

# Commission on Dispute Resolution & Conflict Management

House Higher Education Subcommittee

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Legislative Service Commission*

*March 4, 2003*

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# **LSC Redbook**

## **for the**

# **Commission on Dispute Resolution & Conflict Management**

**House Higher Education Subcommittee**

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*March 4, 2003*

Note: The estimated General Revenue Fund (GRF) spending for FY 2003 used in this LSC Redbook reflects the 2.5% reduction made as a result of the Governor's January 22, 2003 budget cut order. The executive reduction was applied across-the-board to FY 2003 GRF appropriations, subject to certain exceptions. Subsequent to such reductions (and not reflected in the Redbook), state agencies were permitted to reallocate the amount that each of their GRF appropriation line items was reduced, while still absorbing the 2.5% budget cut within the total amount of their GRF appropriations.

# Dispute Resolution and Conflict Management

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- Executive proposes Commission abolition

## OVERVIEW

### Mission

The mission of the Commission on Dispute Resolution and Conflict Management is to provide Ohioans with constructive, nonviolent forums, processes, and techniques for resolving disputes. The Commission focuses on four program areas – schools, communities, courts, and state and local government – providing dispute resolution and conflict management training, facilitation and mediation services, consultation, and technical program assistance. With a current staffing level of 5.5 full-time equivalent (FTE) positions, the Commission pursues this broad mandate, partnering with other institutions to leverage resources and to develop a statewide conflict resolution capacity. The Commission, established in November 1989, is guided by 12 volunteer commissioners – four appointed by the Governor, four by the Chief Justice of the Supreme Court, and two each by the President of the Senate and the Speaker of the House – who serve staggered three-year terms.

### Executive recommendation

The Governor's recommended the Commission receive no funding in the budget for the FY 2004-2005 biennium, with the following results:

- The Commission will have to cease all operations as of July 1, 2003.
- The Executive's FY 2004-2005 biennium budget includes new GRF line item 042-409, Commission Closures, contained in the Office of Budget and Management's (OBM) budget, which a one-time appropriation of \$95,000 in FY 2004. The purpose of the funds is to cover any outstanding unemployment compensation costs or other expenses related to the potential closure of commissions. OBM is responsible for payment of these expenses pursuant to section 126.29 of the Revised Code.
- The distribution of state and federal conflict management funds to school districts, currently handled as a cooperative effort between the Commission and the Ohio Department of Education, will be handled solely by the Department.

**School conflict management programs**

The budget to implement conflict management programs in schools is currently split between the Commission (GRF line item 145-401) and the Ohio Department of Education (GRF line item 200-432), with the majority of the funding housed in the latter's budget. The Commission provides evaluation and technical support for the programs. Under the executive budget for the FY 2004-2005 biennium, as previously noted, the Department of Education will assume responsibility for all programmatic and funding decisions in relation to the state's involvement in local school conflict management programs.

**Current programmatic focus**

During the current biennium, the Commission has focused primarily on expanding two areas of activity: (1) the School Conflict Management Program, and (2) the Truancy Prevention through Mediation Program. These two program areas are highlighted below.

**School Conflict Management Program**

The School Conflict Management Program was launched in FY 1995 as a partnership between the Commission and the Ohio Department of Education for the purpose of annually awarding competitive grants to elementary, middle, and high schools to implement comprehensive conflict management programs. For the 2002-2003 school year, 74 grants were awarded. Schools awarded grants typically receive: (1) \$3,000 to support the design, implementation, and evaluation of a comprehensive conflict management program, (2) three days of staff training, and (3) on-site technical assistance. To date, more than 1,500 schools have implemented some form of a conflict management program.

**Truancy Prevention through Mediation Program**

Under the Truancy Prevention through Mediation Program, the Commission provides funds for program evaluation, training, and mediation services in school districts and juvenile courts to address the issue of student absenteeism and truancy. The Program is funded by a federal grant; a state match of at least 10% is also required. In the last few years, the Commission provided mediation services to communities and courts as follows:

- In the 2000-2001 school year, 58 schools in seven counties;
- In the 2001-2002 school year, 155 schools in 11 counties;
- In the 2002-2003 school year, 180 schools in 15 counties.

