

Disability and Light Duty Management Position: (\$0 and 1 FTE): The FY14 recommended budget includes a new position to manage and monitor DOCR employees who are either on work or non-work related injury or illness, light duty, disability, or FMLA. The position would draft or coordinate periodic physicals, fitness for duty examinations, administrative actions associated with non-compliance, and other related work. The position is expected to help employees return to work in the safest, most effective manner possible. The position will also assist with other types of medical or physical issues facing the employee that affect their ability to perform essential job functions. DOCR advises the cost of adding the new position is offset by reducing overtime, resulting in no net expenditure change. It anticipates returning employees back to work earlier due to appropriate monitoring and supports will both reduce overtime costs and increase employee net annual work hours.

The Committee may wish to ask what steps DOCR plans to take moving forward. One issue identified in the OLO report is that DOCR does not have electronic scheduling software such as Telestaff, although the Department has created a program in-house to perform many of the same functions. Does DOCR feel scheduling software would be beneficial?

CRIMS IT SUPPORT (\$80,000)

Criminal Information Management System (CRIMS) is the new information management system used by DOCR. The first phase included Intake and Release modules, and was implemented in June 2011. DOCR plans to implement Phases II and III beginning in May 2013. New Modules will cover all DOCR operational areas. CRIMS is operational 24/7 and must have round the clock IT support to maintain operations. Previously, the Department of Technology Services provided IT support, but it has eliminated evening, weekend, and holiday IT Help Desk coverage for DOCR. There is a Public Safety Data Systems Support Help Desk in operation that provides 24/7 support to Police, Sheriff, and Fire and Rescue Service operations. The recommended budget assumes DOCR will join this support team to provide evening, weekend, and holiday CRIMS IT support, as well as technical cross training. Executive staff advises that an MOU will be required to join the Public Safety Data Systems Help Desk.

SECURITY AT DOCR FACILITIES

Given growing national concerns about facility and personal security in general, Council staff asked for an update of any outstanding security issues at County correctional facilities. Executive responses are attached at ©8-10 for detailed responses.

Pre-Trial Release:

1) Pre-Trial provides supervision to about 750 defendants each week, or 39,000 people a year. Executive staff advises that the building has no security hardware or architecture. The waiting area is cramped, and this can encourage disagreements among those waiting. This creates security concerns for both staff members and clients. DCOR has identified the need for

security upgrades and changes, and will submit a proposal for the FY15 budget. Technical assistant will be sought from the National Institute of Corrections.

2) Pre-Trial currently has one Correctional Officer that provides security to the entire building. DOCR advises this is insufficient, and having two Correctional Officers would be more appropriate. The Correctional Officer regularly intervenes in many situations.

3) Pre-Trial also supervises between 71 and 100 persons through electronic monitoring. Clients include those with domestic violence charges and other difficult case situations where electronic monitoring is needed. Currently, there is no staff supervision of the technology from 5pm through 8am on weekdays, and none on weekends. After hours supervision is needed to properly handle major violations such as exclusion zone violation, strap tampering, strap cup-off, and equipment shut down/power failure.

Pre-Release and Reentry Services (PRRS):

1) Executive staff advises that mental health issues are a significant issue for approximately 20% of the offender population. As a result, some offenders require increased supervision and more intensive services by case management staff.

2) Synthetic drugs such as K-2 are creating a significant challenge for Pre-Release's accountability and monitoring procedures. New drug testing options have increased costs, and the growing presence of these types of drugs has necessitated increased attention, supervision, and testing.

3) Maintenance issues at the facility are also causing some security concerns. Staff spend more time engaging room closures, transfers of inmates, and responding to plumbing problems and related concerns, taking them way from their core security mission of supervising offenders.

Montgomery County Correctional Facility (MCCF):

1) Executive staff has identified the availability of programs as a significant security concern. The availability of programs helps maintain peace and provide inmates with positive outlets, thereby minimizing security incidents and related concerns. Executive staff advises that education hours have already been reduced, and is concerned that Workforce Development/One-Stop/Reentry planning has "no obvious funding" for FY14. The reduction or loss of this program will create further security pressures on housing units. One Correctional Officer supervises 64 inmates. *Council staff has discussed this funding with Department of Economic Development staff. Workforce services is funded by \$3 million in federal, state and County funds. The majority of the formula funding is through WIA grants to implement the One-Stop career system. The necessary funding for the MCCF One-stop program is \$140,000. It is Council staff's understanding that if there is not enough formula funding necessary to cover these costs, DED still prioritizes the funding and attempts to provide funding through other sources. Grant awards have not yet been made.*

2) DOCR has no Internal Investigative Unit. It was lost due to target reductions and has been gone for three full years. When an internal investigation is required, one Captain must be removed from line security supervision for periods that can last as long as several weeks. Executive staff advises that the absence of consistent staffing in this area makes training virtually impossible, and impeded linkages to other agencies and information sources that are critical to such sensitive investigations.

3) Maintenance needs are also driving security concerns at MCCF. The jail must be locked down at certain times as the result of repeated problems with faulty gates and other building systems. Executive staff indicate the maintenance concerns are occurring on an “increasingly routine basis.”

Montgomery County Detention Center (MCDC):

- 1) Maintenance issues are also a concern. MCDC has the same concerns as MCCF.
- 2) No Internal Investigations Unit. MCDC has the same concerns as MCCF.

3) Prisoner releases. DOCR releases over 15,000 prisoners/detainees each year. Release decisions are very complex and staff intensive. DOCR has a zero tolerance focus to abolish any inappropriate releases due to sentence and case calculations.

Council staff comments regarding security: Council staff notes that some of the security concerns are complex and ongoing, and some are dependent on other departmental budgets. Several facilities have ongoing concerns about maintenance, which is provided by the Department of General Services. Council staff advises that the recommended FY14 operating budget for General Services includes \$500,000 more than last year's appropriation for custodial services and grounds maintenance for County Facilities. These funds are intended to enhance services at County facilities, although none of the funding is specifically targeted for correctional facilities.

The Committee may wish to ask for more information regarding costs to address each security issue and for DOCR's priority order for addressing each one. The Committee may also wish to review these issues again mid-year in preparation for items that may be included in the FY15 recommended budget.

REVENUES

DOCR receives both state and federal reimbursement for holding certain prisoners in our facilities. DOCR has provided the following update on these revenues and current rate negotiations:

PRRS: Every three years, DOCR renegotiates the per diem rates with the Federal Bureau of Prisons under its Intergovernmental Agreement. The contract expires on May 31, 2013. DOCR advises it is in current negotiations with the Bureau of Prisons. Given sequestration issues and the slow economy, DOCR expects the terms and conditions will remain the same. The current per diem rate for federal offenders is \$132.50 for federal offenders at the Pre-Release Center and \$68.08 for federal offenders on Home Confinement. DOCR advises

these are “superior” rates and bring in well over \$1.5 million. The contracts calls for 20 residents at the Pre-Release program, although the actual number does fluctuate depending on bed space availability and the number of Federal inmates being returned to the local area from the Bureau of Prisons (see Department responses at ©13 for monthly numbers).

Pre-Trial: Intervention Program for Substance Abusers (IPSA) and Alternative Community Services (ACS) are expected to generate combined yearly revenue of \$852,100 in FY14. The IPSA and ACS fees are set by DOCR with approval from the County Executive. In 2009, the ACS program raised their fees from \$150 to \$175. IPSA fees are \$350 per client for misdemeanor drug cases and \$150 per client for drug citation cases. Clients are expected to pay the full fee unless documentation is submitted indicating hardship. At that point, a sliding scale starting at \$50 is used.

