

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Agency Overview

KANSAS HUMAN RIGHTS COMMISSION

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FISCAL YEARS 2024 AND 2025 BUDGET

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AGENCY MISSION:

The mission of the Kansas Human Rights Commission is to eliminate and prevent discrimination and assure equal opportunities in employment relations, to eliminate and prevent discrimination, segregation or separation, and assure equal opportunities in places of public accommodations and in housing.

The agency mission and purpose are established by the Kansas Act Against Discrimination, the Kansas Age Discrimination in Employment Act, and the Administrative Rules and Regulations.

AGENCY PHILOSOPHY:

The Kansas Human Rights Commission in accomplishing its mission will act in accordance with the highest standards of professional conduct, ethics, efficiency, and accountability. We guarantee to those who seek our services and to the public at large, that we will approach our duties with a deep sense of purpose, urgency, and responsibility. We acknowledge and affirm that the principles of equality and protection of basic human rights are the most noble of human efforts, and that we will dedicate all our activities toward that purpose, believing that eternal vigilance is the price of freedom.

PROGRAMS ESTABLISHED TO CARRY OUT OUR AGENCY MISSION:

- Compliance
- Education
- Administrative Hearings Office

The Compliance and Education programs are mandated by law through the Kansas Act Against Discrimination. The purpose and function of the programs are to prevent acts of discrimination in employment, housing, and public accommodations. The Kansas Act Against Discrimination, the Kansas Age Discrimination in Employment Act and the Administrative Rules and Regulations for the agency, provide that the KHRC, through investigation, enforcement, and compliance prevents and eliminates acts of discrimination in the state of Kansas. Additionally, the Commission is required, by law, to educate the general public of Kansas on what constitutes acts of discrimination in employment, housing, and public accommodations and how such acts can be prevented from occurring.

Senate Bill 141 of the 2004 Legislative Session mandated that the Commission shall use at least four commissioners or the Office of Administrative Hearings to preside over public hearings of complaints, instead of a staff hearing examiner or a contract hearing examiner. The Commission previously contracted with pro tem hearing examiners for this service in years prior to the change in the law. Section 15 of the Senate Bill 141 indicated this change took effect July 1, 2007, but Section 34 indicated the change took effect July 1, 2006. To reconcile the two different dates, the Commission contracted with the Office of Administrative Hearings for hearing services beginning July 1, 2006.

STATUTORY HISTORY:

Kansas Statutes Annotated 44-1004 provides the Commission with the power to investigate complaints of discrimination based on race, color, ancestry, religion, sex, national origin, genetic testing (employment only) and disability, in the areas of employment, housing and public accommodations. Effective January

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1, 1992, the Commission also was authorized to investigate complaints of housing discrimination based upon familial status. The Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, et seq.) authorizes the Commission to investigate age-based employment discrimination complaints.

In 1972 the Kansas Legislature gave the Commission the authority to process complaints alleging sex discrimination and in 1974 physical handicap was added, which had the effect of substantially expanding the Commission's coverage. In 1983, the Legislature passed the Kansas Age Discrimination in Employment Act, which gave the Commission the authority to process complaints of age discrimination in employment for persons between the ages of 40 to 70. At that time, the Federal Age Discrimination in Employment Act also covered persons from 40 to 70 years of age. However, in 1986, the Federal Law was changed in that the upper age limit of 70 was removed. In 1987, the Commission supported legislative efforts to make the same change in the Kansas law, to remove the upper age of 70. As a result of these efforts, the 1988 Kansas Legislature amended the age act to remove the age 70 limit. The amendments also changed the lower age coverage from 40 years to 18 years. Subsequently, House Bill 2771 of the 2008 Legislative Session changed the definition of age from the previous "18 or more years" to the current "40 or more years".

Effective May 24, 1984, the Legislature authorized the Commission to award damages for mental pain, suffering and humiliation up to an amount of \$2,000 where appropriate under the Kansas Age Discrimination in Employment Act and in cases of employment or public accommodations discrimination under the Kansas Act Against Discrimination.

The 1991 Legislature made the most extensive and significant amendments to the Kansas Act Against Discrimination since the original enactment of the Kansas Act in 1953. The Kansas Act Against Discrimination was amended in an effort to make it similar to two federal laws, the Americans with Disabilities Act of 1990 and the Fair Housing Amendments Act of 1988. Other amendments were also made prohibiting discrimination in membership practices of nonprofit, recreational or social associations or corporations, on the basis of race, religion, sex, color, disability, national origin, or ancestry, if the organization has 100 or more members and provides regular meal service and receives payment for dues, and use of facilities. Religious or private fraternal and benevolent associations or corporations are excluded from this membership provision. These amendments also extended protection against discrimination to persons with a disability (prior law covered physical handicap) in the areas of employment, public accommodations, and housing, and to persons on the basis of familial status in the area of housing. Familial status is defined as having children less than 18 years of age domiciled with a parent or another person having legal custody of the children. The employment and public accommodations amendments were effective July 1, 1991, while the housing amendments became effective January 1, 1992.

