

PS COMMITTEE #3
May 2, 2012

Worksession

MEMORANDUM

April 30, 2012

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY13 Operating Budget**
Department of Correction and Rehabilitation (DOCR)
(Continued)

Those expected for this worksession:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation (DOCR)
Robert Green, Warden, Montgomery County Correctional Facility (MCCF)
Stefan LoBuglio, Chief, Pre-Release and Re-Entry Services
Sharon Trexler, Chief, Pre-Trial Services
Craig Dowd, Budget and Procurement Manager, DOCR
Ed Piesen, Office of Management and Budget (OMB)

Summary of April 20 Committee Worksession:

The Committee discussed the need for the \$1.5 million to correct a structural deficit that DOCR has been running over the past several years, mostly related to overtime. It discussed the ongoing work on the Net Annual Work Hours study and how actual staff availability impacts the need for overtime. The Department advised this study is a work in progress and they are working toward determining the most appropriate mix of additional staff and overtime backfill to meet departmental staffing needs in an efficient manner.

In addition, the Committee discussed the reduction of visiting hours over the past year and the increased number of security incidents at that post. Council staff recommended restoring the post due to safety concerns.

The Committee asked for follow-up information to discuss at the next worksession, including:

- The assumptions on which the \$1.5 million is based;
- The Department's time frame for developing a proposal regarding the appropriate mix of new positions and overtime backfill that will most efficiently meet DOCR's staffing needs;
- More data on the reasons behind the use of temporary disability, which seemed high in 2011; and
- The number of positions and corresponding cost of each position required to restore the visitor's post to its previous staffing levels.

The Executive had not provided this information by the time this packet went to print. If it is provided before the worksession, Council staff will distribute it. Otherwise, Executive staff will bring the information to the worksession.

The County Executive's recommendation for the Department of Correction and Rehabilitation is attached at ©1-7.

Overview

For FY13, the County Executive recommends total expenditures of \$65,001,866 for the Division of Correction and Rehabilitation (DOCR), a 6.1% increase from the FY12 approved budget.

	FY11 Actual	FY12 Approved	FY13 CE Recommended	% Change FY12-FY13
Expenditures				
General Fund	\$63,027,483	\$61,264,450	\$65,001,866	6.1%
Grant Fund	\$361,011			
TOTAL Expenditures	\$63,388,494	\$61,264,450	\$65,001,866	6.1%
Positions:				
Full-time	515	511	512	0.2%
Part-time	4	5	2	-60.0%
TOTAL Positions	519	516	514	-0.4%

The FY13 County Executive recommendation is a net increase of \$3,737,416 listed below as same-service adjustments.

Identified Same Service Adjustments

Increase Cost: Overtime Backfill to Offset Reduction in Net Annual Work Hours	\$1,500,000
Increase Cost: Lump Sum Wage Adjustment	\$1,050,803
Increase Cost: Group Insurance Adjustment	\$1,014,107
Increase Cost: Conduct Background Investigation of CO and other Applicants	\$176,000
Increase Cost: Promotional Exams	\$76,000
Increase Cost: Captain, Capital Projects	\$73,950
Increase Cost: Longevity Adjustment	\$64,580
Increase Cost: Religious Diet Funding	\$60,000
Increase Cost: Motor Pool Rate Adjustment	\$33,310
Increase Cost: Annualization of FY12 Lapsed Positions	\$18,400
Increase Cost: Equip C.O.s with Handcuffs	\$2,000
Total Increase:	\$4,069,150
Decrease Cost:	(\$1,740)
Shift: Help Desk - Desk Side Support to the Desktop Computer Mod NDA	(\$5,130)
Shift: Charge Drug Enforcement Forfeitures Fund for Testing Kits (PRRS)	(\$15,705)
Shift: Charge Drug Enforcement Forfeitures Funds for Testing Kits (PTRS)	(\$15,706)
Decrease Cost: Annualization of Personnel Costs	(\$62,000)
Decrease Cost: Retirement Adjustment	(\$231,453)
Total Decreases:	(\$331,734)
NET SAME SERVICES ADJUSTMENT TOTAL:	\$3,737,416

FY13 Expenditure Issues

OVERTIME BACKFILL TO OFFSET REDUCTION IN NET ANNUAL WORK HOURS

The County Executive’s recommended budget includes \$1.5 million in overtime backfill to offset a reduction in the Department’s Net Annual Work Hours (NAWH). NAWH describes the average annual hours that employee reports for duty on a relieved post (one that is covered on a continual basis). DOCR recently conducted a staffing analysis to determine the actual number of employees needed to cover its relieved and non-relieved posts. It found that the 2011 NAWH is 13.2% lower than the 2010 NAWH. A Correctional Officer is slated to work 2,086 hours each year. In 2010, an employee averaged 1,647 hours per year. In 2011, this average fell to 1,625 hours per year. Consequently, more employees were required to fill the same number of relieved hours in 2011 than in 2010. CoutyStat’s recent Performance Review of DOCR, including an examination of NAWH, is included at © 8-34.

The NAWH can be translated into Shift Relief Factors for each relieved post to show how many employees DOCR must have to cover one 24/7 post. According to DOCR, it has been using a Shift Relief Factor of 5.36 to determine staffing needs. The new NAWH report indicates that the Shift Relief Factor should be 6.15 for both institutions.

Council staff asked a series of questions about this issue, but Executive staff had not provided responses at the time this packet went to print. The Committee should understand how the funding request relates to staffing needs. Several discussion points are listed below:

- 1) What are the assumptions on which the \$1.5 million increase are based?*
- 2) What are the reasons for the overall reduction in NAWH? (i.e., types of leave, furlough, etc.)*
- 3) It is Council Staff's understanding that the County's leave benefits are more generous in certain cases than what is required by federal law. To what extent is this type of bargained benefit responsible for DOCR's overtime?*
- 4) DOCR also pays mandatory overtime to certain employees for their lunch period (or roll call). Is it funded? What will it cost in FY13?*
- 5) Has DOCR determined how many additional employees are needed to fully-staff its relieved posts? Has it determined what mix of new employees and overtime backfill is optimal?*

BACKGROUND INVESTIGATIONS

The County Executive recommended budget contains \$176,000 to conduct background investigations of Correctional Officer and Resident Supervisor applicants. It is Council staff's understanding that the Police Department currently conducts background investigation of DOCR applicants. The FY12 Police Department budget civilianized six positions within their background investigations unit. Three of these positions were to be created as temporary positions, which could then be scheduled on an intermittent basis to meet increased workload demands. *The Committee should understand why background investigations are being transferred to DOCR.*

- 1) Will current staff conduct these investigations? Or will they be performed using contractual services?*
- 2) Is there a corresponding reduction in staff within the Police Department? If not, why not?*

SECURITY ISSUES AT VISITOR POST (MCCF)

In FY12, one post at MCCF was collapsed due to budgetary constraints. This post impacted the hours and days when an inmate may receive visitors. Visiting hours are currently six days a week, from 6pm to 9pm only. There are no longer any daytime hours available for visiting. Council staff understands that security incidents have increased at this post, as visitors and inmates alike have expressed frustration at the reduced time they are allowed to visit. There

have been several acts of vandalism, as well as at least two arrests, and one injury to a staff member. There is no type of physical barrier between staff and visitors. *The Committee may wish to ask DOCR staff what their concerns about this post are, if any, and whether restoring visiting hours would help minimize security issues, especially the potential for injury to staff and others. If the hours should be increased, what are DOCR's staffing needs to do so?*

COUNCIL STAFF RECOMMENDATION

Council staff recommends adding the cost of three Correctional Officers to the Reconciliation List in order to restore the visitor's post to its original hours in an effort to mitigate security incidents at the post. Council staff is waiting for more information from the Executive staff before making a recommendation regarding the remaining budget issues.

