



APPROPRIATION LINE ITEM AND BOILERPLATE HISTORY

DEPARTMENT OF CIVIL RIGHTS
 PART 1: LINE ITEM DETAIL

2016 PA 268
Article VIII
FY 2016-17
Initial

Sec. 103 (1) APPROPRIATION SUMMARY

<ol style="list-style-type: none"> 1. <u>Full-time equated (FTE) unclassified positions</u> - Positions that are exempted from the classified State civil service pursuant to Article XI, Section 5 of the Michigan Constitution. These positions include elected officials, heads of principal departments, and a limited number of policy-making positions in departments. 2. <u>FTE classified positions</u> - All positions in State service unless exempted by Article XI, Section 5 of the Michigan Constitution. One FTE position equals 2,088 hours. 3. <u>GROSS APPROPRIATION</u> - Total appropriations 4. <u>Interdepartmental grants (IDG)</u> - Funds that also are appropriated in other budgets. These funds are categorized as IDGs in the department that spends the funds and are therefore subtracted from the Gross Appropriation to avoid double counting total statewide appropriations. 5. <u>ADJUSTED GROSS APPROPRIATION</u> - Gross appropriations less IDGs. 6. <u>Federal revenue</u> - Funding allocated to the State by the Federal government. 7. <u>Local revenue</u> - Funds paid by local units of government that support State services and programs. 8. <u>Private revenue</u> - Available appropriated funds from private sources, including funding from non-governmental agencies. 9. <u>State restricted revenue</u> - Revenue earmarked for a specific purpose by the State Constitution, statute, or appropriation bill. Restricted revenue also includes general fund/special purpose funds, such as fee revenue used to support licensing programs. 10. <u>State general fund/general purpose (GF/GP)</u> - Revenue that has no constitutional or statutory restrictions on how it is used. 11. <u>Payments to locals</u> - State appropriations from GF/GP or State restricted revenues that will be allocated to local units of government. 	<p>6.0</p> <p>129.0</p> <p>\$16,248,500</p> <p>293,600</p> <p>15,954,900</p> <p>2,763,000</p> <p>0</p> <p>18,700</p> <p>151,900</p> <p>13,021,300</p> <p>0</p>
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Sec. 103 (2) CIVIL RIGHTS OPERATIONS

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| 1. <u>Unclassified positions</u> | \$660,300 |
| Unclassified FTE positions | 6.0 |

The positions funded in this line are the Director of the Department and the Director of the Women’s Commission. Only salaries are funded through this line. Fringe benefits for these positions are included in the Operations line item. The line was increased by \$17,700 in FY 2014-15. In FY 2012-13, as part of the leadership target agreement on the budget, the line was increased by \$432,900 to \$700,000 and the position authority was increased from 5.0 to 6.0.

For the decade prior to FY 2012-13, this line only had sufficient funding for 2.0 out of the 5.0 authorized positions. Executive Order 2001-9 reduced this line item in FY 2001-02. The line item was unchanged from FY 2002-03 to FY 2008-09. An increase of \$2,400 was made in FY 2009-10.

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| 2. <u>Civil rights operations</u> | \$13,831,700 |
| Classified FTE positions | 121.0 |

This line supports all operations of the Department. Article V, Section 29 of the Michigan Constitution of 1963 charges the Civil Rights Commission with investigating “alleged discrimination against any person because of religion, race, color, national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination.” The Department has offices in Lansing, Detroit, Flint, Grand Rapids, and Marquette (one person). Offices in Saginaw and Kalamazoo were closed in June 2009 and the office in Benton Harbor was closed in 2005. The Department carries out its duties with the following divisions:

- a. Office of Civil Rights Operations. The office houses the Intake Unit and the Enforcement Division which is responsible for investigations of alleged unlawful discrimination in employment, education, housing, public accommodation, law enforcement, and public service. The Department investigates dually filed (with both the State and the EEOC) cases on contract for the Federal government and State cases that are not dually filed. The Michigan Department of Civil Rights (MDCR) serves as a Fair Housing Assistance Program, investigating cases for the U.S. Department of Housing and Urban Development. The State receives a grant of up to \$2,600 for each housing case that is investigated and resolved. The maximum payment is received for cases resolved within 100 days. The State is paid based on the actual number of cases completed. The State is also a Fair Employment Practices Agency, investigating cases on a contract with the Federal Equal Employment Opportunity Commission (EEOC). The EEOC provides the State with funding at the rate of \$650 for each EEOC case that is closed. The number of cases paid is set in a contract which can be modified through a State-petition process. The office also provides education and referrals to other organizations.