In the 1992 Legislative session, further amendments were made to the housing discrimination section of the KAAD, which provided expanded damage and penalty awards when housing discrimination is proven. The 1995 Legislature amended the KAAD to require that complaints filed with the Kansas Human Rights Commission articulate in writing a statement of a prima facie case of discrimination pursuant to an established legal theory of discrimination. The Legislature also enacted statutory provisions authorizing the dismissal of complaints pending for more than 300 days under certain circumstances with a resulting right to assert the complaint in court action.

The 1999 Legislature added restrictions on the use of genetic testing for pre-employment use.

Substitute for Senate Bill 77 of the 2005 Legislative Session became effective July 1, 2005, and prohibited law enforcement officers or agencies from relying, as the sole factor, on race, ethnicity,

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national origin, gender or religious dress in selecting which individuals to subject to routine traffic stops, or in deciding upon the scope and substance of law enforcement activity following the initial routine traffic stop. Substitute for Senate Bill 77 was codified in K.S.A. 22-4606 through K.S.A. 22-4611. The law also provided that a representative from the Commission shall serve on a 15-member task force appointed by the governor. The governor's task force on racial profiling shall work in partnership with local and state law enforcement agencies to review current policies and make recommendations for future policies and procedures statewide for the full implementation of the provisions of K.S.A. 2006 Supp. 22-4606 through 22-4611, and amendments thereto. The law mandated that the Commission receive, review, and investigate, if necessary, complaints of racial and other profiling.

Subsequently, SB 93 of the 2011 Legislative Session transferred the filing and investigation, if necessary, of profiling complaints from the Kansas Human Rights Commission to the Office of the Attorney General. The law became effective upon its publication in the Kansas Register on May 26, 2011.

House Bill 2582 of the 2006 Legislative Session amended the Kansas Act Against Discrimination to prohibit discrimination in homeowners associations' restrictive covenants based on race, religion, color, sex, disability, familial status, national origin, and ancestry. If the homeowners association fails to delete prohibited language, the Commission may bring action against the homeowners association for injunctive relief.

The 2012 Legislative Session amended the disability provisions of K.S.A. 44-1002 and K.S.A. 44-1006 to bring the Kansas Act Against Discrimination into alignment with the federal Americans with Disabilities Act Amendments Act.

In August 2020, the Commission Board voted to concur with the U.S. Supreme Court ruling in *Bostock v. Clayton County, Georgia*, which determined that Title VII's "sex" discrimination provisions prohibit employment discrimination on the basis of sexual orientation and transgender status. Because State of Kansas court rulings hold that federal court rulings are persuasive on the interpretation of the Kansas Act Against Discrimination, the U.S. Supreme Court ruling in *Bostock* is persuasive on the same prohibitions against "sex" discrimination by the Kansas Act Against Discrimination and "sex" is used uniformly in the Kansas Act Against Discrimination's antidiscrimination provisions in employment, housing, and public accommodations. As such, the Kansas Human Rights Commission began accepting complaints of discrimination in employment, housing, and public accommodations based on "sex" inclusive of sexual orientation and gender identity.

The Kansas Act Against Discrimination has been declared equivalent to Title VII of the Civil Rights Act of 1964 as amended, the Age Discrimination in Employment Act of 1967 as amended, Title VIII of the Civil Rights Act of 1968 as amended, and the Genetic Information Non-Discrimination Act (GINA). Because of this equivalency determination, the Commission can enter into contractual agreements with the Equal Employment Opportunity Commission (EEOC), the agency which enforces comparable laws at the federal level.

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OVERVIEW OF AGENCY ACHIEVEMENTS FY 2024

1. The agency received 1,032 complaints, compared to 799 in the previous fiscal year, an increase of 233 complaint receipts.

Except for FY 2022 when 799 complaints were received, complaint receipts have exceeded 900 complaints in every fiscal year since FY 2019, with 1,054 complaint receipts that fiscal year. A trend of increased complaint receipts was noted commencing in July 2022, which anecdotally corresponded with a return to office, or at least more office days for many employers, following the COVID-19 pandemic. However, we cannot definitively attribute the increased complaint receipts to a return to pre-pandemic work environments.