COUNCIL STAFF RECOMMENDATION

Council staff believes the security issues discussed could pose a threat to staff, inmate, and defendant safety and recommends continued monitoring of the items by the Committee. Council staff recommends the Committee consider having an update in the fall on outstanding issues that may be included in the FY15 recommended operating budget.

Council staff recommends adding one Correctional Officer position to the Reconciliation List to provide additional security oversight at the Pre-Trial Release Headquarters. The building has several structural security concerns including broken or inadequate security cameras. In addition, the lobby area is of significant concern, as there are many times where it is very crowded with various defendants waiting to see staff.

Council staff also believes continued programming for the One-Stop program is critical at MCCF. The One-stop program assists pre- and post-release job search and employment skills development and helps secure employment placements for offenders. The program’s presence at MCCF, like other programming, also helps occupy inmates with positive activities, thereby increasing security for staff and other inmates. Council staff recommends including \$140,000 in the DOCR budget to fund the program without the reliance of grant funding.

Council staff recommends approval of the rest of the operating budget as submitted by the Executive.

This packet contains	©
Recommended FY14 Operating Budget	1-5
DOCR responses to budget questions	6-13
Excerpts from OLO Report, “Employee Work Hours and Leave in Montgomery County Government” (March 2013)	14-23

Correction and Rehabilitation

MISSION STATEMENT

The mission of the Department of Correction and Rehabilitation (DOCR) is to protect and serve the residents of Montgomery County and the general public by providing progressive and comprehensive correctional, rehabilitative, and community re-entry services. These functions are achieved through the employment of well-managed and effective correctional programs, including: the use of pretrial supervision; secure incarceration; community treatment; reintegration programs; highly accountable security methods and procedures in each operating unit and program; and effective and progressive administration and management oversight.

BUDGET OVERVIEW

The total recommended FY14 Operating Budget for the Department of Correction and Rehabilitation is \$66,598,101, an increase of \$1,416,199 or 2.2 percent from the FY13 Approved Budget of \$65,181,902. Personnel Costs comprise 89.5 percent of the budget for 516 full-time positions and two part-time positions. A total of 517.80 FTEs includes these positions as well as any seasonal, temporary, and positions charged to or from other departments or funds. Operating Expenses account for the remaining 10.5 percent of the FY14 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ **Safe Streets and Secure Neighborhoods**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY13 estimates reflect funding based on the FY13 approved budget. The FY14 and FY15 figures are performance targets based on the FY14 recommended budget and funding for comparable service levels in FY15.

Measure	Actual FY11	Actual FY12	Estimated FY13	Target FY14	Target FY15
Multi-Program Measures					
Zero Tolerance security incidents - Number of inmates suicides	1	0	0	0	0
Zero Tolerance security incidents - Number of jail escapes ¹	0	0	0	0	0
Zero Tolerance security incidents - Number of sexual misconduct or Prison Rape Elimination Act (PREA) incidents	4	0	0	0	0
Zero Tolerance security incidents - Number of inappropriate releases of an inmate	4	5	4	4	4
Zero tolerance security incidents - Number of inappropriately released inmates returned	4	5	4	4	4
Security incidents - Number of escapes from the Pre-Release Center, a community located, minimum security program with 600 yearly admissions	4	7	3	3	3
Security incidents - Number of escapees apprehended or returned to the Pre-Release Center, a community located, minimum security program	4	7	3	3	3
Accreditation standards from the Maryland Commission on Correctional Standards and the Correctional Education Association - Percent of standards met	98	95	95	95	95
Percent of inmate bed needs met, percent of inmates receiving a bed assignment before overcrowding measures need to be taken	100	100	100	100	100

¹ Zero Tolerance incidents include: suicides, attempted and actual escapes from the jails (but not Pre-Release), deaths, inappropriate releases from custody, assaults on staff by inmates, staff sexual misconduct, and Prison Rape Elimination Act (PREA) incidents.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ Add a position to accelerate the return to full performance work of employees on disability and light duty in order to reduce overtime.
 - ❖ Implemented Workplace Digital Literacy Skills Training and Introduction to Construction Technology in collaboration with Montgomery College
 - ❖ Initiated on-line correctional training with the American Correctional Association to fulfill training requirements of state and national accreditation standards.
 - ❖ Increased mental health services availability to clients by collaborating with the Department of Health and Human Services (DHHS) by placing a full time licensed therapist.
 - ❖ Restructured the operations of the Central Processing Unit (CPU) to streamline the processing of arrestees while enhancing safety and security of police officers.
- ❖ **Productivity Improvements**
- Pre-Trial Services (PTS), in cooperation with the Department of General Services, added a third work crew to Pre-Trial Services' Alternative Community Services program, added 15-20 County work sites for Court ordered offenders to complete community service obligations.
 - Developed six supervisory Resident Supervisor III (equivalent to Sergeant in Detention services) positions at Pre-Release and Re-Entry Services (PRRS) in concert with the employee representative to improve safety and security at PRRS and to reduce overtime costs.
 - Montgomery County Correctional Facility (MCCF) received "Artists and Scholars in the Community" recognition for arts and humanities therapeutic programs for inmates located in the Crisis Intervention Unit.

PROGRAM CONTACTS

Contact Craig Dowd of the Department of Correction and Rehabilitation at 240.777.9982 or Bruce R. Meier of the Office of Management and Budget at 240.777.2785 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Office of the Director

The Director's Office provides oversight and direction for all Department of Correction and Rehabilitation activities in coordination with the Chief Administrative Officer and County Executive. Personnel, Budget and Procurement, and Fiscal Services are support functions within the Director's Office.

FY14 Recommended Changes	Expenditures	FTEs
FY13 Approved		
Increase Cost: CRIMS IT support (evening, weekend, holiday)	80,000	0.00
Decrease Cost: Disability and light duty management to reduce lost time from work	0	1.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	30,090	2.00
FY14 CE Recommended	1,161,099	7.00

Pre-Release and Re-Entry Services

The Pre-Release and Re-Entry Services Division (PRRS) provides community-based residential and non-residential alternatives to secure confinement for sentenced adult offenders in which they engage in work, treatment, education, family involvement, and other services to prepare them for release. The program primarily serves inmates who are within one year of release and who are sentenced to DOCR. In addition, the program also provides re-entry services to Federal and State sentenced inmates and Federal probationers who are within six months of release and who are returning to Montgomery County and the greater Washington Metro area upon release.

The residential program, located at the 171-bed Pre-Release Center, Rockville, has a capacity to serve individuals who live within the Center's one female and three male housing units. The non-residential Home Confinement program, allows 40-50 individuals to live in their homes, although they are required to report to the Pre-Release Center several times a week for drug testing and for meetings

with counselors.

