

LSC Redbook

Analysis of the Executive Budget Proposal

Ohio Civil Rights Commission

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READER'S GUIDE

The Legislative Service Commission prepares an analysis of the executive budget proposal for each agency. These analyses are commonly called "Redbooks." This brief introduction is intended to help readers navigate the Redbook for the Ohio Civil Rights Commission (CIV), which includes the following three sections.

1. **Overview:** Provides a description of the Commission's existing functions and staffing, and an overview of the Commission's executive recommended budget for the FY 2012-FY 2013 biennium, and notes other important budgetary matters.
2. **Analysis of Executive Proposal:** Provides a detailed analysis of the Commission's executive recommended budget, including the funding and purposes for each appropriated line item, and the services and activities that are financed by those appropriated moneys.
3. **Attachments:** Includes LSC's Catalog of Budget Line Items (COBLI), which describes each line item's purpose, revenue, and expenditures, and the LSC budget spreadsheet, which summarizes each line item's recent expenditure and appropriations history.

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Ohio Civil Rights Commission

- As proposed, biennial funding down nearly 8%
- Reduction in force continues
- Federal funding nearly 40%

OVERVIEW

Duties and Responsibilities

The Ohio Civil Rights Commission is charged with enforcing R.C. Chapter 4112., which prohibits discrimination in the following areas:

- Employment on the basis of race, color, sex, religion, national origin, age, ancestry, disability, or military status;
- Places of public accommodation on the basis of race, color, sex, religion, national origin, age, ancestry, disability, or military status;
- Housing on the basis of race, color, sex, religion, national origin, ancestry, disability, familial status, or military status;
- Granting of credit on the basis of race, color, sex, religion, national origin, age, ancestry, disability, marital status, or military status;
- Higher education on the basis of disability.

The Commission was established in 1959 with the enactment of Am. S.B. 10 of the 103rd General Assembly. Before being renamed the Ohio Civil Rights Commission in 1961, the agency was originally known as the Fair Employment Practices Commission.

The Governor, with the advice and consent of the Senate, appoints five members to the Commission, not more than three of whom can be of the same political party, and at least one member of whom must be at least 60 years of age.

Conceptually, the Commission's services and activities can be categorized into two distinct components as follows.

- (1) Receiving, mediating, and investigating complaints and adjudicating discrimination charges filed by citizens of Ohio pertaining to discrimination in employment, housing, places of public accommodation, credit, and admission to, and participation in, activities sponsored by institutions of higher education.

(2) Conducting educational and public outreach programs.¹

FY 2012-FY 2013 Biennial Budget Summary

Summarized in Table 1 below is a fund group comparison of the Commission's FY 2011 estimated expenditures with the executive recommended appropriations for the FY 2012-FY 2013 biennium. Relative to the FY 2011 estimated expenditures, most notable are the executive recommended decreases in the amount of General Revenue Fund (GRF) and federal funding that will be made available for the Commission's use in each of FY 2012 and FY 2013 to pay for its annual operating expenses.

Table 1. Appropriation Comparison by Fund Group, FY 2011-FY 2013					
Fund Group	FY 2011*	FY 2012	% change, FY 2011-FY 2012	FY 2013	% change, FY 2012-FY 2013
General Revenue	\$4,897,185	\$4,635,023	-5.4%	\$4,635,023	0.0%
General Services	\$8,000	\$8,000	0.0%	\$8,000	0.0%
Federal Special Revenue	\$3,130,279	\$2,762,000	-11.8%	\$2,762,000	0.0%
TOTAL	\$8,035,464	\$7,405,023	-7.9%	\$7,405,023	0.0%

*FY 2011 figures represent estimated expenditures.