Along with the increased complaints received, there has been a change in the type of complaints filed, resulting in a larger workload for the agency. As background, the agency has a worksharing agreement with the U.S. Equal Employment Opportunity Commission (EEOC) for employment complaints that fall within the jurisdiction of both the EEOC and the KHRC with the general practice that, whichever agency receives the complaint first, processes and investigates the complaint, and then forwards their findings to the other agency. From FY 2019 – FY 2022, 50%-56% of the complaints received were filed first with the KHRC or only with the KHRC, which means KHRC staff and resources were used to process and investigate an average of 484 complaint receipts per fiscal year during that time. In FY 2023, 61% of complaints received were filed first with the KHRC or only with the KHRC. In FY 2023, 626 complaints were filed first with the KHRC or only with the KHRC, whereas the figure was 422 in the previous fiscal year, a 204 increase aligning closely with the overall increase in complaints received. Members of the public contacting the KHRC sometimes reference that they are unable to contact EEOC staff regarding their complaint inquires, are concerned they will be unable to complete the EEOC complaint filing process in an expedient manner, or are concerned about jurisdictional deadlines and the EEOC intake interview is months away. These factors may be contributing to the shift toward KHRC first filed complaints.

2. The Commission resolved 830 complaints of discrimination in the areas of employment, housing, and public accommodations, compared to the previous fiscal year's level of 814 resolutions.

The retirement of one Special Investigator in September 2021, the promotion of another Special Investigator to an Investigative Administrator, and the resignation of a third Special Investigator left investigative personnel short-staffed during FY 2022. There were additional changes in the Special Investigator staff during FY 2023 due to employees moving out of state for family reasons or accepting promotional opportunities with other State agencies. It takes approximately four months to hire new staff when a vacancy occurs and Special Investigators have a six-month training period, where they are producing cases at a training level and not at the full quota of a fully trained investigator. Consequently, the agency has not been fully staffed with Special Investigators producing at the full quota since FY 2021, when the agency resolved 952 cases. As of October 2023, all current Special Investigators have completed training and will be producing at the full quota. As a result, the agency is projecting 920 closures in FY 2024. In addition, the agency will be filling an additional Special Investigator position to increase the filled Special Investigator staff from seven positions used in recent years to eight positions. Accordingly, closures are anticipated to increase to 950 in FY 2025. Please see the Enhancement Requests for funding proposals for additional resources for the mediation project to increase case resolutions.

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3. There were 938 open cases at the end of the fiscal year, up 202 from the previous level of 736 open cases. The increase of 202 open cases closely mirrors the 233 increase in complaint receipts.

As noted previously, it has been since FY 2021 since the agency has been fully staffed with all Special Investigators generating cases at the full quota due to retirement, promotion or resignation of some seasoned Special Investigators. Although these positions have since been filled, the vacancies and training period are impactful as the agency only has seven Special Investigator II's. As of October 2023, all Special Investigator II positions are filled with incumbents producing at the full quota, which increase resolutions and will have a positive impact on the open inventory.

The increase in complaint receipts, particularly the first filed KHRC complaints and KHRC only complaints that rely on KHRC staff and resources for resolution, also influence the open inventory.

4. At the end of FY 2008, 12 Special Investigator II positions were filled, versus seven filled at the onset of the current fiscal year. The agency is projecting filling an additional Special Investigator position in FY 2024 and throughout FY 2025 to help address the increased complaint receipts and open inventory. No additional funds are requested for this position. Rather, the agency will rely on EEOC account cash balances to fund the position.
5. The average case processing time has been reduced from a high of nearly 24 months in 1995 to 10.00 months in FY 2023. This figure is slightly higher than the previous fiscal year figure of 9.73 months, primarily due to the increased complaint receipts, open inventory, and understaffing. As the open caseload improves, the processing time will decrease, provided there is adequate staffing.
6. The Commission recovered \$1,207,784 in FY 2023, which exceeds the recoveries \$1,115,035 in FY 2022, on behalf of individuals alleging discrimination in the areas of employment, public accommodations or housing. Recoveries exceeded \$1 million in three of the last five fiscal years. The FY 2020 recovery level of \$2,009,923 set a record, the highest amount since FY 1998 when \$1,542,101 was collected. Recoveries are monetary payments to Complainants and do not take into account job reinstatements, hirings, modifications, discrimination/harassment training, granting of a disability or religious accommodation request, or other related actions.

The KHRC was recognized at the 2018 EEOC's Fair Employment Agencies Conference as having the highest percentage of target equity (non-monetary) relief among 92 Fair Employment Practices Agencies. Targeted equity relief is any non-monetary and non-generic relief that addresses the complaint's alleged discriminatory practices and non-generic relief that addresses the complaint's alleged discriminatory practices and provides remedies to the aggrieved individuals or prevents similar violations in the future. The purpose of targeted equity relief is to remove the effects of past discrimination, remedy the problems that contributed to the discrimination, and prevent future discrimination. Targeted equity relief continues to be an emphasis in KHRC settlement and conciliation agreements.

11. In February 2023, the agency was selected for the EEOC's virtual technical review. The review ensures that Fair Employment Practices Agencies' investigative practices and charge processing meet the EEOC standards. The EEOC reported in September 2023:

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- The EEOC review team agreed with KHRC findings on cases,
- The EEOC review team agreed with KHRC analysis on cases,
- The EEOC review team commended the KHRC for interviewing Complainants and documenting those interviews.