Program Performance Measures	Actual FY11	Actual FY12	Estimated FY13	Target FY14	Target FY15
Self growth and development programs - Percent of inmates at the Pre-Release Center participating in programs	100	100	100	100	100
FY14 Recommended Changes					
FY13 Approved				7,141,020	64.30
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.				132,378	0.50
FY14 CE Recommended				7,273,398	64.80

Pre-Trial Services

The Pre-Trial Services Division (PTS) is responsible for assessing newly arrested defendants for the possibility of release from incarceration while awaiting trial and for follow through while supervising those defendants safely in the Community. The PTS Division also supervises those defendants who are offered diversion from trial in return for satisfactorily completing a community service or substance abuse program. There are four independent programs within the Division: Pre-Trial Assessment Unit, Pre-Trial Supervision Unit, Alternative Community Service Program (ACS), and Intervention for Substance Abusers Program (IPSA).

The Assessment Unit is housed at the Montgomery County Detention Center and is responsible for assessing those who have been newly arrested and have been unable to make bond. Staff verifies personal information, analyzes criminal histories, and formulates recommendations to the Court to enable the Judge to make informed bond decisions. Recommendations are made with public safety as the main priority following the national models of assessment for the judicial system.

The Supervision Unit provides monitoring of Court ordered conditions to offenders released to the Community while awaiting trial. Advanced technology such as GPS tracking and Radio Frequency Curfew equipment are used to monitor offenders' movements in the community. Drug testing is also performed. Violations of release conditions are immediately reported to the Court for possible re-incarceration and Pre-Trial Supervision maintains a failure to appear (FTA) rate and re-arrest rate of less than 3%.

The diversion programs, ACS and IPSA, are predominantly for first-time misdemeanant offenders who will ultimately have their charges expunged following successful completion of one of these programs. Community service, drug education, and treatment are core functions of these programs. There is an administrative fee with these programs.

FY14 Recommended Changes	Expenditures	FTEs
FY13 Approved	5,167,297	42.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	25,421	-0.12
FY14 CE Recommended	5,192,718	42.38

Detention Services

Under the supervision of the Warden, Detention Services is responsible for the operation of two detention facilities, the Montgomery County Detention Center (MCDC) located in Rockville, and the Montgomery County Correctional Facility (MCCF) located in Clarksburg.

MCDC is primarily responsible for the intake and law enforcement processing of adult male and female offenders arrested in Montgomery County and has a facility capacity to accommodate approximately 200 inmates. Over 15,000 offenders annually arrive at MCDC's Central Processing Unit (CPU).

The CPU conducts psychological screening, medical screening, and risk assessment to determine the appropriate classification level of inmates and provides for the initial care, custody, and security of inmates for up to 72 hours prior to transfer to MCCF. At this facility, bond hearings are conducted by the Maryland District Court Commissioners via closed circuit television between MCDC and the District Court. The Office of the Public Defender determines eligibility of offenders for legal representation.

Following an initial intake at MCDC, inmates transfer to the 1,029-bed Montgomery County Correctional Facility (MCCF), usually within 72 hours. MCCF is responsible for the custody and care of male and female offenders who are either in a pre-trial status of serving sentences of up to 18 months. Progressive, and comprehensive correctional services are provided to all inmates covering substance abuse, mental health issues, cognitive behavioral modification, basic education, life skills, and work force preparation.

Program Performance Measures	Actual FY11	Actual FY12	Estimated FY13	Target FY14	Target FY15
Self growth and development programs - Percent of inmates at the Montgomery County Correctional Facility (MCCF) participating in programs.	63	65	65	65	65

FY14 Recommended Changes	Expenditures	FTEs
FY13 Approved	51,822,576	401.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	1,148,310	2.62
FY14 CE Recommended	52,970,886	403.62

BUDGET SUMMARY

	Actual FY12	Budget FY13	Estimated FY13	Recommended FY14	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	38,680,066	40,184,650	40,122,416	40,684,074	1.2%
Employee Benefits	17,949,792	18,235,423	18,679,161	18,950,498	3.9%
County General Fund Personnel Costs	56,629,858	58,420,073	58,801,577	59,634,572	2.1%
Operating Expenses	6,552,443	6,761,829	6,723,644	6,963,529	3.0%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	63,182,301	65,181,902	65,525,221	66,598,101	2.2%
PERSONNEL					
Full-Time	511	515	515	516	0.2%
Part-Time	5	2	2	2	—
FTEs	558.20	511.80	511.80	517.80	1.2%
REVENUES					
Alternative Community Services	151,288	600,000	403,780	490,100	-18.3%
Care of Federal/State Prisoners	1,816,864	2,100,000	1,378,690	1,710,000	-18.6%
Home Confinement Fees	68,872	58,000	39,120	48,420	-16.5%
Illegal Alien Inmate Reimbursement	922,239	900,000	678,020	650,000	-27.8%
Miscellaneous Revenues	590	0	0	0	—
Substance Abusers Intervention Program (IPSA)	329,763	290,000	317,200	297,000	2.4%
Other Charges/Fees	70,636	96,500	71,200	70,100	-27.4%
Other Intergovernmental	321,967	175,000	69,050	175,000	—
County General Fund Revenues	3,682,219	4,219,500	2,957,060	3,440,620	-18.5%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	57,933	0	0	0	—
Employee Benefits	38,596	0	0	0	—
Grant Fund MCG Personnel Costs	96,529	0	0	0	—
Operating Expenses	165,688	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	262,217	0	0	0	—
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
REVENUES					
Federal Grants	262,217	0	0	0	—
Grant Fund MCG Revenues	262,217	0	0	0	—
DEPARTMENT TOTALS					
Total Expenditures	63,444,518	65,181,902	65,525,221	66,598,101	2.2%
Total Full-Time Positions	511	515	515	516	0.2%
Total Part-Time Positions	5	2	2	2	—
Total FTEs	558.20	511.80	511.80	517.80	1.2%
Total Revenues	3,944,436	4,219,500	2,957,060	3,440,620	-18.5%

FY14 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY13 ORIGINAL APPROPRIATION	65,181,902	511.80
Other Adjustments (with no service impacts)		
Increase Cost: FY14 Compensation Adjustment	1,745,789	0.00
Increase Cost: Retirement Adjustment	1,346,168	0.00
Increase Cost: Motor Pool Adjustment	105,899	0.00
Increase Cost: Other Labor Contract Costs	102,550	0.00
Increase Cost: CRIMS IT support (evening, weekend, holiday) [Office of the Director]	80,000	0.00
Increase Cost: Printing and Mail Adjustment	8,601	0.00
Decrease Cost: Disability and light duty management to reduce lost time from work [Office of the Director]	0	1.00
Technical Adj: Convert contractual operating expenses to personnel costs for Background Investigations	0	3.00
Technical Adj: FTE adjustments	0	2.00
Decrease Cost: Group Insurance Adjustment	-262,320	0.00
Decrease Cost: Annualization of FY13 Personnel Costs	-664,098	0.00
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	-1,046,390	0.00
FY14 RECOMMENDED:	66,598,101	517.80

PROGRAM SUMMARY

Program Name	FY13 Approved Expenditures	FTEs	FY14 Recommended Expenditures	FTEs
Office of the Director	1,051,009	4.00	1,161,099	7.00
Pre-Release and Re-Entry Services	7,141,020	64.30	7,273,398	64.80
Pre-Trial Services	5,167,297	42.50	5,192,718	42.38
Detention Services	51,822,576	401.00	52,970,886	403.62
Total	65,181,902	511.80	66,598,101	517.80

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY13		FY14	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
CIP	CIP	36,073	0.50	81,077	0.50
Fleet Management Services	Motor Pool Internal Service Fund	102,495	1.00	101,723	1.00
General Services	County General Fund	164,372	2.00	175,200	2.00
Total		302,940	3.50	358,000	3.50