## ANALYSIS OF EXECUTIVE PROPOSAL

### Commission on Dispute Resolution and Conflict Management

**Purpose:** To provide Ohioans with constructive, non-violent forums, processes, and techniques for resolving disputes.

Specific areas within the Commission on Dispute Resolution and Conflict Management that this analysis will focus on include:

- **SCHOOL CONFLICT MANAGEMENT PROGRAM**
- **PROGRAMS AND SERVICES FOR COMMUNITIES & COURTS**  
*Truancy Prevention through Mediation*
- **PROGRAMS AND SERVICES FOR STATE & LOCAL GOVERNMENT**  
*Workplace Mediation Program*  
*Conflict Resolution Services for Local Government Officials*

The following table shows the Governor’s recommended funding levels for the Commission.

Fund	ALI	Title	FY 2004	FY 2005
GRF – GRF	145-401	Dispute Resolution/Conflict Management	\$ 0	\$ 0
GSF – 4B6	145-601	Gifts and Grants	\$ 0	\$ 0
FED – 3S6	145-602	Dispute Resolution: Federal	\$ 0	\$ 0
<b>Total Commission funding</b>			<b>\$ 0</b>	<b>\$ 0</b>

### School Conflict Management Program

### Program Series 1

**Program Description:** The School Conflict Management Program offers funding for conflict management programs to schools through competitive grants awarded in consultation with the Ohio Department of Education. The grants, which are disbursed from GRF line item 200-432, School Conflict Management, in the Ohio Department of Education’s budget, range between \$1,500 and \$3,000 and are awarded to elementary, middle, and high schools. This grant program provides schools with funding, age-appropriate resource materials, training, and technical assistance needed to teach effective conflict management.

**Funding Source:** GRF

**Line Items:** 145-401, Dispute Resolution/Conflict Management; 200-432, School Conflict Management

**Implication of the Executive Recommendation:** As the executive budget proposes to abolish the Commission, effective July 1, 2003, no funding is recommended for the FY 2004-2005 biennium. As of this writing, it is uncertain as to how the state-financed dispute resolution and conflict management services currently being provided by the Commission will be delivered in the future. That said, the distribution of state and federal conflict management funds to schools, currently handled as a cooperative effort between the Commission and the Ohio Department of Education, will, under the Governor’s proposal, be handled solely by the Department during the FY 2004-2005 biennium.

**Earmarking:** None

**Permanent and Temporary Law:** The executive budget removes all existing permanent and temporary law provisions regarding the duties, responsibilities, and fiscal operations of the Commission.

**Truancy Prevention through Mediation Program**

**Program Description:** The Truancy through Mediation Program brings together students, parents, teachers, school administrators, and court officials to increase school attendance through the employment of mediation skills. The Commission and the Supreme Court of Ohio's Office of Dispute Resolution started the Program in 1995 with funding from what was then called the Department of Human Services. The Commission assumed responsibility for administration of the Program in FY 1998. The Program includes: (1) early intervention mediation between parents and teachers concerning unexcused absences, (2) conflict management education for participating elementary schools to provide a meaningful context and support for the mediations, and (3) an independent evaluation report. In the last few years, the Commission provided mediation services to communities and courts as follows: in the 2000-2001 school year, mediation services were provided to 58 schools in seven counties; in the 2001-2002 school year, mediation services were provided to 155 schools in 11 counties; and in the 2002-2003 school year, mediation services will be provided to 180 schools in 15 counties.

**Funding Source:** (1) GRF, and (2) a federal grant

**Line Items:** 145-401, Dispute Resolution/Conflict Management; 145-602, Dispute Resolution: Federal

**Implication of the Executive Recommendation:** As the executive budget proposes to abolish the Commission, effective July 1, 2003, no funding is recommended for the FY 2004-2005 biennium. As of this writing, it is unclear as to how the state-financed dispute resolution and conflict management services currently being provided by the Commission will be delivered in the future. Thus, the future of the Truancy through Mediation Program appears uncertain.

**Earmarking:** None

**Permanent and Temporary Law:** The executive budget removes all existing permanent and temporary law provisions regarding the duties, responsibilities, and fiscal operations of the Commission.