This packet contains

Recommended FY12 Operating Budget	© 1-7
DOCR Performance Review, CountyStat (March 27, 2012) (Excerpts related to NAWH)	8-34
Council Staff Questions to DOCR	35-36
Executive Responses to Initial Request for Information (April 18, 2012)	37-41

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 FY13 Operating Budget for the Department of Correction and Rehabilitation is \$65,001,866, an increase of \$3,737,416 or 6.1 percent from the FY12 Approved Budget of \$61,264,450. Personnel Costs comprise 89.6 percent of the budget for 512 full-time positions and two part-time positions for 508.80 FTEs. Operating Expenses account for the remaining 10.4 percent of the FY13 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 FY12 estimates reflect funding based on the FY12 approved budget. The FY13 and FY14 figures are performance targets based on the FY13 recommended budget and funding for comparable service levels in FY14.

Measure	Actual FY10	Actual FY11	Estimated FY12	Target FY13	Target FY14
Multi-Program Measures					
Zero Tolerance security incidents - Number of inmates suicides	2	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	1	0	0	0	0
Zero Tolerance security incidents - Number of inappropriate releases of an inmate	2	4	4	4	4
Zero tolerance security incidents - Number of inappropriately released inmates returned	2	4	4	4	4
Security incidents - Number of escapes from the Pre-Release Center, a community located, minimum security program with 600 yearly admissions	2	4	6	6	6
Security incidents - Number of escapees apprehended or returned to the Pre-Release Center, a community located, minimum security program	2	4	6	6	6
Accreditation standards from the Maryland Commission on Correctional Standards and the Correctional Education Association - Percent of standards met	100	98	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
Per diem cost per inmate, cost to house one inmate for one night (in dollars)	176	182	182	182	182

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.

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ACCOMPLISHMENTS AND INITIATIVES

- ❖ **FY13 Budget Highlights**
 - **Increase the Department of Correction and Rehabilitation funding for conducting background investigations of Correctional Officer and Resident Supervisor applicants.**
 - **Purchase, with Drug Enforcement Forfeiture Funds (DEFF), Substance Abuse Testing Kits to be applied to inmates incarcerated at the County correctional facilities.**
- ❖ **Implemented a preliminary hearing docket in conjunction with the State's Attorney's Office to screen Pre-Trial Services (PTS) cases on Wednesdays when the criminal court is not in session in District Court.**
- ❖ **Provide PTS defendants services at two probation and parole offices. This enables defendants with limited transportation the ability to meet with a PTS Officer 4 days a week.**
- ❖ **Improvement of Pre-Release and Re-Entry Services' (PRRS) mental health services by better integrated departmental services with community-based providers.**
- ❖ **Improvement of educational services at PRRS and their integration with community providers.**
- ❖ **Revamped efforts to provide employment assistance to the incarcerated population in PRRS's work release program.**
- ❖ **Restarted Montgomery County Correctional Facility (MCCF) Workforce Pre-Employment Program providing labor and project solutions to County Government and non-profits serving the County. This program lowers institutional average daily population (ADP) through work day credits earned by the inmate population.**
- ❖ **Implementation of federally-funded Workplace Digital Skill Training Initiative at PRRS with Montgomery College and Workforce Solutions Group.**
- ❖ **Productivity Improvements**
 - **Re-organization of managerial duties at Pre-Release and Re-Entry Services to provide more direct support for case managers and work release coordinators**
 - **Instituted a third Pre-Trial Services community service work crew.**
 - **Implemented a 30 person Montgomery County Detention Center (MCDC) weekend work crew assigned to the Silver Spring Urban District.**

PROGRAM CONTACTS

Contact Craig Dowd of the Department of Correction and Rehabilitation at 240.777.9982 or Ed Piesen of the Office of Management and Budget at 240.777.2764 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.

FY13 Recommended Changes	Expenditures	FTEs
FY12 Approved	601,340	3.90
Increase Cost: Conduct Background Investigation of Correctional Officer and Resident Supervisor Applicants	176,000	0.00
Increase Cost: Promotional Examinations performed by OHR for uniformed ranks in accordance with Collective Bargaining Agreement	76,000	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	253,191	0.10
FY13 CE Recommended	1,106,531	4.00

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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 FY10	Actual FY11	Estimated FY12	Target FY13	Target FY14
Self growth and development programs - Percent of inmates at the Pre-Release Center participating in programs	100	100	100	100	100

FY13 Recommended Changes	Expenditures	FTEs
FY12 Approved	6,858,520	67.00
Increase Cost: Equip Correctional Officers With Handcuffs	2,000	0.00
Shift: Charge to Drug Enforcement Forfeitures Fund (DEFF) for purchase of Substance Abuse Testing Kits for inmates and residents	-15,705	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	339,674	-2.70
FY13 CE Recommended	7,184,489	64.30

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 misdemeanor 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.

FY13 Recommended Changes	Expenditures	FTEs
FY12 Approved	5,010,950	42.60
Shift: Charge to Drug Enforcement Forfeitures Fund (DEFF) for purchase of Substance Abuse Testing Kits for inmates and residents	-15,706	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	287,599	-0.10
FY13 CE Recommended	5,282,843	42.50

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

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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 FY10	Actual FY11	Estimated FY12	Target FY13	Target FY14
Self growth and development programs - Percent of inmates at the Montgomery County Correctional Facility (MCCF) participating in programs.	68	63	63	63	63

FY13 Recommended Changes	Expenditures	FTEs
FY12 Approved	48,793,640	444.70
Increase Cost: Captain, Capital Projects Coordinator	73,950	0.50
Increase Cost: Religious Diet Funding	60,000	0.00
Increase Cost: Annualization of FY12 Lapsed Positions	18,400	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. Other large variances are related to the transition from the previous mainframe budgeting system to Hyperion.	2,482,013	-47.20
FY13 CE Recommended	51,428,003	398.00

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BUDGET SUMMARY

	Actual FY11	Budget FY12	Estimated FY12	Recommended FY13	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	38,741,922	37,508,010	39,146,920	40,066,964	6.8%
Employee Benefits	17,981,724	17,301,640	18,539,620	18,173,073	5.0%
County General Fund Personnel Costs	56,723,646	54,809,650	57,686,540	58,240,037	6.3%
Operating Expenses	6,303,837	6,454,800	6,118,078	6,761,829	4.8%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	63,027,483	61,264,450	63,804,618	65,001,866	6.1%
PERSONNEL					
Full-Time	515	511	511	512	0.2%
Part-Time	4	5	5	2	-60.0%
FTEs	554.20	558.20	558.20	508.80	-8.8%
REVENUES					
Alternative Community Services	732,163	600,000	600,000	600,000	—
Care of Federal/State Prisoners	1,976,946	2,127,230	2,127,230	2,100,000	-1.3%
Home Confinement Fees	120,769	58,110	58,100	58,000	-0.2%
Illegal Alien Inmate Reimbursement	1,575,426	1,550,000	922,240	900,000	-41.9%
Substance Abusers Intervention Program (IPSA)	249,601	286,000	296,000	290,000	1.4%
Other Charges/Fees	90,246	98,000	98,000	96,500	-1.5%
Other Intergovernmental	160,766	175,000	175,000	175,000	—
County General Fund Revenues	4,905,917	4,894,340	4,276,570	4,219,500	-13.8%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	35,566	0	0	0	—
Employee Benefits	19,667	0	0	0	—
Grant Fund MCG Personnel Costs	55,233	0	0	0	—
Operating Expenses	305,778	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	361,011	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	361,011	0	0	0	—
Grant Fund MCG Revenues	361,011	0	0	0	—
DEPARTMENT TOTALS					
Total Expenditures	63,388,494	61,264,450	63,804,618	65,001,866	6.1%
Total Full-Time Positions	515	511	511	512	0.2%
Total Part-Time Positions	4	5	5	2	-60.0%
Total FTEs	554.20	558.20	558.20	508.80	-8.8%
Total Revenues	5,266,928	4,894,340	4,276,570	4,219,500	-13.8%