FUTURE FISCAL IMPACTS

Title	CE REC.	FY14	FY15	FY16	FY17	(\$000's)	FY18	FY19
<i>This table is intended to present significant future fiscal impacts of the department's programs.</i>								
COUNTY GENERAL FUND								
Expenditures								
FY14 Recommended	66,598							
No inflation or compensation change is included in outyear projections.								
Labor Contracts	0	2,464	3,193	3,193	3,193	3,193	3,193	
These figures represent the estimated cost of general wage adjustments, new service increments, and associated benefits.								
Labor Contracts - Other	0	0	-47	-47	-47	-47	-47	
These figures represent other negotiated items included in the labor agreements.								
Subtotal Expenditures	66,598	69,062	69,744	69,744	69,744	69,744	69,744	

Corrections Operating Budget Questions – FY14

From: Susan Farag
To: OMB/DOCR

1. Please describe the CRIMS IT support (\$80,000).

Response:

Criminal Information Management System (CRIMS) is the new information management system being implemented throughout DOCR by the DTS-IJIS team. Phase I, Intake and Release Modules, was implemented in June 2011 and major new modules, covering all DOCR operational areas, will be implemented in Phase II and III starting in May 2013.

With this new and robust inmate information system, DOCR is processing hundreds of IT transactions with the significant volume occurring during evening and weekend hours when bookings and releases are dominant. CRIMS must be operational 24/7 -365 days per year to facilitate the booking and release processes as regulated by the State of Maryland Codes. (DTS eliminated evening, weekend and holiday IT Help Desk coverage for DOCR.) A Public Safety Data Systems Support Help Desk is already in operation to handle Police, Sheriff and Fire operations 24/7 -365 days*.

The requested professional services funding will allow DOCR to join this established support team to provide evening, weekend and holiday CRIMS IT support as well as technical cross training to build a cohesive Public Safety Systems Support technical team.

**NOTE: DOCR will eventually be joining the Public Safety Data Systems Help Desk. DTS advises that an MOU will be required, after the DOCR system is established and fully operational.*

2. Please describe the conversion of background investigation positions from contractual to permanent (number of positions, etc.)

Response:

DOCR previously had two background investigators. To continue the required background investigations, a pilot arrangement was made with the Department of Police to conduct the background investigations on behalf of DOCR. Unfortunately, the pilot arrangement proved not to be feasible for Police due to the need to fill higher than expected vacant Police Officer positions and an increase in sworn positions approved in the FY13 Budget.

Police could not accommodate the volume of DOCR background investigations on a “continuous” basis involving various classifications rather than by periodic recruit classes as in Police and Fire and Rescue. The combined background investigation of both DOCR and Police was beyond Police’s capacity to conduct the background investigations of DOCR’s positions. The work load was simply continuous, large and complex administratively. In terms of complexity and detail and scope of information, both agencies are subject to the same standards and requirement mandated by the Maryland Police and Correctional Training Commission.

In response to DOCR's background investigation requirements, the approved FY13 Budget provided \$176,000 to DOCR for the conduct of background investigations, under a contractual arrangement for this purpose.

We were unable to hire into the part-time/temporary positions necessary to conduct the investigations. The recommended transfer will enable DOCR to conduct background investigations with two term positions: an Administrative Specialist II (Grade 21) and Office Services Coordinator (Grade 16.) After a year of stable staffing and process was restored, the County noted that further review would consider whether permanent positions or some other model would be utilized. This remains a work in progress.

3. Please describe the “decreased cost” for disability and light duty management to reduce lost time from work (\$0 and 1 FTE).

Response:

A new position is proposed for DOCR as a result of collaborative work with OMB and the Public Safety Managers Workgroup. The position would manage and monitor DOCR employees who are on either a work or non-work related injury or illness, light duty, disability, FMLA; and draft or coordinate periodic physicals, Fitness for Duty examinations, administrative actions associated to non-compliance, etc.

This position will take a proactive approach and provide an increased focus to DOCR employees who are in varying capacities to return them back to work in the safest and most effective manner possible. This position will also address other types of medical or physical issues facing the employee within the classification assigned to DOCR that affect their ability to perform the essential job functions.

DOCR has been actively engaged in the Net Annual Work Hours issue and is committed to assisting employees return to full duty which will result in reduced financial burden on the employer (i.e., overtime usage;) reduce the negative effects on employees from not being reintegrated back into the workforce in a timely manner; provide specialized assistance to the third party administrators; and provide support to departmental and County staff in efforts to return the employee to work in a full performance capacity.

The cost of adding this new position is offset by reducing overtime, resulting in no net expenditure change. It is anticipated that further reduction of overtime costs and increasing employee net annual work hours could be realized in returning the employee back to work earlier than with non-specialized means

4. Please briefly describe the experience of the 3rd work crew to the Alternative Community Services (ACS) program, and adding 15-20 County work sites for Court-ordered offenders to complete community service obligations.

Response:

The recent addition of a third ACS work crew provides services to 15-20 sites throughout the County including: libraries, Strathmore, and County office buildings, doing light landscaping work, debris and trash pick-up, etc. DGS Facilities Maintenance directs the work and activity of this crew, and DOCR maintains the work schedule and supervision of the Officer. Overall, the result of expanding the ACS work crew has been favorable based on the positive comments received from the local communities. The offenders develop positive work habits while contributing their time to tasks that benefit the community.

5. Please provide an update on any security issues at PRRS, Pretrial, MCDC, or MCCF.

Response:

Pre-Trial – major security issues:

1. Pre-trial handles 750 inmate visitors per week – approximately 39,000 yearly. The Pretrial Services Headquarters at Twinbrook has numerous security concerns of a very serious nature built into the physical structure, while handling the largest volumes of offender business in DOCR. The building has no security hardware or architecture. The waiting area is cramped, encourages disagreements among those waiting, and is absolutely not conducive to good security for staff members and their criminal justice clients.

The building needs review for basic security architecture, camera utilization to erase blind corners and a full upgrade given multiple access points in the absence of any real security barriers and check points. A proposal will prepared for the FY15 budget submission. Technical assistance will be sought from the National Institute of Corrections. This is a major security concern for the entire agency.

2. An additional correctional Officer is needed to cover a large structure. One staff member is simply insufficient to cover the entire building. Basic security needs have expanded giving the increasingly difficult population and the number of mentally ill persons coming to this building. The single Officer often intervenes in many situations, and one Officer is insufficient.
3. Pre-Trial has between 71 and 100 persons on electronic monitoring. There is no staff supervision of the technology from 5:00 PM through 8:00 AM on weekdays nor any at all on weekends. On-call – after hour's supervision coverage is needed to properly engage major violations, exclusion zone violation, strap tampering, strap cut off and equipment shut down – power failure. While these are Pre-Trial persons in the community, they include domestic violence cases and other difficult case situations where electronic monitoring is needed and even false electronic notifications need attention. This should not be left to chance after normal work hours.