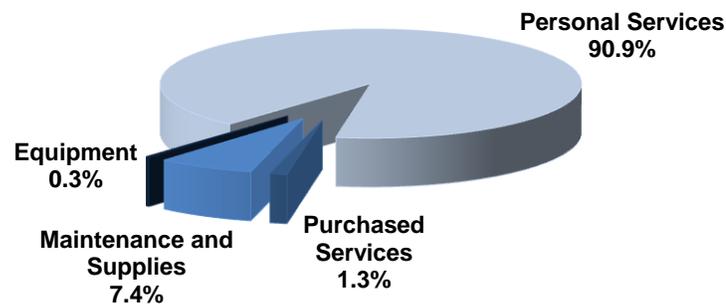
Appropriations by Expense Summary

Chart 1 below shows the Commission's total recommended appropriations (FY 2012 and FY 2013) by major object of expense.² All of these appropriated moneys will be allocated for operating expenses, most notably personal services, which are payroll-related costs. About 90% of the Commission's total budget will be allocated for personal services.

¹ R.C. 4112.04(A)(9) states that the Civil Rights Commission is to "Prepare a comprehensive educational program, in cooperation with the department of education, for the students of the public schools of this state and for all other residents of this state that is designed to eliminate prejudice on the basis of race, color, religion, sex, familial status, national origin, disability, age, or ancestry in this state, to further good will among those groups, and to emphasize the origin of prejudice against those groups, its harmful effects, and its incompatibility with American principles of equality and fair play."

² Totals may not add due to rounding.

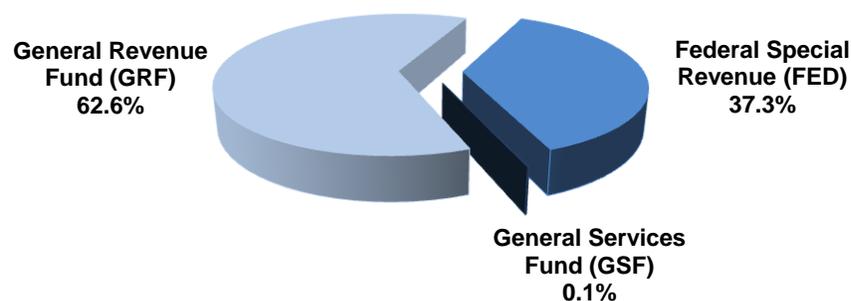
Chart 1: Biennial Executive Budget Recommendations by Expense Category, FY 2012 and FY 2013



Appropriations by Fund Group Summary

Chart 2 below shows the Commission's total recommended appropriations (FY 2012 and FY 2013) by fund group. Money appropriated from the GRF will provide around 63% of the Commission's funding. Virtually all of the remaining funding (close to 40%) will be drawn from reimbursement contract payments received from two federal agencies: the Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD).

Chart 2: Biennial Executive Budget Recommendations by Fund Group, FY 2012 and FY 2013



Staffing Levels

As can be seen in Table 2 below, as a result of budget reductions and various related actions taken to reduce costs, the Commission's number of full-time equivalent (FTE) staff positions has decreased by about 40%, or 60 FTEs, since 2004. The Commission has made earlier staff reductions through a variety of mechanisms, including abolishing positions, implementing an early retirement incentive plan, and downsizing by attrition. Based on the executive recommended budget for the next

biennium (FY 2012 and FY 2013), the Commission anticipates that it will need to reduce its number of staff positions by 18 FTEs in FY 2012. For FY 2013, the Commission anticipates increased receipts from HUD and EEOC sufficient to fund 79 FTEs, an increase of 3 FTEs from FY 2012.

FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011*	FY 2012*	FY 2013*
154	147	140	142	124	127	94	94	76	79

*The staffing levels displayed in the above table represent full-time equivalents (FTEs). The number of FTEs for FY 2011-FY 2013 are estimates.

Cost-Saving Measures

During the previous biennia, the Commission implemented additional cost-saving initiatives, while still remaining compliant with state and federal requirements. Some of those initiatives that have resulted in significant savings include the following:

- Reducing regional office operating expenditures by an estimated \$625,000 per year, including about \$535,000 in payroll costs, by closing the Cincinnati regional office.
- Reducing expenditures by an estimated \$2.0 million per year by implementing one Early Retirement Incentive Program and abolishing or leaving vacant 34 positions.