12. The Kansas Legal Services Third-Party Mediation program has received national acclaim. Many state representatives and the U.S. Equal Employment Opportunity Commission have requested information on this program. 25% of the program cost is privately funded. It is a very effective program where all parties that reach a settlement feel that they are in a win-win situation. Please see the Enhancement Requests for proposed increased funding of the mediation project to effectuate more case resolutions.
13. There were 2,583 contacts regarding the possible filing of complaints, higher than the previous fiscal year's contacts of 2,125.

Intake staff report they make a concerted effort to gather as much information as possible in one exchange. Current intake staffing is less than 50% of the FY 2008 staffing level. The agency initiated an on-line intake questionnaire process in March 2016 to enable greater public access during off hours. The agency received 861 contacts through the on-line intake questionnaire in FY 2023, which represents 33% of total contacts and reflects its popularity.

14. The public information program trained 11,079 individuals in FY 2023, as compared to 12,960 individuals in the previous fiscal year. Although in-person trainings were offered, following the coronavirus pandemic, many organizations continue to opt to use virtual trainings due to being geographically distant from a KHRC office or offering trainings simultaneously in different locations. All webinar trainings were successful with no technical problems.

The agency continues to use an on-line harassment prevention program developed in conjunction with the Office of Personnel Services, Department of Administration, and deployed on December 28, 2017. We released a Spanish language version of the training in April 2019. The on-line program was developed as an additional training tool for the public and to reach areas geographically distant from KHRC offices. 9,510 individuals completed this training in FY 2023.

The agency initiated a Twitter account in January 2016 and continues its use to date. Tweets and re-tweets include links to information regarding the EEOC's website, links to KHRC presentations or *Spectrum* articles, and links to resources for Complainants and Respondents. The tweets allow us to provide new information in a timely manner. A reoccurring theme during the past fiscal year has been tweets or re-tweets regarding the Pregnant Workers Fairness Act, which went into effect June 27, 2023, disability, and various EEOC events or updates.

15. The Commission was unable to conduct its annual employment law seminar due to being short-staffed during the fiscal year. Agency personnel will be working on a series of webinars.
16. The Commission maintains an informational website at www.khrc.net. We continue to expand the website to feature more information on Commission meetings, proposed regulation changes, significant developments, frequently asked questions, new Commissioners, press releases, and written updates.

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OVERVIEW OF AGENCY-WIDE CURRENT YEAR ESTIMATE AND BUDGET YEAR INFORMATION

CURRENT YEAR:

The FY 2024 base budget of \$1,528,269 is \$6,312 less than the \$1,534,581 Z Level total, approved through the 2023 Legislative session.

Total State General Fund of \$1,114,533 is available, based on the following:

State General Fund Amount	Explanation
\$1,074,268	State General Fund in the Governor's Budget Recommendation for FY 2024
\$20,601	State General Fund approved to fund the FY 2024 Pay Plan. <u>Notes:</u> The SGF portion of the pay plan was \$25,602, but the 2023 Legislature did not appropriate enough State General Fund for the FY 2024 employee pay plan. Therefore, the State Finance Council distributed the shortfall among applicable agencies by reducing the State General Fund award by approximately 20%. The State General Fund shortfall allocated to the agency is \$5,001, as reported by the Division of the Budget. Please see the Supplemental Request for \$5,001 SGF to fully fund the FY 2024 pay plan.
\$1,094,869	State General Fund Subtotal
\$54,664	State General Fund Reappropriation from FY 2023
-\$35,000	State General Fund Lapse <u>Notes:</u> The agency received \$35,000 SGF in FY 2020 to upgrade two Access Databases to more modern software. The project was initiated at the recommendation of OITS. Because the project was put on hold due to the coronavirus pandemic and the need for OITS and agency personnel to focus on other priorities during this time, the \$35,000 SGF was reappropriated to future fiscal years. The U.S. Equal Employment Opportunity Commission (EEOC) deployed a new database in January 2022. KHRC staff evaluated the EEOC's new database and concluded it can be used to fulfill the Access Database roles, if needed. Therefore, the \$35,000 State General Fund is listed to be lapsed in FY 2024.
\$1,114,533	Equals State General Fund Available for FY 2024

In previous years, reductions were made to almost every area of the agency's budget. The agency cut communication costs, reduced public service advertising, cut printing costs, decreased travel, reduced office supply purchases, eliminated capital outlay, and decreased projected deposition/court reporting services. Wichita office space was reduced. Office space in the Landon State Office Building was given up.

Nine positions were eliminated through the Governor's budget recommendation and subsequent Legislative action for FY 2012, and the FTE decreased from 34.00 to 25.00. Also, FTE were reduced by an additional two positions to 23.00 at the beginning of FY 2013. In the summer of 2014, the agency combined the duties of two positions into one. As a result, one position was not filled at that time to effectuate salary savings. This change was made to reduce our "fiscal footprint" as we move forward. FTE were reduced to 20.00 during the 2023 Legislative session.