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FY13 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY12 ORIGINAL APPROPRIATION	61,264,450	558.20
Other Adjustments (with no service impacts)		
Increase Cost: Overtime Backfill To Offset Reduction In Net Annual Work Hours (NAWH)	1,500,000	0.00
Increase Cost: Lump Sum Wage Adjustment	1,050,803	0.00
Increase Cost: Group Insurance Adjustment	1,014,107	0.00
Increase Cost: Conduct Background Investigation of Correctional Officer and Resident Supervisor Applicants [Office of the Director]	176,000	0.00
Increase Cost: Promotional Examinations performed by OHR for uniformed ranks in accordance with Collective Bargaining Agreement [Office of the Director]	76,000	0.00
Increase Cost: Captain, Capital Projects Coordinator [Detention Services]	73,950	0.50
Increase Cost: Longevity Adjustment	64,580	0.00
Increase Cost: Religious Diet Funding [Detention Services]	60,000	0.00
Increase Cost: Motor Pool Rate Adjustment	33,310	0.00
Increase Cost: Annualization of FY12 Lapsed Positions [Detention Services]	18,400	0.00
Increase Cost: Equip Correctional Officers With Handcuffs [Pre-Release and Re-Entry Services]	2,000	0.00
Technical Adj: Conversion of WYs to FTEs in the New Hyperion Budgeting System; FTEs are No Longer Measured for Overtime and Lapse	0	-49.90
Decrease Cost: Printing and Mail Adjustment	-1,740	0.00
Shift: Help Desk - Desk Side Support to the Desktop Computer Modernization NDA	-5,130	0.00
Shift: Charge to Drug Enforcement Forfeitures Fund (DEFF) for purchase of Substance Abuse Testing Kits for inmates and residents [Pre-Release and Re-Entry Services]	-15,705	0.00
Shift: Charge to Drug Enforcement Forfeitures Fund (DEFF) for purchase of Substance Abuse Testing Kits for inmates and residents [Pre-Trial Services]	-15,706	0.00
Decrease Cost: Annualization of Personnel Costs	-62,000	0.00
Decrease Cost: Retirement Adjustment	-231,453	0.00
FY13 RECOMMENDED:	65,001,866	508.80

PROGRAM SUMMARY

Program Name	FY12 Approved		FY13 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Office of the Director	601,340	3.90	1,106,531	4.00
Pre-Release and Re-Entry Services	6,858,520	67.00	7,184,489	64.30
Pre-Trial Services	5,010,950	42.60	5,282,843	42.50
Detention Services	48,793,640	444.70	51,428,003	398.00
Total	61,264,450	558.20	65,001,866	508.80

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY12		FY13	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
CIP	CIP	0	0.00	36,073	0.50
Fleet Management Services	County General Fund	269,358	3.00	266,867	3.00
Total		269,358	3.00	302,940	3.50

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FUTURE FISCAL IMPACTS

Title	CE REC.			(\$000's)		
	FY13	FY14	FY15	FY16	FY17	FY18
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY13 Recommended	65,002	65,002	65,002	65,002	65,002	65,002
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Lump Sum Wage Adjustment	0	-1,051	-1,051	-1,051	-1,051	-1,051
This represents the elimination of the one-time lump sum wage increases paid in FY13.						
Longevity Adjustment	0	8	8	8	8	8
This represents the annualization of longevity wage increments paid during FY13.						
Subtotal Expenditures	65,002	63,959	63,959	63,959	63,959	63,959

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Department of Correction and Rehabilitation Performance Review

**Art Wallenstein, Director
March 27, 2012**

09



CountyStat Principles

- **Require Data-Driven Performance**
- **Promote Strategic Governance**
- **Increase Government Transparency**
- **Foster a Culture of Accountability**

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Agenda

- **Welcome and Introductions**
- **Review of Net Annual Work Hours Studies**
 - Results of CountyStat Report
 - Results of DOCR Contract Report
- **Review Departmental Performance**
 - Budget
 - Performance Measures
- **Wrap-up and Follow-up Items**

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Meeting Goal

- **Meeting Goals:**

- Identify area where workforce availability is being impacted
- Identify areas of DOCR operations that based on performance trend lines should be targets for further improvement

- **How we measure success:**

- Provide recommendations to address workforce availability concerns
- Comparison of headline performance measures to previous year's performance will determine if departmental operations are improving, maintaining, or declining



Methodology on CountyStat NAWH Analysis

- **Looked at 26 pay periods in CY2011**
- **Annual Net Work Hours = average number of hours an employee was on regular pay**
 - Only includes employees who earned regular pay in at least one of the first three and at least one of the final three pay periods of the year
 - Only includes full-time, permanent County employees
- **Availability = Annual Net Work Hours / Annual Work Hours**
 - Annual Work Hours = 2080 or 2496 (MCFRS only)
- **Employees Included = number of employees included in Net Work Hours calculations**



Summary of Availability by Department

Availability = Annual Net Work Hours / Annual Work Hours

84% was the average availability of 27 County departments with at least 10 eligible employees.

These departments fall below that 84% availability.

	<u>Employees*</u>	<u>Total Hours</u>	<u>Avg Annual Hours</u>	<u>Availability</u>	<u>Pct of Employees With Availability Above 84%</u>
FRS	1,124	2,166,708	1928	77%	24.20%
DOCR	461	779,195	1690	81%	44.25%
POL	1,495	2,559,904	1712	82%	48.29%
PIO	46	79,414	1726	83%	50.00%
DGS	385	665,374	1728	83%	52.21%
HHS	780	1,348,089	1728	83%	47.05%
LIB	159	275,698	1734	83%	45.28%
DOT	1,066	1,853,578	1739	77%	56.85%

*Includes employees who reported regular pay hours in at least one of the first 3 and one of the last 3 pay periods of the year.



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General Leave Categories and Pay Codes

Below are Pay Element Codes that CountyStat used to define group the different leave categories

Leave Category	Pay Element Detailed Code
Annual	MCG Annual Lv FMLA Taken
	MCG Annual Lv Parental Taken
	MCG Annual Lv Unscheduled Taken
	MCG Annual Taken
PTO	MCG PTO FMLA Taken
	MCG PTO Leave Payout
	MCG PTO Parental Lv Taken
	MCG PTO Taken
Sick	MCG Sick FMLA Taken
	MCG Sick Lv Parental Taken
	MCG Sick Lv Unscheduled Taken
	MCG Sick Taken
	MCG Donated Sick Lv FMLA Taken
	MCG Donated Sick Lv Taken
	MCG Family Sick Leave FMLA Taken
	MCG Family Sick Leave Taken

Leave Category	Pay Element Detailed Code
Admin	MCG Admin Leave Bone Marrow
	MCG Admin Leave FOP
	MCG Admin Leave OPT
	MCG Admin Leave Pay
	MCG Admin Lv Fire
	MCG Admin Lv Injury
Disability	MCG Admin Lv Injury FMLA
	MCG Disability Pay
Personal	MCG Disability Pay FMLA
	MCG Personal Day FMLA Taken
	MCG Personal Day Parental Lv Taken
Religious	MCG Personal Day Taken
	MCG Religious Leave Taken
Furlough	MCG Furlough Taken
Military	MCG Military Leave

14



FMLA and Parental Categories and Pay Codes

Below are Pay Element Codes that CountyStat used to define the Family Medical Leave Act (FMLA) and Parental Leave categories.

FMLA	
MCG Annual Lv FMLA Taken	MCG PTO FMLA Taken
MCG Sick FMLA Taken	MCG Donated Sick Lv FMLA Taken
MCG Admin Lv Injury FMLA	MCG Personal Day FMLA Taken
MCG Disability Pay FMLA	

Parental	
MCG Annual Lv Parental Taken	MCG PTO Parental Lv Taken
MCG Sick Lv Parental Taken	MCG Personal Day Parental Lv Taken

10



Leave by Category

Percent:
Percent of Total Leave Used

Hours:
Total Hours of Leave Used

	<u>All Positions</u>
Annual	42.39% 73,237
PTO*	0.40% 696
Sick	29.49% 50,953
Admin	21.39% 36,949
Personal	3.23% 5,577
Military	2.61% 4,512
Furlough	0.48% 836
Disability	0.01% 16

General Leave

DOCR's Admin and FMLA leave make-up a high proportion of the department's leave.