Investigation and Enforcement

Anyone who lives or works in Ohio and feels that he or she has been subjected to unlawful discrimination can file a charge with one of the Commission's regional offices. Complaints must be filed within six months of the alleged act of discrimination. State law mandates that investigations must be completed within one year.

During FY 2010, the Commission investigated 4,172 charges of discrimination, obtained \$3,442,972 in monetary relief for victims of discrimination, and successfully mediated 505 cases, with a resolution rate of 79%.

Caseloads

From FY 2002-FY 2010, as depicted in Table 3 below, charges of discrimination in matters related to employment accounted for between 80% and 85% of all cases terminated. Over that same nine-year span, the Commission terminated, on average, around 5,200 discrimination cases annually. Each investigator currently completes an average of 88 cases per year. The Commission does not have the option to refuse to investigate a charge.

Type of Case	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Employment	4,258	4,734	4,183	4,225	4,381	4,908	4,814	4,198	3,410
Housing	526	551	569	539	620	661	602	571	549
Public Accommodation	209	260	198	200	210	290	257	312	185
Credit	3	7	2	6	14	14	8	4	11
Disability in Education	4	11	13	13	16	15	25	24	17
TOTAL	5,000	5,563	4,965	4,983	5,241	5,888	5,706	5,109	4,172

Table 4 below shows the basis on which charges of alleged discrimination have been filed with the Commission over the period of time covering FY 2002-FY 2010. Given that the number of charges filed annually with the Commission have averaged around 8,650, what this data signals is that discrimination allegations are not necessarily based on a single factor, e.g., race, sex, or disability. According to the Commission, filed charges more frequently allege that the complainant experienced discrimination as a function of multiple factors, e.g., their race and sex.

Discrimination Charge	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Race/Color	3,360	6,320	2,899	2,809	3,092	2,739	2,408	1,891	1,780
Sex	2,041	1,849	1,747	1,753	1,843	1,657	1,301	1,123	992
Disability	1,382	1,296	1,234	1,238	1,301	1,419	1,267	1,045	1,070
Familial Status	94	87	89	70	75	81	101	193	121
Age	811	1,185	841	1,084	886	902	736	739	653
Retaliation	1,434	1,391	1,296	1,643	1,367	1,547	1,323	1,075	1,005
National Origin	278	351	325	368	387	302	268	291	259
Religion	133	161	117	187	158	165	193	132	106
TOTAL	9,533	12,640	8,548	9,152	9,109	8,812	7,597	6,489	5,986

*Effective March 24, 2008, military status was added as a protected class; only eight charges had been filed as of February 2011.

Table 5 below shows the number of discrimination charges that have been filed annually regionally from FY 2002 through FY 2010.

Table 5. Charges Filed by Region, FY 2002-FY 2010									
Region	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Akron	1,064	887	943	1,177	1,329	1,213	1,012	822	714
Cincinnati*	697	651	597	637	589	721	621	562	-
Cleveland	873	670	722	958	967	1,026	810	770	699
Columbus	1,468	1,030	875	1,016	1,193	1,550	1,240	982	959
Dayton	551	546	572	615	568	692	626	502	960
Toledo	868	893	892	939	1,056	942	903	870	789
TOTAL	5,521	4,677	4,601	5,342	5,702	6,144	5,212	4,508	4,121

*The Cincinnati and Dayton regional offices were merged in 2009.

Mediation Services

The Commission's Alternative Dispute Resolution Unit offers mediation services as an alternative means of resolving a discrimination complaint. Mediation brings both the charging party and respondent together in an attempt to voluntarily settle disputes short of a full-scale investigation. Whereas the investigative process for a case can take between six months and one year to complete, mediation requires only 30 days to 45 days. Most successful mediations are resolved within one day. Discrimination complaints that cannot be successfully mediated are then investigated. In FY 2010, the Commission successfully mediated 505 cases, with a resolution rate of 79%.