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Of the 20.00 FTE, 17.00 positions are planned to be filled throughout the fiscal year, which is one more than in recent years. The increased complaint receipts in FY 2023 and continuing into FY 2024 warrant the filling of a Special Investigator II position, which has been vacant. This position will be funded through federal fund cash balances. The agency continues to contract with an outside law firm in lieu of filling the Chief Legal Counsel position.

There are a variety of State agency billings, which were adjusted for the FY 2024 rates. Employer contributions for single member health insurance increased by 15% and dependent health insurance increased by 13% over the FY 2023 figures. The rental rate for Landon State Office Building space continues at the FY 2023 amount. The Division of the Budget scheduled the general cost index at 3.5 percent.

Attorney fees to oversee the updating of the Kansas Administrative Regulations and other legal duties is scheduled at \$45,000. House Bill 2087 of the 2022 Legislative session requires agencies to evaluate their administrative rules and regulations and every 5 years submit a statement as to whether the regulation is necessary or should be revoked. Per House Bill 2087, the Kansas Human Rights Commission submitted its report by July 15, 2023. It is anticipated that duties related to this bill will continue through projected appearances before the Joint Committee on Administrative Rules and Regulations and/or possible revocation of identified regulations.

The Kansas Legal Services mediation contract is listed at \$115,000. Please see the Enhancement Requests for increased funding to resolve additional cases due to the influx of first-filed KHRC cases and KHRC only cases.

Minor expenses associated with a series of webinars are charged to the Training and Education Fee Fund.

The Commission will continue to receive federal funds paid by the Equal Employment Opportunity Commission for the investigation of complaints dually filed under Kansas Statutes and federal regulations. The reimbursement rate for case resolutions was increased to \$830 per case in federal fiscal year 2022, with the last increase to \$800 per case in federal fiscal year 2019. The EEOC contract continues to be subject to arbitrary decreases due to EEOC funding restrictions or their budgeting priorities. A contract of 474 case resolutions is listed.

A supplement package for \$5,001 State General Fund is included to fully fund the Fiscal Year 2024 pay plan.

Compliance

Based on complaints received thus far this fiscal year, we project 975 complaint receipts in the current fiscal year. Complaint receipts declined with the onset of the coronavirus situation in March 2020, but an influx of complaint receipts began in July 2022 and continues into the current fiscal year. Complaint resolutions are projected to be 920, as compared to 830 in the previous fiscal year, as staffing has improved in the current fiscal year.

An open inventory of 993 cases is projected at the end of the current fiscal year, versus 938 for FY 2023.

The Commission attempts early resolution of first-filed KHRC complaints through the Kansas Legal Services Mediation Program, before taking the case to a full investigation. The Commission makes a strong effort to successfully conciliate all cases that are determined Probable Cause.

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Education

Public awareness of rights and responsibilities under the KAAD continues to be a Commission goal.

In December 2018, the agency launched an *On-Line Harassment Prevention Training* program, with the assistance of the Department of Administration, Office of Personnel Services. A Spanish language version was released in April 2019. 9,510 individuals completed this training in FY 2023. We are planning a "refresh" of this training to be completed this fiscal year.

In-person trainings have resumed, but Teams or Zoom trainings remain popular.

Because Kansans pay taxes to support the agency in the form of State General Fund, the agency does not charge for the trainings.

In FY 2016, we added a Twitter account, which allows us to inform followers of new developments or other information without having to wait for the next *Spectrum* newsletter. Several tweets or re-tweets were sent each month, usually with a link to resources on the websites of the Kansas Human Rights Commission or the U.S. Equal Employment Opportunity Commission. We anticipate continuing to use the Twitter account in current and future fiscal years. Several tweets have centered on the intersection of the coronavirus and antidiscrimination laws.

The program also continues to publish and distribute new statute booklets, Administrative Rules and Regulations, posters and pamphlets that reflect the law and services provided. Publications are available on our website. We will continue to add featured reference articles and PowerPoints to our website.

BUDGET YEAR INFORMATION:

Allocated Resources Budget for FY 2025:

A State General Fund allocation of \$1,106,667 was received, which includes an adjustment of \$7,845 for health insurance rates, \$(1,048) for a KPERs rate change, and \$5,001 for the FY 2024 pay plan shortfall carried forward to FY 2025.

Along with other funding sources, most notably fees from the Equal Employment Opportunity Commission and the Education and Training Fee Fund, the proposed base budget is \$1,595,250.

The proposed base budget is \$242,358 more than the FY 2023 expenditures, primarily due to filling vacant positions and funding an eighth Special Investigator position from the EEOC fund cash balance. FY 2023 vacancies have been filled or are in the process of being filled during FY 2024, increasing total salary costs in FY 2025.