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The Michigan Department of Civil Rights Annual Report shows the following data:

Fiscal Year	Complaints Opened	Complaints Closed	Est. Settlements & Salaries to Claimants (in millions)
2006-07	2,642	2,294	\$2.3
2007-08	2,845	2,637	2.5
2008-09	2,745	2,503	3.1
2009-10	2,516	2,657	3.2
2010-11	2,169	2,335	2.3
2011-12	2,022	2,817	2.4
2012-13	2,196	2,224	1.6
2013-14	1,910	2,187	1.5
2014-15	1,987	2,151	\$880,500

- b. Office of Law and Policy. The functions of this office include Legal Affairs and Hearings and Mediation. Legal staff review policies and legislation, provide advice and education, prepare charges, and conduct litigation when necessary.
- c. Office of Public Affairs and Administrative Services. This office consists of Community Relations, Public Affairs/Communication, Business and Community Affairs (including the Contractor Review Unit), Management Services, and the Michigan Indian Tuition Waiver. These divisions are engaged in training, community liaison relationships, (for example, with law enforcement), and developing and providing responses to communities with hate crime or bias-related events. This unit focuses on building relationships with community agencies and organizing coalitions. Potential partners include federal, state, and local law enforcement, community and faith-based agencies, colleges, youth groups, and other human and civil rights groups. The Community Relations Division activates these coalitions for outreach services and for responding to specific incidents. The Contract Compliance unit reviews State contractors for compliance with anti-discrimination laws and policies. For contracts over \$100,000, State contractors must obtain a Certificate of Awardability from the Department. The Office of Management Services tracks cases and facilitates department operations. Beginning in 2011, the Department of Civil Rights administered the application process for the Michigan Indian Tuition Waiver which provides free tuition to eligible Native Americans pursuant to PA 174 of 1976.
- d. Michigan Women’s Commission. The Michigan Women’s Commission was established in Public Act 1 of 1968. It was transferred to the Department of Civil Rights by Executive Order 1991-21. This Commission has 15 members appointed by the Governor and four ex officio members from other State departments. The Women’s Commission is directed to review the status of women in the State, promote their interests, and help develop resources related to education and services.

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| 3. | <u>Division on deaf and hard of hearing</u> | \$798,600 |
| | Unclassified FTE positions | 6.0 |

This line item was renamed in FY 2012-13 to reflect the work funded by the line. This includes the testing, certification, and registration of interpreters for the hearing impaired. The division also advocates on issues for the deaf and hard of hearing, investigates complaints, and maintains a registry of service animals.

Executive Order 2011-4 transferred Division on Deaf and Hard of Hearing, which at the time was within the Commission on Disability Concerns, from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights. This line was added to the department's budget for FY 2011-12. Executive Order 2012-10 transferred the responsibilities of the Commission on Disability Concerns to the Department of Civil Rights and abolished the Commission on Disability Concerns.

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| 4. | <u>Hispanic/Latino commission of Michigan</u> | \$0 |
| | Unclassified FTE positions | 0.0 |

The Commission on Spanish-Speaking Affairs was established by PA 164 of 1975 and renamed the Hispanic/Latino Commission of Michigan by PA 146 of 2010. The mission of the Commission is to "...promote the interest of Hispanics in Michigan, increasing opportunities in education, business and all other aspects of public life." The 15 members of the Commission are appointed by the Governor with the advice and consent of the Senate. The Commission was transferred to the Department by Executive Order 2011-4. The Commission was transferred out of the Department of Civil Rights to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3.

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| 5. | <u>Asian Pacific American affairs commission</u> | \$0 |
| | Unclassified FTE positions | 0.0 |

This line item is new for FY 2012-13. The Asian Pacific American Affairs Commission was created by PA 536 of 2008, however, FY 2012-13 is the first year of State funding. The mission of the Asian Pacific American Affairs Commission is to "...advance the full and equal participation of Asian Pacific Americans in the building of a greater Michigan." Executive Reorganization Order 2009-16 revised the Commission. It provides for 21 members appointed by the Governor subject to disapproval by the Senate. The Commission was transferred to the Department by Executive order 2011-4. The Commission was transferred out of the Department of Civil Rights to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3.