Pre-Release and Reentry Services – major security issues:

1. Mental illness is a growing concern and increasingly regular issue characterizing the offender population at Pre-Release. Mental illness impacts at least 20% of the offender population and requires increased attention on the part of security and case management staff. Mentally ill persons are reviewed like any other offender for Pre-Release, but clearly require greater supervision and need for more intensive services, both in the PRC building and the community. We are at all times responsible and liable for their behavior.
2. Synthetic drugs such as K-2 offer a much greater challenge to our accountability and monitoring procedures. Security searches and shakedowns warrant expansions, and new drug testing options bearing increased costs. Offenders at PRC are clearly impacted by the growing presence of these new problematic substances warranting increased attention, supervision and testing.
3. Maintenance issues are driving some security concerns. Staff members are spending increasing amounts of time engaging room closures, transfer of inmates, responding to plumbing problems and related concerns that take them away from their core security mission – offender supervision. Responding to maintenance issues would bring staff attention back to where it is vital – accountability in the building and throughout the community.

Detention Services – Montgomery County Correctional Facility, Clarksburg/Boyd- security concerns:

1. In a large maximum-security facility with a significant gang population, the availability of programs helps maintain peace and provide inmates with positive outlets to otherwise negative options. The loss of adult literacy and computer learning hours/services clearly impacts security. The loss of meaningful programmatic activity for inmates keeps them tied to living unit downtime that is not conducive to stabilizing inmate behavior. Education hours have already been reduced, and at this point, Workforce Development/One-Stop/Reentry planning has no obvious funding for FY14. The reduction or loss of this highly successful program, so well received by the inmates, will create further security pressures on the housing units. Please remember that one Correctional Officer supervises 64 inmates.
2. DOCR has no Internal Investigative Unit. It was lost to target reductions (our single IIU position) and has been absent for three full years. Every time an internal investigation is required; one of the remaining Captains must be removed from line security supervision for periods that can last as long as several weeks with no replacement. The absence of consistent staffing in the complex and vital security area of internal investigations makes training virtually impossible as well as building linkages to other agencies and information sources that are so critical to these very sensitive investigations.

3. Maintenance needs are the driving some security concerns at MCCF. The number of building lockdowns as a result of many repeated problems from detention electronics through faulty gates and other building systems have created clear and obvious security problems on an increasingly routine basis within this well run maximum security jail facility. DGS is called all too often, and budgetary issues have driven the absence of preventive maintenance that is so essential in a maximum-security environment where operations never cease.

Montgomery County Detention Center – Rockville security concerns:

1. Maintenance issues – same as MCCF above. Maintenance crosscuts every DOCR residential facility and is different for corrections, for we cannot close our building or halt operations.
2. No Internal Investigations Unit – same as MCCF above.
3. Prisoner released calculations – DOCR releases over 15,000 prisoner/detainees each year. Release decision making is very complex and staff intensive. Past DOCR practices has highlighted the errors that can be made in sentence calculations, multiple case situations and review of diminution-good time credits – both removal and restoration. Our zero tolerance focus is to abolish any inappropriate releases due to sentence and case calculations.

6. The Motor Pool Fund Contribution NDA contains \$84,106 for new Corrections Work Team Vans. Please describe the number of new vans and their intended use.

Response:

Currently two vans on loan from Fleet Management are no longer mission appropriate and pose unnecessary safety/risk management issues. These two large vans are used for offender community service projects throughout the County six days per week. When necessary they also serve as transport vehicles returning prisoners to MCCF, MCDC and PRRS. DOCR proposes purchasing two new 12 to 15 passenger vans to ensure safe service delivery to DOCR, DOT, SSUD, and other County government work sites.

The vehicles are used to transport both pretrial offenders working in the Alternative Community Service Program, convicted offenders incarcerated at Pre Release and Reentry Services, and individuals directed to the MCDC alternative weekender program. The County/DOCR responsibility for the care (safety,) custody and control of these individuals is directed on a case by case basis by the Circuit Court. These vehicles have high community visibility and should represent County government in a positive manor indicative of the high standard of public service expected by the citizens served.

Net Annual Work Hours and Overtime:

(10)

7. The FY13 budget contained \$1.5 million to address “overtime backfill to offset reduction in Net Annual Work Hours (NAWH).” Last year’s budget discussions focused on DOCR’s continuing efforts to determine the most appropriate mix of new permanent positions and the continued use of overtime. Please provide a status update on DOCR’s progress.

Response:

The \$1.5M for overtime was approved in the FY13 Budget to offset overtime backfill usage experienced by the Department as a result of the high number of vacant positions for the past 18 months. With respect to determining the appropriate mix of new permanent positions and the continued use of overtime, it is premature to make this determination until many of the vacant positions are filled, the disability and light duty management position has been in operation, and the Department has gained sufficient operational experience of being fully staffed (and its impact on overtime usage) of at least one to two years.

DOCR led the County in utilizing New Annual Work Hours as a data driven evidenced-based process to document overtime causes and related to leave utilization, County policy and contractual decision making.

8. In OLO’s recent report on “Employee Work Hours and Leave in Montgomery County Government,” DOCR was noted as a high user of average leave taken (418 hours/year), had a lower employee availability (79.8%), had FMLA leave comprise 8% of all leave taken, and put 11% of employees on sick leave restriction. While several of the report’s recommendations identified systemic County leave issues and recommended more OHR oversight, what types of changes, if any, could be made at the departmental level to help minimize inappropriate use of leave? (e.g., electronic scheduling system like Telestaff).

Response:

The Recommended FY14 budget includes an oversight position that is dedicated to manage and monitor staff who are unable to perform on post at full capacity. This is a similar position to those in Police and Fire and Rescue. (See also response to Question #3.)

The problem of leave utilization, as noted in the OLO Report, is in part a reflection of the approved collective bargaining agreements that have to be addressed beyond the department level. DOCR is actively participating in discussions related to the review of existing County policy that impacts work attendance and return-to-work; review of MCGEO Contract to determine impacts on work attendance and any mandatory Federal law, State law or local laws open for County consideration; and other documents, policy, procedure or process and whether accountability improvements can be sought that diminish mandatory backfill overtime in public safety agencies and the costs that follow. In addition, DOCR is also exploring the feasibility of utilizing an electronic scheduling system in conjunction with its on-going workforce analysis. (See also response to Question #7).

Revenue Issues:

(11)

9. It is my understanding that DOCR negotiates the per diem rates with the Federal Bureau of Prisons every three years. I believe the most current rate agreement is set to expire in 2013.

a. Is this expiration date correct? Please provide a status update on any anticipated negotiations.

Response: The current agreement expires May 31, 2013. Negotiations are in progress with Bureau of Prisons. Given sequestration issues and the sluggish rebounding of the economy; we anticipate terms and conditions will remain the same.

b. What are the current per diem rates for federal offenders at the Pre-Release Center and for home confinement?

Response: The current per diem rates are: \$132.50 per inmate, per day housed in the Pre-Release Center facility and \$68.08 per inmate, per day for home confinement services. These are superior rates bringing in well over \$1.5 million dollars to the County, and we seek to do nothing to create any fiscal concerns with our customer FBOP during this enormously difficult period for federal government agencies including the Justice Department where FBOP resides.

c. What are the total number of federal residents permitted in the Pre-Release program? Do you have average daily population rates by month for federal offenders?

Response: The current Agreement calls for 20 offenders (a number created for Federal Budget purposes); however, the daily number can be above or below 20 depending on bed space availability and the number of Federal inmates originating from and being returned to the local area from FBOP. This has been and continues to be an extraordinary relationship between County and federal agencies. It needs to be remembered that FBOP relies upon PRC to provide end-of-sentence reentry services to a population that are quite unique. This relationship of trust has been tested and vetted for over 20 years and recently has grown. It is unique, and we guard it with cost effective services and our best services – the same as all others receive at PRC.