Employer contribution rates for single member group health insurance continue to increase by 20% from FY 2023 to FY 2025, whereas the dependent insurance employer contribution increases by 18% during the same time period. The Division of the Budget general cost index is 2.9% for FY 2024.

The mediation project costs are carried forward to this fiscal year at \$115,000. Please see the Enhancement Requests for additional funding to resolve more cases.

\$46,305 is listed for a contract counsel by using the FY 2024 estimated and adjusting for the Division of the Budget cost index.

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The Division of the Budget's cost indices were used to adjust expenses throughout the budget.

We expect case resolutions to be 950, as compared to projected complaint receipts of 950. The open caseload is projected to be 993 which is within acceptable boundaries. The processing time is expected to decrease to 10.59 months, again within acceptable boundaries, especially given the understaffing staff in recent years. Improved staffing levels will have a positive impact on the case resolutions, open inventory, and processing time.

Actual Position Number: 20.00 All are housed in the Compliance Program. 16.00 positions have been filled on an on-going basis in the past. The agency will be filling a Special Investigator II position, which has been vacant, in order to address the influx of complaint receipts. Funding will be through the EEOC fund cash balance.

New Federal Funds Requested for Appropriation Bill: None at the time of the budget submission.

Reduced Resources Target:

No Reduced Resource proposals were requested.

Supplemental Package

1. FY 2024-Supplemental Package #1/1-FY 2024 State General Fund FY 2024 Pay Plan Shortfall

The supplemental package is included per Division of the Budget instructions. The SGF portion of the pay plan was \$25,602, but the 2023 Legislature did not appropriate enough State General Fund for the FY 2024 employee pay plan. The State General Fund shortfall allocated to the agency is \$5,001, as reported by the Division of the Budget.

Enhancement Packages

The agency is proposing two enhancement packages in cooperation with Kansas Legal Services/Midland Mediation to address the mediation project's funding needs and provide a method of addressing the influx of complaints received in FY 2023 and continuing to-date in FY 2024. Funding for the mediation project and specifically Kansas Legal Services is provided in each fiscal year's budget bill. Voluntary mediation has historically provided a method of resolving complaints in a quick and efficient manner, thereby resolving the complaint to the satisfaction of both parties without a need to proceed to investigation and avoiding litigation. Kansas Legal Services/Midland Mediation reports a 100% satisfaction rate from satisfaction surveys in the last two years. The mediation project through Kansas Legal Services/Midland Mediation was established on a limited basis in 1996 and expanded statewide in 1997 without an increase in the contract amount since that time.

Note: The agency is lapsing \$35,000 State General Fund for an IT project that is no longer needed. We hope that consideration can be given to reallocating these funds to the mediation project.

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1. FY 2025-Enhancement Package #1/2: \$20,000 State General Fund

The agency seeks an additional \$20,000 State General Fund, allowing the Kansas Legal Services/Midland Mediation contract to be increased from \$115,000 to \$135,000. The increased State General Fund is an on-going request. The requested increase is due to the higher number of referrals to Kansas Legal Services, a direct result of the increased complaint receipts and the shift towards a higher percentage of KHRC first filed complaints and KHRC only complaints. The Kansas Legal Services contract amount has been the same figure for 26 years, whereas the cost of business has increased due to salaries, fringe benefits and other operating expenses.

The annual fiscal legislation provides for a match of State moneys on a \$1 of private moneys to \$3 of State moneys basis, meaning that Kansas Legal Services/Midland Mediation raises private funds of \$38,333 to match the \$115,000 contract. If the enhancement is approved, Kansas Legal Services asks that the match to be changed to 4 to 1, thereby reducing the private funds to \$37,500 and increasing the contract to \$135,000.

2. FY 2025-Enhancement Package #2/2: \$59,000 State General Fund

Although listed as #2, this proposal is the KHRC's preference as it provides a means of addressing the increased complaint level.

The agency seeks an additional \$59,000 State General Fund, allowing the Kansas Legal Services/Midland Mediation contract to be increased from \$115,000 to \$174,000. The additional State General Fund is requested on an on-going basis. This request is inclusive of Enhancement Package #1. This proposal allows Kansas Legal Services/Midland Mediation to use their contracted mediators, who are State certified, trained, and familiar with KHRC mediations, to be used on a more consistent basis, providing for an additional 50 mediations in a fiscal year. This proposal delivers an immediate method of addressing and resolving the influx of complaints received. Complaints resolved at the mediation stage have historically had a resolution time of approximately 4 months, allowing parties to quickly resolve disputes to the satisfaction of both parties without proceeding to investigation or litigation.

As noted previously, the Kansas Legal Services/Midland Mediation contract of \$115,000 has remained unchanged for 26 years, whereas operating costs increased over time.

The annual fiscal legislation provides for a match of State moneys on a \$1 of private moneys to \$3 of State moneys basis, meaning that Kansas Legal Services/Midland Mediation raises private funds of \$38,333 to match the \$115,000 contract. If the enhancement is approved, Kansas Legal Services asks that the match to be specified at the current amount of \$38,333 to the contract of \$174,000 as it is difficult to raise the private funds.

