Department of Public Safety and Correctional Services

Office of the Secretary

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Department of Public Safety and Correctional Services
Division of Correction - Q00B
Fiscal Year 2023 Operating Budget
Response to Department of Legislative Services Analysis

Senate Budget and Taxation Committee
Public Safety, Transportation and Environment Subcommittee
Senator Cory McCray, Chair
February 17, 2022

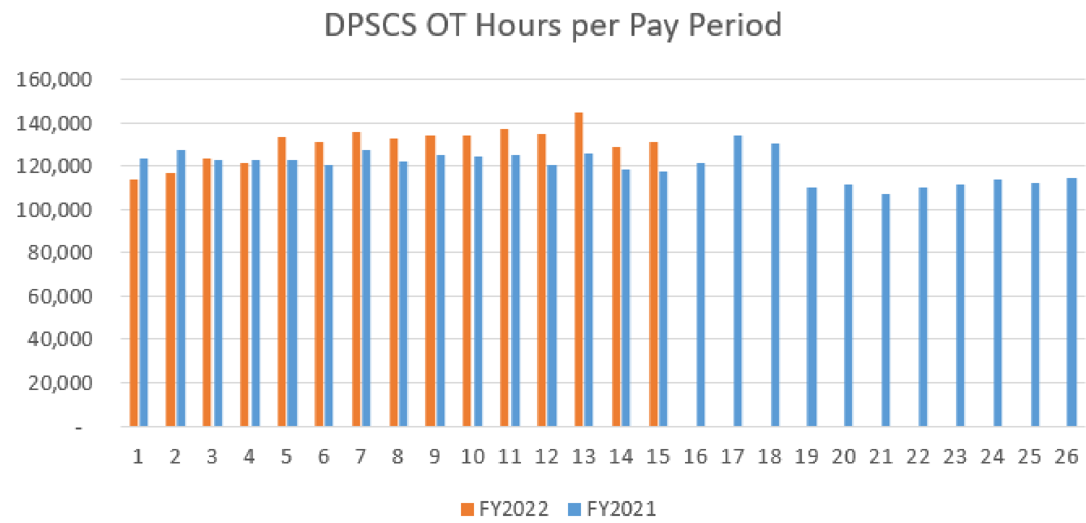
House Appropriations Committee
Public Safety and Administration Subcommittee
Delegate Tony Bridges, Chair
February 23, 2022

Overtime

Issue: **DPSCS should comment on their efforts to keep overtime costs low and prevent CO burnout.**

Response: The Department takes a multifaceted approach in its efforts to address utilization of overtime and prevent burnout, including closely monitoring overtime trends, implementing operational modifications, encouraging use of mental health programs, and, by hiring more correctional officers.

Facility staff call-outs are reported up through the appropriate chain of command on a daily basis. In addition, Departmental leadership has a standing bi-weekly meeting where operational and administrative officials review sick leave and overtime utilization trends. This enables staff to monitor those facilities with a higher utilization of overtime and to gain a better understanding as to why they may be experiencing an uptick. For instance, the most recent increase in overtime hours happened during the fiscal year 2022 pay periods 11, 12 and 13 - representing November through December 2021. A rise of over 5,000 overtime hours was related to the increase in transportation of incarcerated individuals to community health providers to undergo in-patient medical procedures that were previously postponed due to limited capacity at medical facilities as a result of COVID-19. Moreover, the holidays typically generate higher leave usage than other pay periods. However, overtime utilization dropped back down during the 14 and 15th pay periods as illustrated by the graph below.



From an operational standpoint, post assignment worksheets are reviewed on a daily basis to ensure each facility is properly and safely staffed while reducing overtime as efficiently as possible. Facility leadership routinely collapses posts and reassigns staff to utilize them more effectively. Staff who are held over to work an extra shift or who are called in to work an unscheduled shift are released as soon as their duties are completed so they are not expected to work a full eight hour shift. Based on an exception provided by the Department of Budget and Management, Lieutenants are able to volunteer to work overtime, which broadens the pool of staff the facilities are able to call upon.

The State also has in place programs to assist employees with their wellbeing. In September 2021, the Department of Budget and Management launched MyMDCares. MyMDCARES provides employees and their dependents with no-cost, confidential, in-the-moment wellbeing support, 24/7 to help with personal or professional issues that may interfere with work or family responsibilities. The Department encourages employees to make use of this program. Supervisors have the ability to refer State employees who face personal matters that adversely affect their job performance to the Employee Assistance Program. Supervisors are encouraged to refer employees when an employee’s personal matters may negatively impact work performance. The goal of the Program is to provide assistance to the employee and maintain satisfactory job performance. Participation in the program is completely voluntary and confidential. When scheduled during an employee’s work hours, the initial assessment session(s) are considered work time and no fee or leave is charged to the employee for attendance.

Of course, the Department continues to prioritize the recruitment, hiring, and retention of correctional officers. Under the current administration, the State of Maryland has significantly enhanced the salaries of its correctional officer positions. Effective July 1, 2021, over 3,800 employees received increases after the entry salary for the correctional officer I position was increased by 7.4% (from a step 3 to a step 5). A new position correctional officer II-lateral classification was initially established with a starting salary at a step 7. As a result of this, current correctional officer Is, received 3 step increases and correctional officer IIs were advanced to step 8 (an increase of up to 5 steps). Also, correctional officer sergeants, correctional maintenance officers, correctional laundry officers, correctional dietary officers, correctional supply officers and Maryland Correctional Enterprise officers under bargaining unit H received one step, as well. Starting January 2022, correctional officers received a step increase and a cost of living adjustment. Including the aforementioned increases, since July 2018, the starting salary of a correctional officer I has increased by over 22%.