FMLA	10.12% 17,493
Parental	1.78% 3,082
Other	88.09% 152,202

Sub-Categories

10



Department of Correction and Rehabilitation

Findings on Leave Usage

- **62% of Administrative leave was due to injury**
 - 72 employees were placed on Admin-injury leave for a total of 22,955 hours, or the equivalent of 11 MCG workyears. 37 employees compiled more than 80 hours (2 weeks worth) of Admin-injury leave.
- **142 employees used 17,490 hours (8 workyears) of FMLA leave**
 - Average of 123 hours, median of 80 hours, max of 880 hours used
 - The two largest groups to use FMLA leave were Corporals and Sergeants
 - 81 Corporals used an average of 109 hours each
 - 11 Sergeants used an average of 153 hours each
 - The largest portion of FMLA leave was MCG Sick FMLA Taken.
- **Only 4 employees (all uniformed positions) used Military leave, but they used a total of 4,512 hours which is the equivalent of 2 MCG workyears**

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Average Leave Amounts by Category, per Employee

The following takes the total hours used in each leave category and divides it by the total uniformed or non-uniformed employees.

This shows if there is a difference between usage of leave between uniformed and non-uniformed employees

There is a significant difference between uniformed and non-uniformed employees in the Admin Leave category.

	Uniformed (324)	Non-Uniformed (162)
Annual	40.55% 156	47.19% 139
PTO*	0.00% 0	1.46% 4
Sick	28.45% 110	32.20% 95
Admin	24.91% 96	12.16% 36
Personal	2.01% 8	6.41% 19
Military	3.61% 14	0.00% 0.00
Furlough	0.45% 2	0.58% 2
Disability	0.01% 0.05	0.00% 0
FMLA	9.04% 35	12.96% 38
Parental	1.99% 7	1.25% 3
Other	88.97% 343	85.79% 253

General Leave

Sub-leave Categories



DOCR Summary of CY11 Administrative Leave

Administrative Leave Categories

CountyStat contacted Risk Management which stated that there may be a manual coding issue at OHR/Payroll that is causing **Admin Lv Injury** to be used when **Disability Pay** should be used.

	Total Hours	Average Hours Per Pay Period	Max Hours Per Pay period
MCG Admin Leave OPT	1,303	10	40
MCG Admin Leave Pay	11,253	16	80
MCG Admin Lv Injury	22,955	63	80
MCG Admin Lv Injury FMLA	1,440	72	80

MCG Admin Leave Injury is the most used component in the admin leave category.



**Includes employees who reported regular pay hours in at least one of the first 3 and one of the last 3 pay periods of the year.*

(19)

Summary of CY11 High FMLA Use by Department

Departments in which FMLA leave comprised at least 5% of the department's total leave.

	Total FMLA Hours	Percent of Total Leave	Percent Employees Using FMLA	Total Employees
DOCR	17,492	10.12%	30.80%	461
REC	1,261	5.03%	26.67%	96
PIO	830	5.27%	23.91%	46
DOT	23,945	6.56%	20.92%	1,066
OMB	603	11.15%	16.67%	24

DOCR has the highest percent of employees using FMLA.

**Includes employees who reported regular pay hours in at least one of the first 3 and one of the last 3 pay periods of the year.*



FMLA Leave – Key Points

- **FMLA use is currently approved by an individual’s supervisor, using a standard application which requires sign off by a medical doctor.**
 - Starting July 1, this process will be centralized through a single County office.

- **Employees may use FMLA in conjunction with annual, sick, donated sick, personal, or PTO leave hours, and may claim up to 480 FMLA hours in one calendar year.**

- **FMLA may be requested for a single block of time, or for intermittent use within a given time period.**

- **An eligible employee may use FMLA leave for any of the following reasons:**
 - a) to care for newborn, newly adopted child, or newly placed foster child
 - b) to obtain prenatal care;
 - c) to care for family member’s or own serious health condition
 - d) because of the employee’s serious health condition that makes the employee unable to perform the essential functions of the employee’s position;
 - e) to handle an exigency arising from the employee’s spouse, domestic partner, parent, daughter, or son serving on active duty under a call or order or being notified of an impending call or order to active duty in support of a contingency operation.

- **Tracking of Leave is by employee’s supervisor and payroll**

2



Detailed Breakdown of Leave by Categories

	UNIFORMED			
	<u>Corporal</u> (221)	<u>Lieutenant</u> (19)	<u>Sergeant</u> (41)	<u>Captain</u> (4)
Annual	38%	44%	53%	0%
	34,046	3,244	6,979	0
PTO*	0%	0%	0%	0%
	0	0	0	0
Sick	32%	35%	6%	56%
	28,312	2,579	846	61
Admin	27%	18%	24%	22%
	23,897	1,340	3,123	24
Personal	2%	2%	2%	22%
	1,704	160	296	24
Military	1%	0%	14%	0%
	712	0	1,840	0
Furlough	0%	0%	0%	0%
	420	0	44	0
Disability	0%	0%	0%	0%
	16	0	0	0
FMLA	10%	5%	13%	0%
	8,686	347	1,685	0
Parental	2%	7%	1%	0%
	1,506	542	80	0
Other	89%	88%	87%	100%
	78,915	6,434	11,362	109



Detailed Breakdown of Leave by Categories

	UNIFORMED		NON-UNIFORMED	
	<u>Dietary Officer</u> (14)	<u>Resident Supervisor II</u> (25)	<u>Admin Staff</u> (73)	<u>Health Staff</u> (89)
Annual	39%	43%	45%	49%
	2,059	4,355	9,348	13,208
PTO*	0%	0%	3%	0%
	0	0	696	0
Sick	27%	23%	32%	33%
	1,439	2,324	6,517	8,875
Admin	31%	11%	12%	12%
	1,653	1,103	2,491	3,319
Personal	2%	2%	7%	6%
	120	207	1,435	1,631
Military	0%	20%	0%	0%
	0	1,960	0	0
Furlough	1%	1%	1%	0%
	31	65	148	129
Disability	0%	0%	0%	0%
	0	0	0	0
FMLA	7%	2%	15%	12%
	373	206	3,021	3,175
Parental	2%	3%	1%	2%
	93	264	170	427
Other	91%	95%	85%	87%
	4,835	9,543	17,443	23,560



CountyStat Recommendations

- Given the high amount of FMLA hours as a proportion to its workforce, DOCR should review with OHR the usage and coding of FMLA leave to assess whether leave is being assigned appropriately, whether the payroll system is coding data properly and whether or not a change in procedures will enable DOCR to reduce total hours of FMLA.
- DOCR should review with OHR and OMS processes and procedures, payroll coding and management of Administrative Injury Leave in general to address the amount of hours being used in this category in order to determine whether or not disability pay (and the requirements that go with it) should be used instead.