402 Agency Summary

Agency: Kansas Human Rights Commission
 Agcy No: 00058
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:29:43

Division of the Budget
 KANSAS

Fund Description	FY 2023 Actuals	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request	null	null
1000 State General Fund	1,041,818	1,114,533	5,001	1,119,534	0	0
2282 Education And Training Fd	0	1,632	0	1,632	0	0
3016 30.002-St/Loc Fair Emplmt Prct	311,074	412,104	0	412,104	0	0
Total by Funding Source:	1,352,892	1,528,269	5,001	1,533,270	0	0

DA-402 - 402 Agency Summary

rglover / 2025A0200058

KANSAS

402 Agency Summary

Agency: Kansas Human Rights Commission
 Agcy No: 00058
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:29:43

Division of the Budget
 KANSAS

Summary by Program Description	FY 2023 Actuals	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request	null	null
01030 Administration	3,843	0	0	0	0	0
01031 Compliance	1,349,049	1,528,269	5,001	1,533,270	0	0
Total by Program:	1,352,892	1,528,269	5,001	1,533,270	0	0

DA-402 - 402 Agency Summary

rglover / 2025A0200058

KANSAS

402 Agency Summary

Agency: Kansas Human Rights Commission
 Agcy No: 00058
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:30:47

Division of the Budget
 KANSAS

Summary by Funding Source Fund Description	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null	null	null
1000 State General Fund	1,106,667	79,000	1,185,667	0	0	0
2282 Education And Training Fd	1,651	0	1,651	0	0	0
3016 30.002-St/Loc Fair Emplmt Prct	486,932	0	486,932	0	0	0
Total by Funding Source:	1,595,250	79,000	1,674,250	0	0	0

rglover / 2025A0200058

DA-402 - 402 Agency Summary

KANSAS

402 Agency Summary

Agency: Kansas Human Rights Commission
 Agcy No: 00058
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:30:47

Division of the Budget
 KANSAS

Summary by Program Description	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null	null	null
01030 Administration	0	0	0	0	0	0
01031 Compliance	1,595,250	79,000	1,674,250	0	0	0
Total by Program:	1,595,250	79,000	1,674,250	0	0	0

KANSAS

DA-402 - 402 Agency Summary

rglover / 2025A0200058

Agency: 00058 Kansas Human Rights Commission
 Version: 2025-A-02-00058

Series: 1000 STATE GENERAL FUND

	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	1,060,373	1,094,869	0
40002 REAPPROPRIATION	36,107	54,664	0
40004 TRANSFERS	0	0	0
40005 LAPSES	0	(35,000)	0
Total Available	1,096,480	1,114,533	0
Total Reportable Expenditures	1,041,818	1,119,534	1,185,667
Total Expenditures	1,041,818	1,119,534	1,185,667
Balance Forward	54,662	(5,001)	(1,185,667)
404 Aggregate Report			rglover / 2025-A-02-00058

KANSAS

404 Report

Agency: 0058 Kansas Human Rights Commission
Version: 2025-A-02-00058

Fund Number: 3016 3000

Name: EMPLOYMENT DISCRIMINATION FDF

	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	684,343	758,819	748,135
440100 FEDERAL GRANT OPERATING	385,550	401,420	319,060
Total Available	1,069,893	1,160,239	1,067,195
Total Reportable Expenditures	311,074	412,104	486,932
Total Expenditures	311,074	412,104	486,932
Balance Forward	758,819	748,135	580,263

404 Report

rglover / 2025-A-02-00058

KANSAS

404 Report

Agency: 00058 Kansas Human Rights Commission
Version: 2025-A-02-00058

Fund Number: 2282 2000

Name: EDUCATION AND TRAINING FD

	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	8,874	8,874	7,442
420400 CLERICAL SERVICES	0	200	200
Total Available	8,874	9,074	7,642
Total Reportable Expenditures	0	1,632	1,651
Total Expenditures	0	1,632	1,651
Balance Forward	8,874	7,442	5,991

404 Report

rglover / 2025-A-02-00058

KANSAS

404 Report

Agency: 00058 Kansas Human Rights Commission
 Version: 2025-A-02-00058

Fund Number:	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
1000 0104			
Name: OPERATING EXPENDITURES-OFF HOS			
40001 APPROPRIATION	200	500	0
40004 TRANSFERS	(200)	0	0
Total Available	0	500	0
Total Reportable Expenditures	0	500	500
Total Expenditures	0	500	500
Balance Forward	0	0	(500)
KANSAS	404 Report		rglover / 2025-A-02-00058