The Department initiated a strategic marketing campaign, participated in community events and local job fairs to advertise for entry-level correctional positions. When restrictions were lifted in the summer of 2021, the Department transitioned back to in person one-day hiring events and focused its efforts in the regions with the most critical need, Western and Eastern Maryland. Moreover, an incentive of $2,500 was created for newly hired COI and COII laterals that accepted positions to those regions; this was in addition to the new salary effective July 1, 2021 and the standard new hire bonus of $5,000.

Despite a 32% decrease in applications from 2020 to 2021 as illustrated by the table on the following page, the Department closed calendar year 2021 with 461 new correctional Officers hired. In January 2022, the Department hired 36 new correctional officers. Thirty-eight (38) correctional Officer candidates are already committed to start in February and 18 correctional officer candidates have committed to a start date in March so far.

Year	Applications	CO Hired
2016	9,581	63
2017	5,688	102
2018	4,286	160
2019	4,578	267
2020	3,806	491
2021	2,570	463

In order to increase the pool of qualified applicants the Department introduced Senate Bill 212, which was heard in the Senate Judicial Proceedings Committee on January 13, 2022. The bill alters the age by which an individual can apply to become a correctional officer to 19 years of age, as opposed to the current 21 years of age. This is consistent with minimum ages for correctional officers in 37 other states and all Maryland counties that have opportunities to hire candidates who are younger than 21.

The Department also held promotional and specialty teams recruitments resulting in advancement opportunities for 160 correctional officers during calendar year (CY) 2021.

The Department is hopeful that these salary enhancements and its recruitment efforts will yield positive results for calendar year 2022 which, in turn, will assist in reducing reliance on overtime.

<u>COVID-19 Reduced Demand and Supply Capacity</u>

Issue: **MCE should comment on current efforts to reduce MCE order delivery times, increase sales, and increase inmate employment.**

Response: Over the course of the past two years, Maryland Correctional Enterprises (MCE) has experienced numerous operational interruptions in an effort to maximize safety within the institutions. As a result, MCE has experienced two major shutdowns, the most recent one ending on 2/7/2022. Shuttered operations and decreased participation directly correlates to increased delivery times as limited production occurred during these idled periods. In addition, the supply chain issues that continue to be seen in many areas across the country have heavily affected MCE. Although delivery times increased during the height of COVID-19, MCE has already experienced a significant decline in delivery times to 48 days as of December 31, 2021. While delivery times may fluctuate in the third quarter due to idled operations, MCE anticipates further declines in delivery times in the fourth quarter of fiscal year (FY) 2022. MCE's current staff hiring focuses on delivery drivers and the procurement of additional and replacement vehicles which are intended to improve MCE delivery times. MCE also continues efforts to fully staff its business units to improve production times. The current mandate for program participant vaccination compliance is also in line with this goal as it will enable us to increase participation levels throughout the state. Despite these many production and delivery obstacles, over 85% of MCE deliveries remain on time.

Even though MCE has experienced a decrease in sales, MCE continues to exceed its business plan goal of $50 million. Due to the constantly evolving product market, MCE continues to research new developments in product needs for state agencies. MCE is in the process of hiring a Research and Development Specialist to better align with current trends and needs. MCE will also continue to survey customers and meet with the new products committee, which consists of stakeholders and MCE team members that assist in reviewing and adding new items to product lines, to ensure its processes and offerings continue to remain innovative and effective for customers. As of December 2021 MCE FY22 sales are $600,000 ahead of the FY21 sales. However, there are a number of bills that - if passed - would negatively impact future sales and revenues. Specifically, Senate Bill (SB) 872 and House Bill (HB) 1245 would negatively impact future MCE sales and revenues. HB 872 would remove MCE from the list of preferred providers state colleges are currently obligated to utilize. MCE anticipates that the passage of this bill would result in a decline of approximately $10 million each fiscal year. In addition, HB1245 would negatively impact MCE's profitability, inevitably eliminating its ability to maintain its self-supporting status.

Ensuring the safety and security of the Department's correctional facilities remains an utmost priority. The number of incarcerated individuals who participate in MCE programs declined as a result of the pandemic. In order to maintain social distancing and limit movement, MCE has not yet attempted to reach pre-pandemic participation numbers. As operations normalize and as MCE's civilian vacancy rate declines, MCE will be able to increase participation levels. MCE has safely and methodically increased participation levels while following all COVID-19 protocols from all time lows to 942 active program participants in December of 2021. With 100% vaccination compliance, MCE would like to achieve pre-pandemic levels of 1,500 participants. Of course, this will depend on future COVID-19 trends.

Despite continued obstacles, MCE continues to persevere. Even while operating through a pandemic, which resulted in inflated prices and unprecedented supply chain issues, MCE was able to achieve a profit of $78,367 (0.14%) and $327,463 (.65%) in FY 20 and 21 respectively.

Recommended Action: Fiscal 2022 budget bill language restricted $200,000 in general funds until DPSCS submitted the second of four hiring and attrition reports on January 15, 2022. The report was received on January 25, 2022. Having reviewed the data and used it in development of the fiscal 2023 budget analyses, the Department of Legislative Services (DLS) recommends these withheld funds be released to DPSCS upon conclusion of the budget hearings and recommends the adoption of this language again for fiscal 2023.

Response: The Department concurs with the recommended action.