**Programs And Services For State & Local Government**

**Program Series 3**

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**Workplace Mediation Program**

**Program Description:** The Workplace Mediation Program provides state employees with access to mediation services to informally resolve workplace conflict. Mediators are state employees trained to serve as neutral third parties. Participation in the Program is voluntary and confidential. Established in February 1997 in response to requests from the Department of Commerce, the Department of Human Services, and the Ohio Environmental Protection Agency, the Program is intended as a supplement to other avenues of dispute resolution, including procedures established through collective bargaining. The Program has an advisory group that includes representatives from labor organizations and academia.

In FY 2002, 17 cases were referred to the Program. Since its inception, 85% of all mediated cases have been successfully resolved.

**Funding Source:** (1) GRF, and (2) reimbursement payments from other state agencies for third party services

**Line Items:** 145-401, Dispute Resolution/Conflict Management; 145-601, Gifts and Grants

**Implication of the Executive Recommendation:** As the executive budget proposes to abolish the Commission, effective July 1, 2003, no funding is recommended for the FY 2004-2005 biennium. As of this writing, it is unclear as to how the state-financed dispute resolution and conflict management services currently being provided by the Commission will be delivered in the future. Thus, the future of the Workplace Mediation Program appears uncertain.

**Earmarking:** None

**Permanent and Temporary Law:** The executive budget removes all existing permanent and temporary law provisions regarding the duties, responsibilities, and fiscal operations of the Commission.

**Conflict Resolution Services**

**Program Description:** The Conflict Resolution Services Program provides conflict resolution training, consultation, and facilitation to state and local government agencies and officials. The Program is administered by the Commission and is co-sponsored by the Ohio Municipal League, the Supreme Court of Ohio, the Ohio Judicial Conference, and the County Commissioners' Association of Ohio. In FY 2002, 159 trained mediators were available from over half of Ohio's counties, 11 cases were referred to the Program, and 16 new mediators were trained.

**Funding Source:** (1) GRF, and (2) reimbursement payments from other state agencies for third party services

**Line Items:** 145-401, Dispute Resolution/Conflict Management; 145-601, Gifts and Grants

**Implication of the Executive Recommendation:** As the executive budget proposes to abolish the Commission, effective July 1, 2003, no funding is recommended for the FY 2004-2005 biennium. As of this writing, it is unclear as to how the state-financed dispute resolution and conflict management services currently being provided by the Commission will be delivered in the future. Thus, the future of the Conflict Resolution Services Program appears uncertain.

**Earmarking:** None

**Permanent and Temporary Law:** The executive budget removes all existing permanent and temporary law provisions regarding the duties, responsibilities, and fiscal operations of the Commission.

## ADDITIONAL FACTS AND FIGURES

<b>Commission on Dispute Resolution &amp; Conflict Management Staffing Levels by Fiscal Year</b>							
1998	1999	2000	2001	2002	2003*	2004*	2005*
7	7	7	7	7	5.5	0	0

\*The staffing levels displayed in the above table represent full-time equivalents (FTEs). The staffing levels for FYs 2004 and 2005 reflect the Governor’s proposed abolishment of the Commission.

As one can see from the above table, the Commission’s staff remained at seven full-time equivalents (FTEs) for a number of years prior to FY 2003. In FY 2003, the Commission eliminated 1.5 FTEs in order to reduce expenditures.

<b>Commission on Dispute Resolution &amp; Conflict Management Spending by Object of Expense by Fiscal Year</b>						
Object of Expense	2000	2001	2002	2003*	2004*	2005*
Personal Services	\$347,362	\$349,335	\$388,977	\$392,925	\$ 0	\$ 0
Purchased Services	\$122,091	\$111,714	\$119,038	\$336,687	\$ 0	\$ 0
Maintenance	\$144,783	\$98,244	\$ 82,789	\$ 97,726	\$ 0	\$ 0
Equipment	\$ 365	\$ 4,824	\$ 336	\$ 1,731	\$ 0	\$ 0
Subsidy	\$ 82,814	\$ 87,375	\$ 73,867	\$ 9,750	\$ 0	\$ 0
Transfer	\$ 0	\$ 0	\$ 13,113	\$ 0	\$ 0	\$ 0
<b>Totals</b>	<b>\$697,415</b>	<b>\$651,492</b>	<b>\$678,120</b>	<b>\$838,819</b>	<b>\$ 0</b>	<b>\$ 0</b>

\*The spending amounts in FY 2003 are estimates, while those for FYs 2004 and 2005 reflect the Governor’s proposed abolishment of the Commission.