(12)

Period	Federal Inmates at PRC	Federal Inmates Home Confinement
Jul-11	19.2	2.4
Aug-11	19.2	2.4
Sep-11	20.8	3.1
Oct-11	21	3
Nov-11	19.7	1.3
Dec-11	21.4	1.6
Jan-12	23.2	1.9
Feb-12	23.2	1.9
Mar-12	14.8	3.3
Apr-12	11.1	1.2
May-12	17.6	0.6
Jun-12	16.9	4.6
Year End Average	19.01	2.28

10. Please provide FY12 and/or FY13 revenues (actual or projected) for IPSA and ACS.
What are the current fees for these programs?

Response:

Revenue	FY12 Actual	FY13 Approved	FY13 Estimated	FY14 Recommended
IPSA Program Fee (44135)	\$329,763	\$286,000	\$317,200	\$297,000
Alternative Community Services (44133)	\$151,288	\$600,000	\$403,780	\$490,100
Inmate Workforce Fees (ACS Work Crew) (44138)	\$65,435	\$91,000	\$65,600	\$65,000

Current fees for these programs:

*IPSA for misdemeanor drug cases - \$350 per client

*IPSA for drug citation cases - \$150 per client

*ACS - \$175 per client

For the fees above, clients are expected to pay full fee unless documentation submitted indicating hardship - triggering a sliding scale starting at \$50 to the maximums above.

*Workforce (ACS Work Crew) - \$350 per job

DGS pays the cost of two operating two vans and personnel costs for two Correctional Officer Crew Supervisors. With a few exceptions, basic billing is \$350 per day for services to include MC Environmental Protection, MC Dept. of Transportation, Rockville City, and Wheaton Urban district. GRAB services are pro bono.

B. MCtime

MCtime is the County Government's web-based application used to track employee time and attendance. MCtime, an off-the-shelf product made by Kronos, was purchased in 2004. The first departments began using it in February 2007 (replacing paper timecards) and the last departments were brought online in August 2010. All departments use MCtime to record and approve their employees' time and attendance data. These data are then transferred to the County Government's Oracle system, which processes employees' paychecks. Three departments – MCFRS, MCPD, and DOT's Transit Division's bus operators and Division of Highway Services – use scheduling software that automatically transfers employees' data to MCtime.

MCtime is a companion to the County's ongoing implementation of an Enterprise Resource Planning (ERP) system, a comprehensive initiative to replace the County's mainframe-based technology for managing its business functions. The Department of Finance has lead responsibility for administering MCtime, receiving implementation help from OHR and the Department of Technology Services.

Although it has been five years since MCtime was first implemented, department staff report some issues with its implementation and use. For example, MCtime cannot currently automate a department's leave request and approval process because the County operates two different versions of MCtime: one version, the Java-based version used by supervisors, supports leave requests and approvals while the other version, the HTML-based version used by employees, does not. In addition, staff in some 24/7 department report difficulties with inputting work hours and leave.

The County's website provides background information and other resources for employees and managers on MCtime,² including frequently asked questions, time-related forms, and online training opportunities. MCtime staff also provide training when requested.



C. Department of Corrections

The Department of Corrections (DOCR) manages the County's correctional services, including pre-trial supervision, secure incarceration, and treatment and reintegration programs. In FY12, DOCR's approved budget was \$61.3 million with an Approved Personnel Complement for 558.2 full time equivalents (FTEs). Approximately 92% of employees are members of MCCEO.

Staffing Requirements. The Department of Correction and Rehabilitation has five divisions plus the Director's Office:

- Detention Center;
- Correctional Facility;
- Pre-Trial Services;
- Pre-Release and Reentry Services; and
- Management Services Division.

² The Council's Task Force on Employee Wellness and Consolidation of Agency Group Insurance Programs also contracted out a review of disease management programs.

³ www.montgomerycountymd.gov/mctime

Most union employees in DOCR who provide services in the detention facilities work 40 hours per week on one of three shifts: days, evenings, and midnights. Every year DOCR convenes a shift bid where employees choose their shifts for a coming year, based on seniority. DOCR reports that it does not have access to an electronic scheduling system, such as TeleStaff, for scheduling.

Leave Administration. The MCGEO CBA is the primary document that governs DOCR's practices for administering leave for DOCR's union employees. DOCR has created documents for supervisors and non-supervisory employees based on these rules. In addition, the Detention Services Division has developed a Policy and Procedures Manual, that has a policy on the "Scheduling and Use of Leave" and provisions that address annual, sick and administrative leave, among others.⁴ (See Appendix C for a summary.)

Supervisors have authority to grant or deny annual, compensatory, and sick leave requests based on operational requirements. Additionally, supervisors use a written script to provide information when employees call in to request unscheduled leave in order to minimize use of this leave. Because several divisions require 24/7 staffing, DOCR uses both voluntary and mandatory overtime to backfill positions when employee leave results in a shift being understaffed.⁵ DOCR may reprimand employees who refuse mandatory overtime. At the same time, supervisors will allow employees to take leave when a shift that has more employees than needed.

DOCR employees complete their own MCtime timecards and supervisors are responsible for reviewing timecards and making any changes if an employee has not filled out the timecard correctly. DOCR supervisors work closely with the Department's Administrative Specialist to administer and monitor leave usage in the department. The Administrative Specialist also:

- Serves as DOCR's FMLA coordinator;
- Trains supervisors on how to document all leave;
- Created a program (similar to Telestaff) that compares backfill costs and overtime use; and
- Holds monthly meeting with the County Government's Workers' Compensation third-party administrator to review every case.

D. Department of General Services

The Department of General Services (DGS) provides and supports business and service requirements for all County departments including procurement, fleet, printing/duplication, and facilities management. In FY12, the Approved Budget for DGS was \$90.6 million (including all funds) with an Approved Personnel Complement for 383.7 full time equivalents. Approximately 78% of DGS employees are members of MCGEO.

⁴ This policy is currently being edited, but it is described below in its current form.

⁵ Several County Government departments with 24/7 staffing fill positions or shifts when employees call in for unscheduled leave – referred to as “backfilling” the position. Backfilling leads to overtime costs because a department typically recruits other full-time employees to fill shifts for employees on unscheduled leave – increasing a full-time employee’s hours in a pay period.

A. Employee Availability

To determine County Government employees' availability,⁵ OLO looked at the total time that employees were at work ("regular hours") plus the time employees were on leave.⁶ See Footnote 6 below for an explanation of the inconsistency in the MCtime data used to calculate availability.

The annualized data in Table 4-1 show that DLC employees were available to work the most amount of time – 83.8 percent of the time – compared to employees in other Executive Branch departments. MCFRS employees were available to work the least compared to other departments – working 78.7 percent of the time. Looking at the data by employee group, unrepresented employees were available to work the most amount of time – 83 percent of the time – and IAFF members were available the least amount of the time – 79 percent of the time.