Each of the Commission's regional offices employs one mediator. According to the Commission, one mediator in each regional office is an adequate level of staffing to meet the current demand for its mediation services. The Commission's regional offices are located in Akron, Cleveland, Columbus, Dayton, and Toledo.

Public Affairs and Community Service

In addition to its enforcement responsibilities, the Commission is mandated to conduct educational and public outreach programs. In order to meet the requirements of the mandate, when possible, the Commission partners with the federal government (HUD and EEOC), which allows it to get maximum use of the federal money available for education and public outreach. According to the Commission, it has been involved in educational and outreach activities such as joint "Best Practices" and Technical Assistance Forums with the EEOC, fair housing conferences, training seminars, and hate crime forums.

The Commission generally expends a relatively small percentage of its annual operating budget to meet its statutorily mandated outreach and education obligations. The amount allocated for this purpose for the FY 2012-FY 2013 biennium will be about \$195,000, or 2.6%, of the Commission's total annual budget. That amount includes

payroll costs for one FTE in the amount of \$89,000 for FY 2012 and \$85,000 for FY 2013, in addition to about \$10,500 per year for nonpayroll expenditures.

Current education and outreach services and activities include, but are not limited to:

- Working with core constituent groups in identifying and addressing issues of discriminatory practices;
- Preparing and administering surveys;
- Developing and implementing training programs and forums for businesses, human resource personnel, and community groups;
- Preparing an educational program and related materials for grades K-12.

Federal and State Agency Partnerships

Equal Employment Opportunity Commission (EEOC)

The Commission has a work-sharing agreement with the U.S. Equal Employment Opportunity Commission for a specific number of cases agreed upon by both parties (currently 3,450 cases for federal FY 2011). EEOC permits the Commission to draw down 50% of the agreement in May and the remaining 50% in September as long as the Commission meets the contracted number of cases submitted and approved by EEOC. The Commission is currently paid \$550 for every approved case submitted to EEOC, up to the agreed contract number of cases. The Commission does not receive payment for any cases over the contract number. Ohio is only one of a handful of states that contract with the federal government to mediate cases filed with EEOC.

For federal FY 2012, EEOC plans to reduce the total number of cases processed by the Commission from 3,450 to 2,973. As a result, the federal money generated by this contract annually will decrease from \$1,897,500 to \$1,635,150, a loss of \$262,350, or 13.8%.

Department of Housing and Urban Development (HUD)

The Commission also has a work-sharing agreement with the U.S. Department of Housing and Urban Development for the number of cases actually submitted and approved by HUD by September 30th of each year. HUD permits the Commission to draw down 100% of the agreed upon sum in October of each year.

The Commission historically processes, on average, 450 housing cases annually. In federal FY 2010, the Commission processed approximately 460 cases. HUD pays the Commission \$2,600 for each approved case as long as the case is completed and submitted to HUD within the *Standards for Payments for Timeliness of Complaint Processing*. HUD's \$2,600 case payments are decreased if the Commission submits a case outside of the timeline requirements. Conversely, the Commission receives an

additional \$500 per approved case if it is a probable cause case. In federal FY 2010, the Commission received from HUD, on average, a payment of \$2,487 per case.

Office of the Attorney General's Civil Rights Section

The Commission provides funding for legal services performed by the Office of the Attorney General's Civil Rights Section. Under R.C. 4112.10, the Civil Rights Section handles all litigation in which the Commission participates as a party pursuant to R.C. Chapter 4112. Under its current contract, the Commission is responsible for payment in the amount of \$111,120 annually for legal services, including the equivalent of 14 full-time attorneys to prosecute discrimination cases. In addition to the legal services payments it makes to the Civil Rights Section, the Commission disburses approximately \$85,000 annually to cover other litigation-related expenses, e.g., deposition costs and expert witness fees.