Unit Gross Appropriation	\$15,290,600
Interdepartmental grant revenues	293,600
Federal revenue	2,748,000
Private	18,700
State restricted	151,900
State general fund/general purpose	12,078,400

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Sec. 103 (3) INFORMATION TECHNOLOGY

1. Information technology services and projects \$707,900

Executive Order 2001-3 created the Department of Information Technology (DIT) which is now in the Department of Technology, Management, and Budget. In FY 2002-03, 5.0 FTEs were transferred to the new department from the Department of Civil Rights. The funding is appropriated in the originating department and received in DTMB as an interdepartmental grant from user charges.

Unit Gross Appropriation **\$707,900**

Federal 15,000

State general fund/general purpose 692,900

Sec. 103 (4) ONE-TIME BASIS ONLY APPROPRIATIONS

1. Division on deaf and hard of hearing \$250,000

Classified FTE positions 2.0

This line item was added in FY 2016-17 to provide one-time funding and FTE positions to increase services to deaf and hard of hearing citizens across the State.

Unit Gross Appropriation **\$250,000**

State general fund/general purpose. 250,000

**DEPARTMENT OF CIVIL RIGHTS
PART 2: BOILERPLATE DETAIL**

2015 PA 84, Article VIII

Section Number	Description and History
401	<p><u>Contingency Funds.</u> Provides for the appropriation of up to \$2.0 million in Federal revenues and up to \$750,000 in private revenues received during the year upon approval by the Appropriations Committees of both Houses of the Legislature through the Legislative transfer process.</p> <p>Background: Authorization for private contingency funds was added in FY 2011-12 because the department was seeking private foundation support for initiatives related to hate crime response and prevention. The FY 2012-13 budget increased the private contingency fund authority from \$500,000 to \$750,000.</p>
402	<p><u>Receipt and Expenditure of Additional Funds.</u> Provides that the Department may receive and expend funds from local or private sources in addition to appropriations in Part 1 for training, sale of publications, mediation processes, providing copies, for workshops and award programs, and for staffing costs related to services provided to local governments and the public. Requires annual report on receipts and expenditures.</p> <p>Background: Revenue received pursuant to this section recently averaged approximately \$40,000 per year. Authority to use revenue for staffing costs was new in FY 2011-12.</p>
403	<p><u>Local Government Contracts.</u> Allows the Department to contract with local governments to review equal opportunity compliance of potential contractors. May charge for and expend funds received for this purpose.</p> <p>Background: The Contract Compliance Unit reviews contractors seeking to be awarded contracts with the State for equal opportunity compliance. This section permits the Department to extend this service to local units of government.</p>
404	<p><u>Departmental Report.</u> Requires the Department to prepare and submit by November 30 a detailed report that includes at least the following items for the previous fiscal year: (a) detailed description of Department operations; (b) a detailed description of the subunits in the departments, the positions in each subunit, responsibilities by subunit, and revenues and expenditures by subunit; (c) the number of complaints by type; (d) the average cost and time spent investigating complaints; (e) the percentage of complaints that merit investigation or settlement and the percentage of complaints found to have no merit; (f) a listing of amounts awarded to claimants; (g) spending on complaint investigation and enforcement; (h) a list of complaint investigations closed per FTE position for the past 5 years; (i) a list of complaint evaluations completed per FTE position for the past 5 years; and (j) productivity projections.</p> <p>Background: This section was added in FY 2013-14. Items i and j were added in FY 2014-15.</p>
405	<p><u>Notification Prior to Submitting Federal Reports or Complaints.</u> Requires the Department to notify the Office of the State Budget, the Senate and House of Representatives appropriations committees, and the fiscal agencies prior to submitting a report or complaint to the U.S. Commission on Civil Rights or other federal department.</p>
410	<p><u>Legacy Costs.</u> This language lists the authorized amount of the appropriations in Part 1 that may be used for legacy costs as well as an estimate of the amount of pension-related legacy costs. For FY 2016-17 pension-related legacy costs are estimated at \$1,697,800 and retiree health care legacy costs are estimated at \$1,364,200.</p> <p>Background: This section was added in FY 2014-15.</p>