HE



Workforce Availability and Overtime

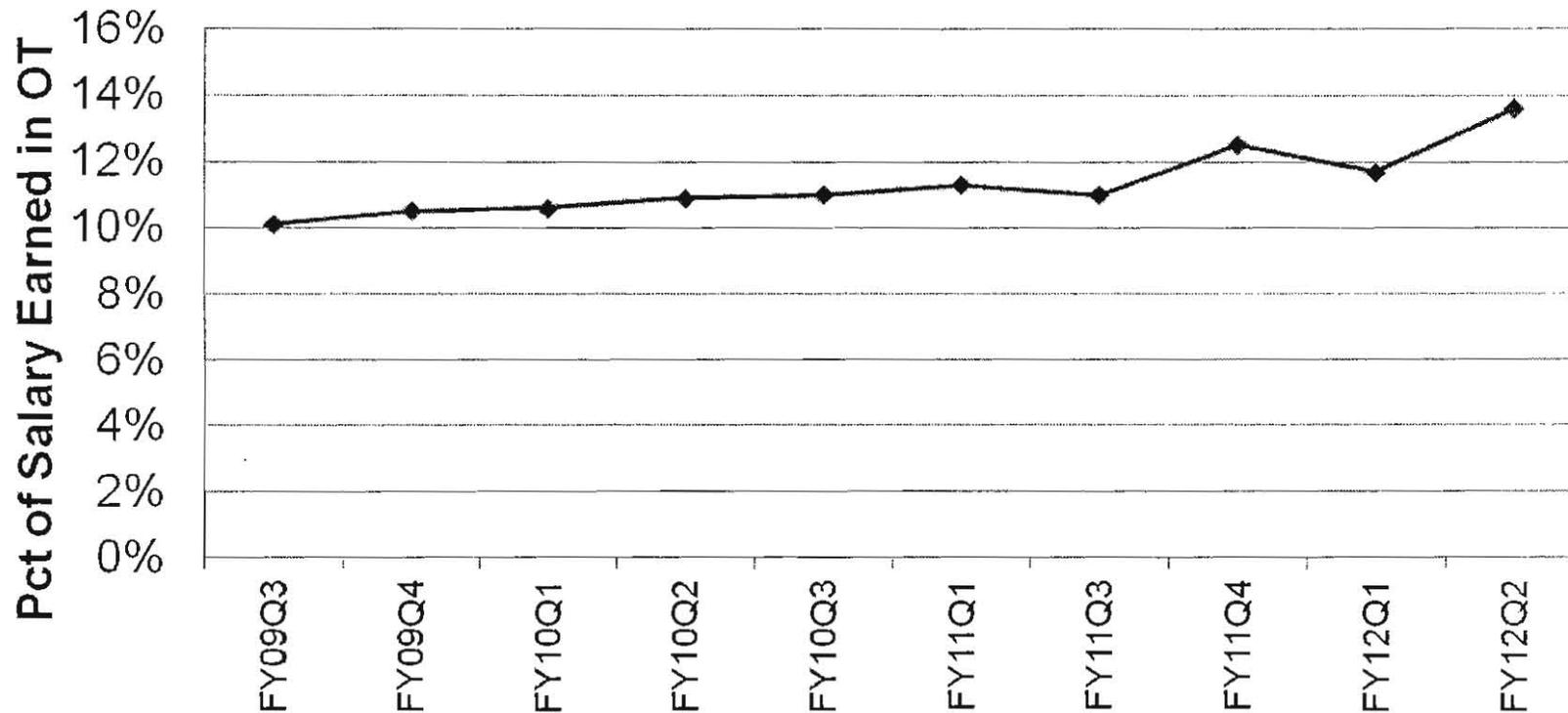
- The lower of workforce availability could a factor in more employees earning on average more of their salary in overtime
- Increased sick leave usage could be contributing to overtime and decreasing workforce availability.

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Changes in Quarterly Overtime Amount by Salary Range

Avg Amount of Overtime to Total County Salary



The average DOCR employee has increasingly earned more of their overtime as a percent of the value of their total county salary from 10.1% to 13.6%.



Changes in Quarterly Overtime Amount by Salary Range

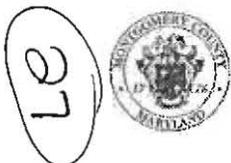
Range	FY09-Q3		FY09-Q4		FY10-Q1		FY10-Q2		FY10-Q3	
0-25%	507	93%	495	93%	493	92%	497	93%	488	92%
26-50%	32	5.90%	33	6.20%	33	6%	32	6.00%	37	7.00%
51-75%	4	0.70%	4	0.70%	6	1.10%	5	0.90%	1	0.20%
76%+	3	0.50%	3	0.60%	3	0.60%	3	0.60%	2	0.40%
Avg %	10.1%		10.5%		10.6%		10.9%		11.0%	
Total employees	546		535		535		537		528	

Range	FY11-Q1		FY11-Q3		FY11-Q4		FY12-Q1		FY12-Q2	
0-25%	472	91%	457	90%	446	88%	469	90%	453	86%
26-50%	39	7.51%	41	8.00%	45	9%	39	7%	50	10%
51-75%	6	1.16%	6	1%	9	2%	12	2%	16	3%
76%+	2	0.39%	2	0.40%	6	1%	4	1%	7	1%
Avg %	11.3%		11.0%		12.5%		11.7%		13.6%	
Total employees	519		506		506		524		526	

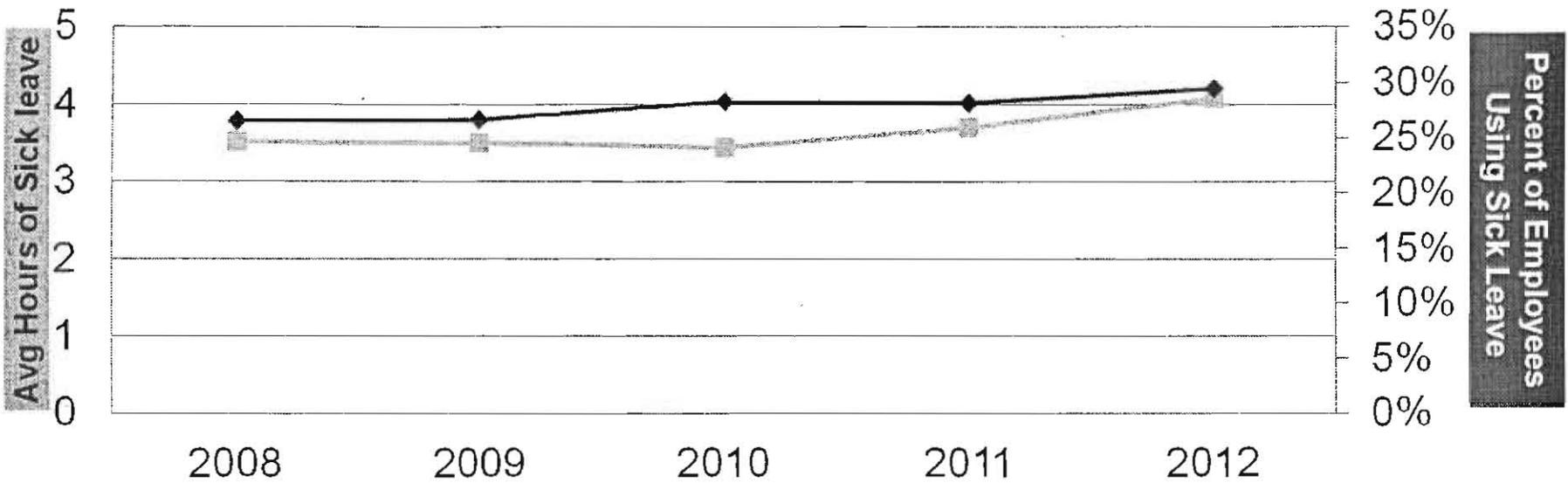
The average DOCR employee has increasingly earned more of their overtime as a percent of the value of their total county salary from 10.1% to 13.6%.

Data from HCM

Data from ERP



DOCR Sick Leave Usage



Fiscal Year	2008	2009	2010	2011	2012 (Partial Year)
% of Employees Using Sick Leave	26.5%	26.6%	28.2%	28.1%	29.5%
Avg Hours of Sick Leave	3.51	3.50	3.45	3.70	4.08

There are slight increases in average hours of sick leave used and percent of employees using sick leave per pay period.

Sick Leave Includes: MCG Sick Taken, MCG Family Sick Leave FMLA Taken, MCG Family Sick Leave Taken, MCG Sick FMLA Taken, MCG Sick Lv Parental Taken, MCG Sick Lv Unscheduled Taken



DOCR Contract NAWH Study

“Net Annual Work Hours” (NAWH) is a number that describes the average annual hours that each classification of employee reports for duty on a relieved post. These figures are needed to determine how many employees must be hired (gross regular hours) to “net” the required annual coverage hours.

- An average correctional officer is scheduled to work 5 days per week, 52.14 weeks per year. This represents 2,086 regular hours of scheduled work for each officer per year.
- NAWH for all classifications of employees, in both facilities decreased in 2011, from 6.5% to 13.2%. Based on these findings, it required more employees to deliver the same number of hours that were worked in that calendar year.

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Key Points from DOCR NAWH Study

The net reduction in NAWH was the result of several factors:

- FMLA leave is (4A) now broken out as a separate category, and at the same time increased in 2011.
- New Employee Training Hours (5A) increased due to an increase in staff turnover and the first-year training that is required for new hires.
- Average Disability Hours (10) at least doubled for each classification of employee
- 26 hours Compensatory Leave (15) did not occur in 2010, but subtracted 14-19 hours from employee time on post in 2011. This was offset somewhat by the Compensatory Leave Credit for Longevity (16) in 2010.
- A new category, *Additional Hours Off Post for Details* (17) was added to the calculations.