Table 4-1. Annualized Breakdown of Executive Branch Employees' Availability and Leave Taken

	Total Hours Worked	Total Leave Hours	Availability
Department			
DLC	390,597	75,249	83.8%
DOT	1,733,418	367,232	82.5%
Other	1,926,461	421,077	82.1%
MCPD	2,460,840	565,906	81.3%
DHHS	1,731,989	405,624	81.0%
DGS	602,464	141,864	80.9%
DOCR	740,639	187,035	79.8%
MCFRS	2,135,113	578,392	78.7%
Total*	11,721,521	2,742,379	81.0%
Employee Group			
Unrepresented	1,612,822	341,841	82.5%
FOP	1,766,468	392,938	81.8%
MCGEO	6,300,658	1,451,793	81.3%
IAFF	2,041,573	555,808	78.6%
Total*	11,721,521	2,742,379	81.0%

* Note: The data may not sum to totals due to rounding.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

⁵ The data on MCFRS employees' regular hours include hours worked when MCFRS employees traded shifts.

⁶ MCtime captures data on employees' "regular hours" (hours worked), data on employees' "total leave" taken, and data on employees' "expected hours" (hours that employees are scheduled to work). An MCtime glossary indicates that an employee's "regular hours" plus an employee's "total leave" should equal an employee's "expected hours" in any given pay period "if the timecard has been completed correctly." OLO noted in the MCtime data for the seven Executive Branch departments that the sum of the regular hours plus the leave taken did not always equal the expected hours.

B. Employee Work Hours and Leave

The Personnel Regulations and the MCGEO, IAFF, and FOP collective bargaining agreements define the types of leave and accrual rates, eligibility criteria and use rules for employee leave. Table 4-2 displays the annualized average leave hours per employee. On average, the annualized data show that:

- Employees as a whole worked 1,727 hours and took 404 hours of leave;
- MCFRS employees – typically 2,496 employees – worked 1,905 hours in a year, on average;
- Among 2,080 employees, DLC employees work the most hours – working 79 more hours per year, on average, than DOCR employees, who work the fewest hours.

Looking at the annualized data by employee group, among 2,080 employees, unrepresented employees worked the most hours – working 12 more hours per year, on average, than FOP members, who worked the fewest hours. IAFF members, typically 2,496 employees, worked 1,917 hours a year, on average.

Table 4-2. Annualized Average Regular Hours Worked and Leave Used

	# of Employees	Average Regular Hours Worked	Average Leave Hours Used
Department			
MCFRS	1,121	1,905*	516*
DLC	225	1,736	334
DOT	1,013	1,711	363
Other	1,131	1,703	372
MCPD	1,456	1,690	389
DHHS	1,038	1,669	391
DGS	358	1,683	396
DOCR	447	1,657	418
Average	6,789	1,727	404
Employee Group			
IAFF	1,065	1,917	522
Unrepresented	942	1,712	363
MCGEO	3,743	1,683	388
FOP	1,039	1,700	378
Average	6,789	1,727	404

*MCFRS regular hours include hours worked when employees traded shifts.

Note that most MCFRS employees have a 2,496-hour work year. Employees in other departments typically have a 2,080-hour work year.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

Types of Leave Used. Tables 4-3 and 4-4 show the annualized average and total hours of leave use by type. See Appendix J to view leave use as percentages of total leave and of total hours scheduled. The data show that employees used 404 hours of leave, on average. Specifically, the annualized data show that:

- Employees overall used annual leave the most (143 hours per employee and 35% of total leave) and sick leave the second most (101 hours per employee and 25% of total leave);
- The average total leave per employee among 2,080 employees was highest in DOCR (418 hours); MCFRS employees – typically 2,496 employees – used 516 hours of leave on average.
- The average total leave per employee was lowest in DLC (335 hours) and DOT (363 hours).
- Sick leave use ranged between about 4% of scheduled hours in MCPD and DLC (81 and 85 hours per employee, respectively) to 5% of scheduled hours in MCFRS, DHHS, DOT, DOCR and DGS.
- DLC employees' leave was lower than average for all types of leave except holiday leave.

Table 4-3. Annualized Summary of Leave Use in Executive Branch Departments, by Department

Dept.	# of Employees	Leave Taken (in hours)*								
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
Total Leave Hours										
MCFRS**	1,121	578,392	187,730	144,908	85,393	3,886	55,400	44,411	47,708	4,181
MCPD	1,456	565,906	184,648	117,341	105,928	41,550	48,990	40,784	10,356	4,346
Other	1,131	421,077	163,715	104,318	37,758	69,993	25,976	11,397	2,577	3,911
DHHS	1,038	405,624	153,489	109,927	27,504	64,907	23,670	15,437	479	9,254
DOT	1,013	367,232	136,018	107,535	27,640	26,517	14,843	16,710	20,245	16,093
DOCR	447	187,035	64,275	47,746	22,545	9,385	4,799	13,666	17,530	2,401
DGS	358	141,864	50,439	37,840	16,934	16,525	6,633	6,287	4,193	1,333
DLC	225	75,249	28,851	19,206	6,157	10,760	5,088	2,436	1,607	617
Total	6,789	2,742,379	969,163	688,911	329,858	243,523	185,398	151,129	104,963	42,136
Average Hours per Employee										
MCFRS**	1,121	516	167	129	76	3	49	40	43	4
MCPD	1,456	389	127	81	73	29	34	28	7	3
Other	1,131	372	145	92	33	62	23	10	2	3
DHHS	1,038	391	148	106	26	63	23	15	<1	9
DOT	1,013	363	134	106	27	26	15	16	20	16
DOCR	447	418	144	107	50	21	11	31	39	5
DGS	358	396	141	106	47	46	19	18	12	4
DLC	225	334	128	85	27	48	23	11	7	3
Average	6,789	404	143	101	49	36	27	22	15	6

* The Total Leave data in this table includes several types of leave not listed, including furlough leave, religious leave, military leave, and "Other" leave. Consequently, the data in the individual leave columns in this table do not sum to the Total Leave data.

** Most MCFRS employees work 2,496 hours a year. Most other employees work 2,080 hours a year.

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

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

(18)

Looking at the annualized data by employee group, OLO found that:

- IAFF members took a total of 354 hours of holiday leave – an average of less than one hour per employee;
- IAFF members were on disability leave for 45 hours or 2% of their total scheduled hours, on average, significantly more than MC GEO (12 hours) and FOP (9 hours) members and unrepresented employees (2 hours); see Appendix J to view leave use as a percentage of total scheduled hours.
- MC GEO members took twice as much unpaid leave per employee as other employees.

Table 4-4. Annualized Summary of Leave Use in Executive Branch Departments, by Employee Group

Dept.	# of Employees	Leave Taken (in hours)*								
		Leave Hours	Annual	Sick	Comp.	Holiday	Personal	Admin.	Disability	Unpaid
Total Leave Hours										
FOP	1,039	392,938	126,179	74,010	70,180	24,627	40,700	34,581	9,437	1,881
IAFF	1,065	555,808	179,485	138,918	83,154	354	53,885	43,916	47,395	3,952
MC GEO	3,743	1,451,793	535,824	394,700	135,104	168,063	67,872	59,887	45,919	34,255
Unrepresented	942	341,841	127,675	81,283	41,419	50,479	22,941	12,745	1,942	2,048
Total	6,789	2,741,379	969,163	688,911	329,858	243,523	185,398	151,129	104,963	42,136
Average Hours per Employee										
FOP	1,039	378	121	71	68	24	39	33	9	2
IAFF	1,065	522	169	130	78	<1	51	41	45	4
MC GEO	3,743	388	143	105	36	45	18	16	12	9
Unrepresented	942	363	136	86	44	54	24	14	2	2
Average	6,789	404	143	101	49	36	27	22	15	6

* The Total Leave data in this table includes several types of leave not listed, including furlough leave, religious leave, military leave, and "Other" leave. Consequently, the data in the individual leave columns in this table do not sum to the Total Leave data.