In recent years, the Commission’s spending has generally gone primarily for the payroll costs associated with its seven full-time staff (personal services) and secondarily for the costs of various personal services contracts (purchased services). As one can also see in the above table, a very small percentage of the Commission’s budget has been utilized for grants (subsidy). That said, it should also be noted that the Commission works in concert with the Ohio Department of Education to distribute the latter’s \$1.0-plus million biennial GRF appropriation that is used for school conflict management program grants.

## PERMANENT AND TEMPORARY LAW

The executive budget removes all existing permanent and temporary law provisions regarding the duties, responsibilities, and fiscal operations of the Commission on Dispute Resolution and Conflict Management.

### Permanent Law Provisions

#### Commission Abolition

As proposed in the executive budget contained in the main operating appropriations bill of the 125th General Assembly, existing permanent law would be amended to: (1) abolish Commission, (2) remove the requirement that, when necessary, the Commission mediate a compensation agreement between the Board of Directors of the Ohio Low-Level Radioactive Waste Facility Development Authority and the legislative authority of a host community; and (3) remove the Commission's ability to serve as a facilitator for an advisory committee of an agency exercising its rule-making powers. The amendment of these existing provisions in the Revised Code relative to the duties of the Commission is consistent with the Governor's proposed abolishment of the Commission.

### Temporary Law Provisions

There are no temporary law provisions in the executive budget that explicitly affect the duties, responsibilities, or fiscal operations of the Commission.

#### Commission on Dispute Resolution/Conflict Management

Temporary law is currently in place pursuant to Am. Sub. H.B. 94 of the 124th General Assembly instructing the Commission on how to use the funds appropriated to its GRF line item 145-401 during the FY 2002-2003 biennium. As the executive budget proposes to abolish the Commission, effective July 1, 2003, the temporary law is unnecessary for the FY 2004-2005 biennium.

## REQUESTS NOT FUNDED

The difference, or variance, between what the Commission on Dispute Resolution and Conflict Management requested for its biennial budget and the Governor’s recommended funding levels, is summarized in the table below.

Continuation Services Funding						
Fund/ Line Item	FY 2004 Requested	FY 2004 Recommended	Difference	FY 2005 Requested	FY 2005 Recommended	Difference
GRF/145-401	\$594,816	\$ 0	(\$594,816)	\$654,297	\$ 0	(\$654,297)
GSF/145-601	\$140,000	\$ 0	(\$140,000)	\$150,000	\$ 0	(\$150,000)
FED/145-602	\$140,000	\$ 0	(\$140,000)	\$140,000	\$ 0	(\$140,000)
TOTALS	\$874,816	\$ 0	(\$874,816)	\$944,297	\$ 0	(\$944,297)

The requested amount of state and federal funding noted in the above table reflects what the Commission calculated its current cost of doing business would be in the next biennium, including rising expenses passed along by the Department of Administrative Services’ Central Services Agency to boards and commissions for the provision of fiscal, payroll, and computer and technology support. As the executive budget proposes to abolish the Commission, effective July 1, 2003, no funding is recommended for the FY 2004-2005 biennium. As of this writing, it is uncertain as to how the state-financed dispute resolution and conflict management services currently being provided by the Commission will be delivered in the future.

## General Revenue Fund

### GRF 145-401 Commission on Dispute Resolution/Management

2000	2001	2002	2003 Estimate	2004 Executive Proposal	2005 Executive Proposal
\$632,580	\$573,115	\$534,539	\$527,214	\$0	\$0
	-9.4%	-6.7%	-1.4%	-100.0%	N/A

**Source:** GRF

**Legal Basis:** Section 43 of Am. Sub. H.B. 94 of the 124th G.A.; proposed for elimination, along with the Commission, as part of the executive-recommended budget contained in the main operating appropriations bill of the 125th G.A.; originally created in accordance with Am. H.B. 453 of the 118th G.A.; initially funded by an appropriation to the Controlling Board in Am. Sub. H.B. 111 of the 118th G.A.; appropriation was transferred to the Commission on January 8, 1990

**Purpose:** This line item is used to finance the Commission's operating expenses, including the provision of dispute resolution and conflict management training, consultation, and materials for state and local government, communities, school districts, and courts, and, in consultation with the Ohio Department of Education, for the purpose of offering competitive school conflict management programs to school districts. Starting with FY 1998, funding for the Commission's GRF line item 145-402, School Conflict Management, was merged into GRF line item 145-401 at the Commission's request.