Net Annual Work Hours (NAWH) Calculations, 2010 and 2011

	NET ANNUAL WORK HOURS 2010 and 2011	MCDC	MCDC	MCCF	MCCF		MCDC	MCDC	MCCF	MCCF
		2010	2010	2010	2010		2011	2011	2011	2011
		CO I- II-III	Sgt	CO I-II- III	Sgt		CO I- II-III	Sgt	CO I-II-III	Sgt
1	TOTAL HOURS CONTRACTED ANNUALLY	2,086	2,086	2,086	2,086		2,086	2,086	2,086	2,086
	AVERAGE ANNUAL HOURS AWAY FROM POST									
2	Average Annual Leave Hours (ANL)	117	143	117	125		127	160	141	169
3	Average Compensatory Hours (CPL)	32	31	34	32		36	31	38	37
4	Average Sick Leave Hours (SKL and FSL)	105	97	110	104		108	98	107	96
4 A	Aver. Family and Medical Leave Act Hours (FMLA)	0	0	0	0		41	15	38	49
5	Required Training Hours (Mandated)	27	28	51	39		56	55	43	39
5A	New Employee Required Training Hours	10	0	15	0		25	0	28	0
5B	Average Field Trainer Officer Hours (FT2)	8	19	11	5		20	19	12	24
6	Personal Leave Hours (PER)	7	9	7	6		8	8	8	8
7	Average Military Leave Hours (Active Only)	5	0	0	63		0	0	4	60
8	Average Medical Exam Hours	3	3	3	3		3	3	3	3
9	Average AD2 Hours - Union Activity	1	21	2	3		1	0	2	0

Data From DOGR Commissioned Study

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Agenda

- Welcome and Introductions
- Review of Net Annual Work Hours Studies
 - Results of CountyStat Report
 - Results of DOCR Contract Report
- **Review Departmental Performance**
- **Wrap-up and Follow-up Items**

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Historical Budget and Work year Overview

Budget	FY09	FY10	FY11	FY12
DOCR General Fund Approved	\$65,602,820	\$65,414,400	\$61,806,240	\$61,264,450
DOCR Total as Percent of Total MCG Operating	4%	4%	4%	3.8%

Work Year	FY09	FY10	FY11	FY12
DOCR General Fund Approved	620.6	597.9	554.2	558.2
DOCR Total as Percent of Total MCG Operating	6.2%	6.1%	6.2%	6.2%

DOCR's budget and work years have declined since FY09.
 DOCR's approved budget and workyears have remained steady in terms of the percent of the total County's budget and workyears.



Corrections Operating Budget Questions – FY13

Office of the Director:

1. Please briefly describe the new background investigation position. Weren't these background checks being performed by the Police Department? Has anything changed?
2. Please briefly describe the new promotional examinations.

Prerelease:

3. Please describe the shift of funding to the DEFF for substance abuse testing kits (both for Prerelease and Pretrial). How many will be purchased, and at what cost? How often do these need to be purchased? (i.e., annually?)
4. Please describe the purchase of handcuffs. Do COs at Prerelease currently use them? Is this a new practice?

Detention Services:

5. Please describe the increased cost for a Capital Projects Coordinator (Captain position).
6. Please briefly describe the experience of the reinstated Job Shop over the past year. How has it impacted average length of stay or average daily population? Has there been any anecdotal and/or quantifiable impact on security issues?
7. Please describe the increased cost for religious diet funding. What is the estimated total cost for FY12? For FY13? What constitutes "religious meal?" i.e., halal, kosher, vegetarian, etc.?

Net Annual Work Hours:

8. The FY13 budget contains \$1.5 million to address "overtime backfill to offset reduction in Net Annual Work Hours (NAWH)." Please briefly describe this increase.
9. Is this money only for overtime? Has there been any discussion about whether a mix of both new permanent positions and overtime is a better solution? If so, please describe.
10. What is the difference between a relieved post or position, and a non-relieved post or position?

11. How many mandatory 24/7 posts must DOCR cover each day? What is your shift relief factor for each post? Has this assumption changed recently?
12. The CountyStat report indicates 62% of administrative leave was due to injury. Are these injuries that are experienced while working? Or at any time? How does disability pay figure into these statistics, if at all?
13. Please describe the reasons for the different annual leave usages between uniformed and non-uniformed employees.
14. How do you envision the centralization of FMLA approval will impact usage, if at all?

Charges to Other Departments

15. Please describe the \$36,073 charge to the CIP for FY13.

April 18, 2012

Department of Correction and Rehabilitation
FY13 Operating Budget Questions

Office of the Director:

1. Please briefly describe the new background investigation position. Weren't these background checks being performed by the Police Department? Has anything changed?

Previously all background investigations for DOCR were handled by DOCR's Human Resources (HR) section. In response to budget reductions, two full time positions responsible for the background investigations in HR Section were eliminated. Under an agreement, the MCPD took over all background investigations of all DOCR's positions. Both DOCR and MCPD fall under the Maryland State Police and Correctional Training Commission same certification process for the uniformed and non-uniformed staff.

While both DOCR and Police worked well together, there were significant problems in processing applicants due to the volume and continuous DOCR's recruitment requirements for its various classifications. DOCR is unlike MCPD which has scheduled recruitments classes for Police Officers.

With priority being placed on MCPD positions, background investigations of DOCR's applicants were delayed resulting in positions remaining unfilled for a significant period of time. To address DOCR's background investigation requirements, the County Executive's FY13 Recommended budget included \$176,000 for the conduct of background investigations utilizing one or more contractors.

2. Please briefly describe the new promotional examinations.

Every 2 years the Office of Human Resources contracts out the promotional process for Sgt. and Lt. in order to create new "Eligibility Lists". The County has contracted out this function to insure a defensible promotional process within the uniformed bargaining unit ranks. The contractor has trained staff that devote their time to linking tasks with skills and abilities for job classifications; have dedicated staff in testing centers that develop questions, having software for scoring, etc. The contractor is required to be able to legally defend the testing process if challenged.

Pre-Release:

3. Please describe the shift of funding to the DEFF for substance abuse testing kits (both for Prerelease and Pretrial). How many will be purchased, and at what cost? How often do these need to be purchased? (i.e., annually?)

To meet the FY13 budget reduction target, DOCR proposed and was accepted to shift the funding of \$31,411 to the Drug Enforcement Forfeiture Fund (DEFF). Charging this expense is permissible under the DEFF guidelines. The expense will cover the cost of 17,007 Urine Tests (\$1.48 per test) totaling \$\$25,171, and 208 Spice Drug Test Kits (\$30 per test) totaling \$6,240 at PTS.

4. Please describe the purchase of handcuffs. Do COs at Prerelease currently use them? Is this a new practice?

As mandated by the 2011 labor contract negotiations of the Collective Bargaining Agreement process, handcuffs and cuff cases are to be made available at the Pre-Release Center.

5. Please describe the increased cost for a Capital Projects Coordinator (Captain position). Due to the several major approved capital projects (Criminal Justice Complex, Pre-Release Center Kitchen, DOCR's Staff Training Center, and the MCDC Stabilization Work, it became evident a staff person with correctional and rehabilitation experience and background was necessary to provide departmental oversight and input in the implementation of these capital projects. The cost of this position is covered one-half by operating budget (\$73,950) and one-half by the CIP (\$75,405). The total cost of this position is \$149,355. The Capital Projects Coordinator position is responsible for providing the DOCR's perspectives and operational requirements, and the coordination and monitoring of the DOCR's projects with the Department of General Services (DGS) and other County agencies.

6. Please briefly describe the experience of the reinstated Job Shop over the past year. How has it impacted average length of stay or average daily population? Has there been any anecdotal and/or quantifiable impact on security issues?

The operation of the job shop has resulted in over 1500 prisoner days being eliminated from our operation. This work also supports the non profit community of Montgomery County providing thousands of hours of free labor to this struggling element of community support.

These programs are vital to maintaining institutional security. An active and engaged inmate population is significantly less likely to be involved in other illicit activities.

Work preparation and skill development is the cornerstone of successful reentry. Absent such skills, research shows us a released inmate is three times more likely to return to incarceration.