Note: hours may not sum to total due to rounding

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

Employees Using Large Amounts of Leave. OLO looked at availability and employee leave use in several other ways. This section summarizes two types of data; including data on:

- Employees on leave 25%, 50% and 75% percent of the time, or more; and
- Employees using the most and the least leave.

Employees on Leave 25 Percent of the Time or More. Table 4-5 summarizes the number of Executive Branch employees who were on leave at least 25 percent of their expected work hours. Note that the data in Table 4-5 has not been annualized. The data show that between January 2, 2011 and June 30, 2012:

- 12% of Executive Branch employees were on leave for at least 25% of their expected work hours;
- MCFRS had the highest percent of employees on leave at least 25% of the time – 22% of employees – while second-ranked DOCR had 16% of employees on leave 25% of the time.
- DLC had the fewest employees on leave at least 25% of the time – 7% of employees.

The data are similar by employee group. Twenty percent of IAFF members were on leave at least 25 percent of the time while seven percent of unrepresented employees were on leave that amount of time. FOP and MCGEO members fell between these two groups – with 14 percent and 13 percent of employees, respectively, on leave at least 25 percent of the time.

**Table 4-5. Executive Branch Employees on Leave
25%, 50% or 75% of the Time**

	Total # of Employees	Percent of Employees on Leave		
		25% of the Time	50% of the Time	75% of the Time
Department				
MCFRS	1,121	22.1%	3.0%	0.8%
DOCR	447	16.3%	3.1%	1.3%
MCPD	1,456	14.6%	1.2%	0.4%
DGS	358	14.0%	2.0%	0.3%
DOT	1,013	12.6%	1.6%	0.6%
DHHS	1,038	9.6%	0.6%	0.1%
Other	1,131	9.0%	0.1%	0%
DLC	225	7.1%	0.9%	0.4%
Total	6,789	12.2%	1.4%	0.4%
Employee Group				
IAFF	1,065	20.8%	2.7%	0.7%
FOP	1,039	14.2%	1.3%	0.6%
MCGEO	3,743	13.4%	1.3%	0.4%
Unrepresented	942	7.2%	0.8%	0.0%
Total	6,789	12.2%	1.4%	0.4%

Source: MCtime data for January 2, 2011 – June 30, 2012

Highest and Lowest Leave Users. The data in the following tables looks at leave use slightly differently. Table 4-6 summarizes data showing the *most amount of time* employees were at work for 25 percent of employees who used the *most leave*. The data show that in all departments, the highest leave users were at work 80 percent of the time or less. Similarly, IAFF's highest leave users were at work 76 percent of the time or less, whereas the highest leave users among unrepresented employees were at work 80 percent of the time or less.

Table 4-6. Highest 25% of Leave Users, January 2, 2011 – June 30, 2012

	Employees Worked This % of Time or Less
Department	
MCFRS	77%
DOCR	78%
DHHS	79%
DGS	79%
Other	79%
MCPD	78%
DLC	80%
DOT	80%
Employee Group	
IAFF	76%
FOP	79%
MCGEO	79%
Unrepresented	80%

Source: MCtime data for January 2, 2011 – June 30, 2012

Table 4-7 summarizes the converse data for the 25 percent of employees who used the *least leave*. These employees were working, at a minimum, the percent of time noted in the tables. The data show that these employees were at work 85 percent of the time or more. FOP's low leave users were at work 87 percent of the time or more and the lowest leave users among IAFF employees were at work 85 percent of the time or more.

**Table 4-8. Amount of Leave Used by Highest Five Percent of Executive Branch Leave Users
January 2, 2011 – June 30, 2012**

Department	% of Total Leave Used
DOCR	15.5%
DOT	14.3%
MCFRS	13.3%
DGS	12.5%
MCPD	12.4%
DLC	12.0%
DHHS	9.7%
Other	9.6%
Employee Group	
FOP	13%
IAFF	13%
MCGEO	12%
Unrepresented	10%

Source: MCtime data for January 2, 2011 – June 30, 2012

Light Duty. Departments temporarily assign employees with certain medical limitations to “light duty” – work that is less demanding than their normal job duties. Light duty can affect a department’s staffing requirements and overtime if a department has to backfill positions of employees on light duty. Table 4-9 summarizes the number of people on light duty at some time during FY2012 for the seven largest departments. DOCR had the highest percentage of employees on light duty, approximately 26% of all employees.

Table 4-9. Number of Employees on Light Duty at Some Point in FY2012, by Department

Department	Total # of Employees	Employees on Light Duty	
		#	%
MCFRS	1,121	195	17.4%
MCPD	1,456	171	11.7%
DOT	1,013	119	11.7%
DOCR	447	115	25.7%
DLC	225	15	6.7%
DGS	358	6	1.7%
DHHS	1,038	n/a*	n/a*

* Data on DHHS employees on light duty was not available

Source: Executive Branch staff



The annualized data show wide variance among departments' use of unscheduled leave. Specifically:

- In DOCR and DOT, approximately 13.5% of total leave was unscheduled. Employees used, on average, 57 and 49 hours of unscheduled leave, respectively.
- In MCFRS, however, unscheduled leave use accounted for only one half of a percent of total leave. MCFRS representative report that the department does not record leave for IAFF employees as "unscheduled" because the term is not defined in the IAFF collective bargaining agreement; and
- Annual and sick leave ranged from 66% to 83% of unscheduled leave in all departments except MCFRS, where annual and sick leave made up only 11% of unscheduled leave.

Looking at the annualized data by employee group, OLO found that nine percent of MCGEO members' leave was unscheduled, compared to only half a percent of all leave taken by IAFF and FOP members.

Table 4-12. Annualized Summary of Executive Branch Employees' Unscheduled Leave Used

	Unscheduled Leave Hours	Average Hours Per Employee	% of Total Leave	Percent of Unscheduled Leave		
				Annual	Sick*	All Other
Department						
DOCR	25,415	57	13.6%	8%	75%	17%
DOT	49,499	49	13.5%	15%	57%	28%
DLC	6,853	31	9.1%	26%	62%	12%
DHHS	24,924	24	6.1%	19%	50%	31%
Other	19,986	18	4.7%	15%	63%	21%
DGS	5,301	15	3.7%	17%	49%	34%
MCPD	16,015	11	2.8%	13%	58%	29%
MCFRS	2,868	3	0.5%	6%	5%	89%
Total+	150,861	22	5.5%	15%	59%	27%
Employee Group						
MCGEO	134,721	36	9.3%	14.9%	60.2%	24.9%
Unrepresented	11,855	13	3.5%	17.8%	60.3%	21.9%
FOP	1,999	2	0.5%	2.2%	17.4%	80.4%
IAFF	2,287	2	0.4%	1.1%	0.3%**	99.2%
Total+	150,861	22	5.5%	14.7%	58.7%	26.6%

*Note "Sick" is combined Sick Leave and Family Sick Leave.

** MCFRS representatives report that the department does not record leave for IAFF employees as "unscheduled" because the term is not defined in the IAFF collective bargaining agreement.

+ Numbers may not sum to "Total" due to rounding.

Source: MCtime annualized data for January 2, 2011 – June 30, 2012

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