ANALYSIS OF EXECUTIVE PROPOSAL

Introduction

This section provides an analysis of the executive recommended funding for each appropriation item in the Commission's budget, followed by a description of the services and activities that it delivers with those appropriated moneys. That narrative begins with a description of the context in which the Commission built the biennial budget request that it subsequently submitted to the Office of Budget and Management (OBM). Table 6 below shows the Governor's recommended funding for each line item.

Table 6. Executive Recommended Funding for the Commission				
Fund	ALI and Name		FY 2012	FY 2013
General Revenue Fund (GRF)				
GRF	876321	Operating Expenses	\$4,635,023	\$4,635,023
General Services Fund (GSF)				
2170	876604	Operations Support	\$8,000	\$8,000
Federal Special Revenue Fund (FED)				
3340	876601	Federal Programs	\$2,762,000	\$2,762,000
Total Funding: Commission Operating Expenses			\$7,405,023	\$7,405,023

Service Levels

The Commission currently funds the equivalent of 94 full-time staff positions (FTEs). At the level of executive recommended GRF funding for FY 2012 and FY 2013, the Commission estimates the loss of approximately 18 FTEs in FY 2012. From a historical perspective, the Commission operated with 154 FTEs in FY 2004, and if 18 FTEs are eliminated in the upcoming biennium, that translates into a reduction of 76 FTEs, or 50.6%, in its staffing level from FY 2000.

According to the Commission, available cost-reduction strategies are rather limited; redundancies have been eliminated and processes have been evaluated and reconfigured. Commission staff has indicated that the only viable option is a reduction in force, and that it will be difficult to maintain its current level of services and fulfill its statutory obligations without sacrificing the quality and timeliness of its investigations if significant layoffs become unavoidable.

Operating Expenses

In the paragraphs that follow, the three line items that pay for the Commission's annual operating expenses will be discussed in more detail, including the implications of the executive budget recommendations.

GRF Line Item 876321, Operating Expenses

This GRF line item is the Commission's primary source of funding. The Commission requested a GRF appropriation of \$4,897,185 for each of FY 2012 and FY 2013. The executive budget recommends GRF appropriations totaling \$4,635,023 in each of FY 2012 and FY 2013. The recommended amount in each fiscal year is less than the amount requested by the Commission by \$262,162, or 5.4%. It is likely that well over 90% of the recommended amount in each fiscal year will be allocated for personal services, which means payroll-related costs (salaries, wages, fringe benefits, other payroll charges).

General Services Line Item 876604, Operations Support

This relatively small GSF line item, which draws its appropriations from money collected by the Commission from various sources, e.g., copying charges and legal cost reimbursements, is statutorily restricted for the purpose of paying operating costs of the Commission. The Commission currently offers records and files to requestors on CD media at the cost of \$1 or one hard copy at the cost \$0.05 per page plus postage. According to the Commission, use of the CD media has resulted in an estimated annual savings of about \$30,000, which includes approximately 1,040 hours of secretarial time and \$5,000 in paper and toning expenses. Historically, expenditures from this line item have been used for supply costs, such as paper and postage.

For this line item, the Commission requested an appropriation of \$8,000 in each of FY 2012 and FY 2013, and the executive budget recommends that amount for both years. The recommended funding levels are identical to the FY 2011 estimated expenditures. The entire amount in each fiscal year is likely to be allocated for supplies and maintenance.