7. Please describe the increased cost for religious diet funding. What is the estimated total cost for FY12? For FY13? What constitutes "religious meal?" i.e., halal, kosher, vegetarian, etc.?

The year to date is estimated to be approximately \$30,000. The Recommended FY13 Budget provides for \$60,000 for religious diet. Federal statutes mandate that Kosher meals be available to certain groups of religious beliefs. Roughly two of every thirty participating inmates were Jewish faith with the balance of the Muslim faith.

Net Annual Work Hours:

8. The FY13 budget contains \$1.5 million to address “overtime backfill to offset reduction in Net Annual Work Hours (NAWH).” Please briefly describe this increase.

The \$1.5 million is intended to address Personnel Cost (PC) shortfalls that have not been comprehensively addressed in the previous budget considerations. The NAWH analysis is designed to examine the entire spectrum of personnel cost and is not solely related to overtime. The Department is currently engaged in undertaking the NAWH analysis.

9. Is this money only for overtime? Has there been any discussion about whether a mix of both new permanent positions and overtime is a better solution? If so, please describe.

The 1.5M is “ear marked” for Personnel Cost (PC) categories to cover overtime expense.. The intention of adding \$1.5 million is to bring the Department’s budget in line with the actual expenses. The personnel cost budget deficits have occurred to factors beyond the Department’s control including the productive time staff availability, leave utilization, and the high level of unfilled position resulting in higher than expected overtime expends. The DOCR is currently engaged in a comprehensive review and update of its Net Annual Work Hours analysis to gain a better understanding of its personnel cost and to devised appropriate measures budget to control personnel cost.

10. What is the difference between a relieved post or position, and a non-relieved post or position?

A relived post is a critical Custody and Security post that requires constant staffing. When a scheduled CO is unable to be on post a replacement must cover the assignment. A non relived post can remain vacant during a shift without having an immediate negative impact on operational security.

11. How many mandatory 24/7 posts must DOCR cover each day? What is your shift relief factor for each post? Has this assumption changed recently?

MCDC - Minimum Shift Requirements

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
SHIFT #1	13	13	14	14	14	14	14
SHIFT #2	17	20	19	19	19	20	18
SHIFT #3	17	18	17	17	17	18	17
Daily	47	51	50	50	50	52	49

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MCCF - Minimum Shift Requirements

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	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
SHIFT #1	29	30	30	30	30	30	29
SHIFT #2	32	36	36	36	36	36	32
SHIFT #3	34	37	37	37	37	37	34
Daily	95	103	103	103	103	103	95

705

Weekly Total
1,054

Note that the above Minimum Shift Requirement has been streamlined by each shift and by each day to ensure maximum efficiencies and cost avoidance.

Current Shift Relief Factor is 5.36

The Department is currently engaged in examining the current Shift Relief Factor to determine the validity of the current Factor or whether an adjustment may be required.

12. The CountyStat report indicates 62% of administrative leave was due to injury. Are these injuries that are experienced while working? Or at any time? How does disability pay figure into these statistics, if at all?

During the switch in HR systems from 2010 and 2011, the leave recording types were shifted and many leave types were grouped into one “bucket” resulting in the significantly increased numbers. Based on DOCR’s understanding of how the “buckets” have been rolled up into each other it would be hard to provide any exact information on disability figures.

13. Please describe the reasons for the different annual leave usages between uniformed and non-uniformed employees.

Not knowing exactly the figures for the non-uniformed staff that is being addressed - DOCR could not pull that information. In general, uniformed staff are required to sign up for annual leave in advance via the “leave book”. Employees select two weeks of annual leave by seniority a year in advance to allow for scheduling within a 24/7 operation. Employees typically will use the two weeks they signed up for and more throughout the year due to situational needs. Additionally, and a very important point, is that uniformed staff work odd shifts that increase the number of days they would normally use in order to participate in functions/activities during “normal” hours or days (weekends and day shift).

14. How do you envision the centralization of FMLA approval will impact usage, if at all?

Centralization really means a core decision making and policy focus. That would be a significant step forward. FMLA literally has a life of its own. When initially utilized there was a relative clear and small response focus. FMLA utilization has grown enormously

HO

and the costs are huge especially in overtime/backfill post driven agencies. There is no possible way the over 30 departments can follow the same FMLA guidelines unless a central policy focus exists.

First and foremost a core structure permits all questions and all cases to be reviewed against a single backdrop and policy structure. It also insists upon a stable leadership environment so questions of a like nature receive the same decision and one that is understandable. The world of health care professional's evaluation and outcomes vary with the signs of the moon. If a central structure exists skilled OUR staff can engage the providers when requirements that appear beyond the scope of general practice are seen. Every day cannot be a new installation of policy - centralization as a test for 12 months will assist.

Charges to Other Departments

15. Please describe the \$36,073 charge to the CIP for FY13.

The \$36,073 figure is incorrect. The correct amount to be charged to the CIP is \$75,405. See response to #5 for the discussion the Department's CIP Coordinator position.

ADDENDUM
PS COMMITTEE #3
May 2, 2012

Worksession

MEMORANDUM

May 1, 2012

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY13 Operating Budget**
Department of Correction and Rehabilitation (DOCR)
(continued)

During the April 20 worksession, the Committee requested some additional follow-up information regarding the Corrections budget. Attached are the Executive's responses. These responses address:

- The assumptions on which the \$1.5 million is based;
- The Department's time frame for developing a proposal regarding the appropriate mix of new positions and overtime backfill that will most efficiently meet DOCR's staffing needs;
- More data on the reasons behind the use of temporary disability, which seemed high in 2011; and
- The number of positions and corresponding cost of each position required to restore the visitor's post to its previous staffing levels.

Allocation and Justification of Department of Correction and Rehabilitation's \$1.5 Million Budget Request to Offset Overtime Usage and Related Personnel Costs.

Guiding Staffing Principle:

In operating a correctional facility, a staffing post must be manned on a 24/7 basis, 365 days a year utilizing three shifts per day coverage. Corollary to this staffing principle is the availability of a staff person to cover a staffing post. Normally, a staff person hours per year is 2080 hours but an individual does not work the full 2080 hours as an individual may not be available to staff the post due to annual/sick leave, training/education or other types of leave which limits the staff person from covering the assigned post. The other types of leave include:

- Administrative Leave,
- Disability Leave,
- Compensatory Leave,
- Military Leave. and

In effect, the 2080 hours is best described as consisting of two components. The actual on the post work activity is defined as productive time, and the time period away from the post (or is on leave as listed above) is defined as non-productive time. When such leave is utilized, the Department of Correction and Rehabilitation, to insure 24/7 coverage must make other arrangements to provide the coverage of the staff person's non-productive period of time. DOCR accomplishes the coverage of the non-productive period of time through the use of two methods:

1. The application of the Relief Factor Approach in which a comprehensive Net Annual Work Hours (NAWH) Analysis, and
2. Utilization of overtime in which a staff person works beyond the normal work hours (or shift) and the staff person is paid time and half.

Since FY09, DOCR's staffing has been reduced by 52 positions and has experienced a noticeable increase in non-productive leave usage which has resulted in an increased overtime usage. For the past three Fiscal Years, DOCR has exceeded its budget for personnel costs. In response to the structural budget deficit, the County Executive's Recommended FY13 Budget for DOCR included a \$1.5 million budget adjustment to correct the structural deficit. Based on prior experience, it is recommended the \$1.5 million be allocated to the following categories:

- **\$200,000 Lunch Roll Call Overtime:**

Lunch Roll Call is a mandated personnel cost as required by the Collective Bargaining Agreement (CBA) and the Federal 1998 John V Abendschein v. Montgomery County, Maryland Court Decision. In FY08, overtime-lunch was split from the rest of overtime into its own code and was result of overtime pay decisions from many years ago following legal hearings on shift work.

- **\$300,000 Various Shift Differentials**

The shift differentials cost (shift differential, shift differential-overtime, and shift differential-lunch) is a mandated collective bargaining agreement (CBA) requirement. The additional cost is to cover the periods where regular staff is not available and backfill is required to insure coverage of a 24/7 position.