## General Services Fund Group

### 4B6 145-601 Gifts and Grants

2000	2001	2002	2003 Estimate	2004 Executive Proposal	2005 Executive Proposal
\$47,252	\$39,357	\$35,625	\$164,605	\$0	\$0
	-16.7%	-9.5%	362.0%	-100.0%	N/A

**Source:** GSF: Donations, grants, awards, bequests, gifts, and reimbursements

**Legal Basis:** Section 43 of Am. Sub. H.B. 94 of the 124th G.A.; ORC 179.03; proposed for elimination, along with the Commission, as part of the executive-recommended budget contained in the main operating appropriations bill of the 125th G.A.; originally established by Controlling Board in FY 1990

**Purpose:** Funds in this special account are used by the Commission to supplement its efforts to introduce dispute resolution and conflict management techniques and skills in schools, courts, communities, and public agencies. This special account also acts as a pass-through mechanism in cases where the Commission arranges mediation and facilitation services for clients in the legislature or state agencies. One of the services the Commission provides is to help such clients identify facilitators and mediators and manage contracts with these third parties, a practice which gives these clients access to the Commission's expertise and contributes to the perception of impartiality in the mediation process by all parties involved. The Commission pays for the mediation and facilitation services out of this special account and is then reimbursed by the client via an intra-state transfer voucher (ISTV).

## Federal Special Revenue Fund Group

### 3S6 145-602 Dispute Resolution: Federal

2000	2001	2002	2003 Estimate	2004 Executive Proposal	2005 Executive Proposal
\$17,583	\$39,019	\$107,957	\$147,000	\$0	\$0
	121.9%	176.7%	36.2%	-100.0%	N/A

**Source:** FED: CFDA 16.540, Juvenile Justice and Delinquency Prevention

**Legal Basis:** Section 43 of Am. Sub. H.B. 94 of the 124th G.A.; proposed for elimination, along with the Commission, as part of the executive-recommended budget contained in the main operating appropriations bill of the 125th G.A.; originally established by Controlling Board on July 27, 1998

**Purpose:** This federal fund was created to receive grant moneys from the state's Office of Criminal Justice Services for the Commission's Truancy Prevention through Mediation Program, a program that uses mediation to improve school attendance and avert juvenile delinquency. The award period for this federal grant started in FY 1999.

## LSC Budget Spreadsheet by Line Item, FY 2004 - FY 2005

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>2002</i>	<i>Estimated 2003</i>	<i>Executive 2004</i>	<i>% Change 2003 to 2004</i>	<i>Executive 2005</i>	<i>% Change 2004 to 2005</i>
<b><i>CDR Dispute Resolution and Conflict Management Commission</i></b>								
GRF	145-401	Commission on Dispute Resolution/Management	\$ 534,539	\$527,214	\$ 0	-100.0%	\$ 0	N/A
<b>General Revenue Fund Total</b>			<b>\$ 534,539</b>	<b>\$ 527,214</b>	<b>\$ 0</b>	<b>-100.0%</b>	<b>\$ 0</b>	<b>N/A</b>
4B6	145-601	Gifts and Grants	\$ 35,625	\$164,605	\$ 0	-100.0%	\$ 0	N/A
<b>General Services Fund Group Total</b>			<b>\$ 35,625</b>	<b>\$ 164,605</b>	<b>\$ 0</b>	<b>-100.0%</b>	<b>\$ 0</b>	<b>N/A</b>
3S6	145-602	Dispute Resolution: Federal	\$ 107,957	\$147,000	\$ 0	-100.0%	\$ 0	N/A
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 107,957</b>	<b>\$ 147,000</b>	<b>\$ 0</b>	<b>-100.0%</b>	<b>\$ 0</b>	<b>N/A</b>
<b>Total All Budget Fund Groups</b>			<b>\$ 678,121</b>	<b>\$ 838,819</b>	<b>\$ 0</b>	<b>-100.0%</b>	<b>\$ 0</b>	<b>N/A</b>