Federal Line Item 876601, Federal Programs

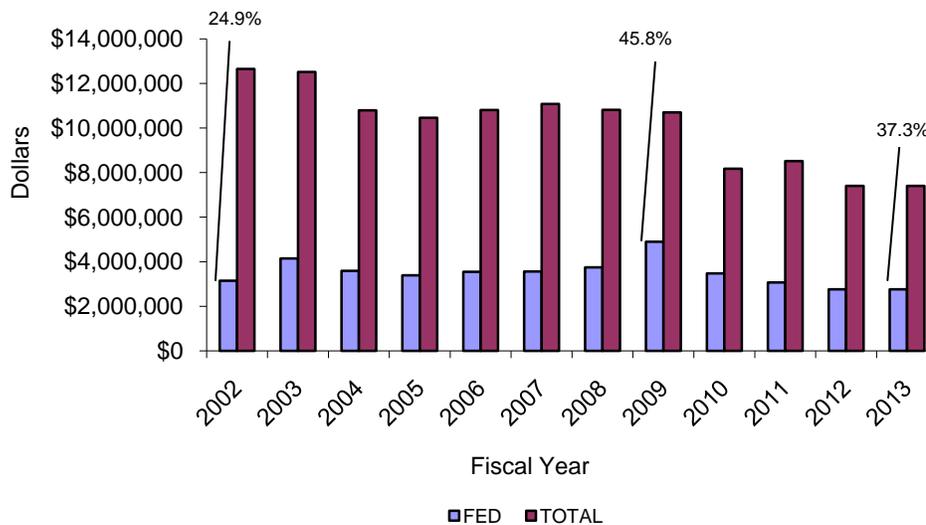
This federal line item consists of reimbursement payments from the U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD), which are then used to offset the cost of investigating cases. These reimbursement payments do not, however, cover the full cost of processing the cases; the remainder of the cost must be absorbed by GRF funds.

In the matter of EEOC cases, federal reimbursement covers approximately \$550 per case for a fixed number of cases. And in the matter of HUD cases, federal reimbursement averages \$2,487 per case based upon the number of eligible cases processed during the previous year.

The executive recommendation fully funds the Commission's request of \$2,762,000 in each of FY 2012 and FY 2013. The recommended funding level is \$368,279, or 11.8%, less than the FY 2011 estimated expenditures.

According to the Commission, previous budget reductions caused the agency to rely more heavily on a small reserve of federal funds. The percentage of federal funds comprising the overall budget of the Commission increased from 24.9% in FY 2002 until it peaked at 45.8% in FY 2009. At the recommended funding levels, that amount is projected to decrease to 37.3% in FY 2012 and FY 2013. This reliance on federal funds is depicted in Chart 3 below.

Chart 3: Federal Funding Utilization, FY 2002-FY 2013



Note: The figures used for FY 2011-FY 2013 are estimates.

EEOC Reimbursement Payments

The revenue estimates for EEOC payments in FY 2011 are based on current contractual agreements, which EEOC has the authority to alter. The revenue estimates for FY 2012 and FY 2013 represent a decrease of more than \$100,000 from the FY 2011 estimate, which corresponds to a 14% reduction in contracted cases for those years. If the Commission maintains its current staffing level in the next biennium, that revenue stream is estimated at \$1.6 million per year.

With the recommended GRF funding, as stated above, the Commission will likely reduce its number of FTE staff positions. If those FTE cuts result in fewer investigators, then the Commission believes revenues will decrease by the number of lost investigators x \$550 per case x 80 (the average number of cases submitted per year). What this means is that based on the level of recommended GRF funding, the Commission's revenues generated via its EEOC contract may fall below the currently estimated amounts for FY 2012 and FY 2013.

HUD Reimbursement Payments

The revenue receipts for HUD payments in FY 2011 are based on the FY 2010 contractual agreement with HUD. Estimates for FY 2012 and FY 2013 are based on the average of the past four years, minus a \$300,000 one-time grant received in FY 2008. For FY 2011 and the FY 2012-FY 2013 biennium, that revenue stream is estimated at \$1.1 million per year.

Much like the EEOC payments, if FTEs are cut due to the level of recommended GRF funding for the upcoming biennium, then revenues generated via the HUD contract could decrease by the number of investigators lost x \$2,600 for every case not submitted to HUD.