The premium payments would be for shifts One and Three. The allocation would apply to the following shift differential categories:

1. Shift Differential:

SD3: \$1.30 paid to officers who work the Third (2pm to 10:59pm) shift; and Reg LPNs & CHNs working the Split shift (11am to 11pm)

SD4: \$1.45 paid to officers who work the First (beginning between 11:00pm & 5:00am) shift; and Reg LPNs & CHNs Split shift (7pm to 7am)

2. Shift Differential-OT:

SO3: \$1.95 paid for an overtime shift to officers who work the Third (2pm to 10:59pm) shift; and Reg LPNs & CHNs overtime Split shift (11am to 11pm)

SO4: \$2.18 paid for an overtime shift to officers who work the First (beginning between 11:00pm & 5:00am) shift; and Reg LPNs & CHNs Split shift (7pm to 7am)

3. Shift Differential – Lunch:

This is the OT that is *automatically paid for lunch* to any officer who works the First or Third shifts. It is calculated at: *time and a half x \$1.30 or \$1.45. (It is separate from the Shift Differential Rate.)* This is in addition to the OT-Lunch that all officers receive for *any* shift that they work.

• **\$500,000 Overtime Resulting From Disability Leave**

To cover overtime generated by individuals placed on disability pay

• **\$500,000 Overtime Resulting From Non Productive Time**

To cover overtime generated by individuals using annual leave hours, or are placed on administrative leave pay, medical leave (FMLA), required training hours, personnel leave, union activity, and military leave.

Definitions of Pay:

Compensatory Leave Pay: Compensatory Leave is time off earned by an employee in lieu of overtime pay. Generally, all overtime hours worked by non-exempt employees will be paid by MCTime in the form of overtime pay. An employee may elect to earn compensatory leave in lieu of overtime pay with supervisory approval.

•**PTO** is a type of leave granted to MLS employees who are members of the Retirement Savings Plan or the Guaranteed Retirement Income Plan.

- (1) does not earn annual leave;
- (2) must be credited with:
 - (A) 140 PTO hours at the beginning of the leave year if a full-time employee;
 - (B) 140 PTO hours at the beginning of the 14th pay period of the leave year if a full-time employee;
 - (C) a prorated number of PTO hours at the beginning of the leave year and at the beginning of the 14th pay period, if a part-time employee; and
- (3) may accumulate PTO without limit;
- (1) Upon separation from the County, an employee must be paid for:
 - (A) a prorated portion of the PTO hours granted for the final year of employment; and
 - (B) no more than a total of 600 PTO hours, including the prorated hours from the final year of employment.
- (2) If an employee dies, the County must pay the employee's designated beneficiary a lump-sum payment for up to 600 hours of accrued PTO as of the date of death, less any indebtedness to the County government. If the employee does not name a beneficiary for PTO, the County must pay:
- (3) If an employee who has unused PTO and annual leave separates from County employment or dies, the County must pay the employee or the employee's beneficiary or estate for up to 600 hours of unused PTO and annual leave combined.

Shift Differential:

SD3: \$1.30 paid to officers who work the Third (2pm to 10:59pm) shift; and Reg LPNs & CHNs working the Split shift (11am to 11pm)

SD4: \$1.45 paid to officers who work the First (beginning between 11:00pm & 5:00am) shift; and Reg LPNs & CHNs Split shift (7pm to 7am)

Shift Differential-OT:

SO3: \$1.95 paid for an overtime shift to officers who work the Third (2pm to 10:59pm) shift; and Reg LPNs & CHNs overtime Split shift (11am to 11pm)

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Shift Differential – Lunch:

This is the OT that is *automatically paid for lunch* to any officer who works the First or Third shifts. It is calculated at: *time and a half x \$1.30 or \$1.45. (It is separate from the Shift Differential Rate.)* This is in addition to the OT-Lunch that all officers receive for *any* shift that they work.

COR Pay Diff - Medical Charge Nurse:

MCN (\$1.75): Any nurse who is identified as the medical charge nurse shall receive the differential for each hour worked.

MCO (\$2.625): any nurse who is identified as the medical charge nurse shall receive the differential for each hour worked (in overtime.)

Overtime – Time worked beyond the normally scheduled hours.

At 1.0: System generated overtime pay applicable to exempt employees in grades 25 and higher (not MLS) that is calculated based upon hours worked. Generally, OT is paid in the form of pay calculated as 1 hour worked = 1 hour of OT pay.

At 1.5: (Grade 24 and below) System generated overtime pay that is calculated based upon total hours worked. Generally, overtime compensation is paid in the form of pay calculated as 1 hour worked = 1.5 hours of OT pay.

Overtime Lunch:

In FY08, overtime-lunch was split from the rest of overtime into its own code and was result of overtime pay decisions from many years ago following legal hearings on shift work.

All Officers who work a full 8 hour shift earn .5 hours OT for Lunch/Roll Call.

Holiday Premium:

HP1 - the number of hours worked on a holiday that falls on the employee's regular workday will be paid as Holiday Premium Pay at 1.5 times the employees regular hourly rate.

HP2 - the number of hours worked on a holiday that will falls on an employee's un-scheduled workday will be paid as Holiday Premium Pay at 2 times the employee's regular hourly rate.

Note:

Information obtained from MCTime Pay Code Descriptions, County Personnel Regulations, MCGEO Labor Agreement, OHR and Dept. documents.

DOCR Responses to County Council Questions – Round 2

1) Please provide DOCR's year-end deficits for the past 3 years.

Fiscal Year 2009

	<u>Original Budget</u>	<u>Total Expenditures YTD</u>	<u>Deficit</u>
PC	\$58,087,100	\$58,637,425	(\$ 550,325)
OE	\$ 7,515,100	\$ 8,032,713	(\$ 517,613)
Total	\$65,602,200	\$66,670,138	(\$1,067,938)

Fiscal Year 2010

	<u>Original Budget</u>	<u>Total Expenditures YTD</u>	<u>Deficit</u>
PC	\$58,029,810	\$58,280,416	(\$ 250,606)
OE	\$ 7,384,590	\$ 7,385,643	(\$ 1,053)
Total	\$64,414,400	\$65,666,059	(\$ 251,659)

Fiscal Year 2011

	<u>Original Budget</u>	<u>Total Expenditures YTD</u>	<u>Deficit</u>
PC	\$55,148,820	\$56,778,879	(\$1,630,059)
OE	\$ 6,657,420	\$ 6,648,775	(\$ 8,645)
Total	\$61,806,240	\$63,427,654	(\$ 1,621,414)

2) Re: NAWH: What is your time frame to develop a proposal regarding the appropriate mix of new positions vs. overtime backfill that will most efficiently meet DOCR's staffing needs?

The NAWH analysis is currently on-going to obtaining additional data in terms of actual expenses and hours. The results of this effort will be used in the preparation of the DOCR's FY14 Budget

3) The Committee discussed the various types of leave, which ultimately contribute to a higher shift relief factor. Committee members expressed an interest in learning more about the use of all types of leave, which it understands is ongoing. But specifically requested more data on the reasons behind the use of temporary disability, which seemed high in 2011. Please provide more information on the use, cause(s) (if known), and any other relevant information. If this is being driven by more on-the-job injuries, is there a reason why injuries are occurring more often?

During the switch in HR systems from 2010 and 2011, the leave recording types were shifted and many leave types were grouped into one "bucket" resulting in the significantly increased numbers. Based on DOCR's understanding of how the "buckets" have been rolled up into each other it would be hard to provide any exact information on disability figures.

4) Please provide the number of positions and cost of each position required to restore the visitor's post to its previous staffing levels (i.e., 3 more COs.). What are the current visitation hours, and number of associated staff? What are the hours and staff that should be restored to help minimize security incidents? Please provide some examples of security issues you have had at the post over the past year.

A total of 3 Correctional Officers are needed to reinstate the full day and evening visiting schedule.

Entry Level		
Salary	Benefits	Total
40,694.05	19,882.53	60,576.58
40,694.05	19,882.53	60,576.58
40,694.05	19,882.53	63,295.78
	Total	184,448.94

Current Visiting Hours

6pm – 9pm

*Everyday but Wednesday

Previous Visiting Hours

8:00 am – 11:00 am

1:30 pm – 4:00 pm

6:00 pm – 9:00 pm

*Everyday but Wednesday