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Ohio Civil Rights Commission

General Revenue Fund

GRF 876321 Operating Expenses

FY 2008	FY 2009	FY 2010	Estimate FY 2011	Introduced FY 2012	Introduced FY 2013
\$7,012,394	\$5,758,066	\$4,688,215	\$4,897,185	\$4,635,023	\$4,635,023
	-17.9%	-18.6%	4.5%	-5.4%	0.0%

Source: General Revenue Fund

Legal Basis: Section 239.10 of Am. Sub. H.B. 1 of the 128th G.A.

Purpose: This line item provides funding for the Commission's expenses associated with payroll, personal services, maintenance, and equipment purchases.

General Services Fund Group

2170 876604 Operations Support

FY 2008	FY 2009	FY 2010	Estimate FY 2011	Introduced FY 2012	Introduced FY 2013
\$58,800	\$42,511	\$8,000	\$8,000	\$8,000	\$8,000
	-27.7%	-81.2%	0.0%	0.0%	0.0%

Source: General Services Fund Group: (1) Money received by the Commission for copies of Commission documents and for other goods and services furnished by the Commission, and (2) all money received by the Commission, and all amounts awarded by a court to the Commission, for attorney's fees, court costs, expert witness fees, and other litigation expenses

Legal Basis: ORC 4112.15; Section 239.10 of Am. Sub. H.B. 1 of the 128th G.A. (originally established by Am. Sub. H.B. 283 of the 123rd G.A.)

Purpose: Money deposited to the credit of the fund may only be used to pay operating costs of the Commission.

Ohio Civil Rights Commission

Federal Special Revenue Fund Group

3340 876601 Federal Programs

FY 2008	FY 2009	FY 2010	Estimate FY 2011	Introduced FY 2012	Introduced FY 2013
\$3,745,300	\$4,898,343	\$3,477,702	\$3,130,279	\$2,762,000	\$2,762,000
	30.8%	-29.0%	-10.0%	-11.8%	0.0%

Source: Federal Special Revenue Fund Group: CFDA 30.002, Employment Discrimination; CFDA 14.401, Fair Housing Assistance Program

Legal Basis: Section 239.10 of Am. Sub. H.B. 1 of the 128th G.A. (originally established by Controlling Board in 1970)

Purpose: The fund's money consist of reimbursement payments from the United States Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD), which are then used to offset the cost of investigating cases. These reimbursement payments do not, however, cover the full cost of processing the cases; the remainder of the cost must be absorbed by GRF funds. In the matter of EEOC cases, federal reimbursement is \$550 per case for a fixed number of cases. In the matter of HUD cases, federal reimbursement averages \$2,487 per case based upon the number of eligible cases processed during the previous year.

FY 2012 - FY 2013 Introduced Appropriation Amounts

All Fund Groups

Line Item Detail by Agency			FY 2010	Estimate FY 2011	Introduced FY 2012	FY 2011 to FY 2012 % Change	Introduced FY 2013	FY 2012 to FY 2013 % Change
Report For Main Operating Appropriations Bill			Version: As Introduced					
CIV Ohio Civil Rights Commission								
GRF	876321	Operating Expenses	\$ 4,688,215	\$ 4,897,185	\$ 4,635,023	-5.35%	\$ 4,635,023	0.00%
General Revenue Fund Total			\$ 4,688,215	\$ 4,897,185	\$ 4,635,023	-5.35%	\$ 4,635,023	0.00%
2170	876604	Operations Support	\$ 8,000	\$ 8,000	\$ 8,000	0.00%	\$ 8,000	0.00%
General Services Fund Group Total			\$ 8,000	\$ 8,000	\$ 8,000	0.00%	\$ 8,000	0.00%
3340	876601	Federal Programs	\$ 3,477,702	\$ 3,130,279	\$ 2,762,000	-11.77%	\$ 2,762,000	0.00%
Federal Special Revenue Fund Group Total			\$ 3,477,702	\$ 3,130,279	\$ 2,762,000	-11.77%	\$ 2,762,000	0.00%
Ohio Civil Rights Commission Total			\$ 8,173,918	\$ 8,035,464	\$ 7,405,023	-7.85%	\$ 7,405,023	0.00%