404 Report

Agency: 00058 Kansas Human Rights Commission
 Version: 2025-A-02-00058

Fund Number: 1000 0103	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
Name: OPERATING EXPENDITURES			
40001 APPROPRIATION	1,060,173	1,094,369	0
40002 REAPPROPRIATION	36,107	54,664	0
40004 TRANSFERS	200	0	0
40005 LAPSES	0	(35,000)	0
Total Available	1,096,480	1,114,033	0
Total Reportable Expenditures	1,041,818	1,119,034	1,185,167
Total Expenditures	1,041,818	1,119,034	1,185,167
Balance Forward	54,662	(5,001)	(1,185,167)
KANSAS	404 Report		rglover / 2025-A-02-00058

Explanation of Receipt Estimate—DA 405

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission

2282-Education and Training Fund

Revenue for this fund is generated by fees for copies and registration fees for the Annual Employment Law Seminar. Budgetary legislation for the current fiscal year authorizes the Executive Director to fix, charge, and collect fees to recover all or part of the operating expenses incurred for training programs. Expenditures from this fund are limited to "operating expenditures for the commission's education and training programs for the general public".

Due to the coronavirus pandemic, the agency was not able to hold its annual employment law seminar in FY 2020 and subsequent understaffing have prevented a focus on the employment law seminar. The KHRC is planning a series of webinars to be held in FY 2024 and FY 2025, in lieu of the in-person seminar. The agency does not anticipate charging a registration fee for the webinars. The main costs of the in-person seminar are food, audio-visual equipment, and sometimes printing. These costs will not be incurred with webinars and, therefore, the agency will not be charging a registration fee.

The remaining projected income for various copy charges is based on previous actual revenues trends.

<u>Revenue Source:</u>	FY 2022 Actual	FY 2023 Actual	FY 2024 Current	FY 2025 Projected
Charges for Clerical Services, Issuance of Certificates and Copies (420400)	\$192	\$0	\$200	\$200
Charges for Education and Libraries (420500)	\$0	\$0	\$0	\$0
Total Revenue	\$192	\$0	\$200	\$200

2404-Conversion of Materials and Equipment

Revenue for this fund is derived from the sale of obsolete or out-dated office furniture, computer equipment, printers, etc. through State Surplus Property. No revenues were received in the previous two years, and none are anticipated for the projected years.

<u>Revenue Source:</u>	FY 2022 Actual	FY 2023 Actual	FY 2024 Current	FY 2025 Projected
Usable Condemned Equipment (2260)	\$0	\$0	\$0	\$0
Total Revenue	\$0	\$0	\$0	\$0

Explanation of Receipt Estimate—DA 405

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission

3016 Federal Fund

The Commission enters into a contract with the federal Equal Employment Opportunity Commission (EEOC) each federal fiscal year (October-September) for the processing and resolving of complaints jointly filed under Kansas statutes and federal regulations: Title VII of the Civil Rights Act, The Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Genetic Information Non-Discrimination Act (GINA), and the Pregnant Workers Fairness Act. The contract also includes reimbursement for the receipt of complaints which fall under federal regulations, but outside the Commission's jurisdiction.

The reimbursement rate for each case resolution was increased from \$800 to \$830 in federal fiscal year 2022. The previous increase was in federal fiscal year 2019. The Commission is paid \$100 for the receipt and forwarding of complaints that fall under the EEOC's purview, but outside the KHRC's jurisdiction. The rate for intake submissions was increased from \$80 to \$100 in federal fiscal year 2022.

The contract for federal fiscal year 2023 is 474 case resolutions with payment being received in state fiscal year 2024. This federal fiscal year was the first time in 14 contract periods that a downgrade was not received. The federal fiscal year 2023 payment of \$401,420 will be received in state fiscal year 2024. State fiscal year 2024 expenditures from the federal fund are scheduled to exceed receipts by \$10,684.

The EEOC has been using a different methodology in setting the contract amount than in previous periods. The EEOC is now relying on a three-year average, versus contract resolutions received and approved during a 12-month measurement period. A three-year average of contract resolutions is 471. However, as noted previously the EEOC contract has consistently been subject to reductions after the initial proposal. The largest reduction in the last five contract periods was 19% in federal fiscal year 2021. Using the 471 average case resolutions and a reduction rate of 19% results in an estimated 382 case resolutions. Factoring in intake credit payments, the federal fiscal year 2024 contract payment is projected at \$319,060, with the payment received in state fiscal year 2025. Expenditures from the federal fund in state fiscal year 2025 are projected to exceed revenues by \$167,872.

A small investigative staff makes federal revenue vulnerable if there are any disruptions to case production, such as retirements, vacancies, illness, etc.

Payment for federal fiscal year 2018 was delayed for several weeks due to a federal government shutdown, reinforcing the need to keep adequate cash balances to provide a cushion against any payment decreases or disruptions. Concerns about a possible federal government shutdown in fall 2023 support the importance of maintaining adequate cash balances. A shutdown in September-October 2023 would have occurred before the EEOC payment was approved and paid, again emphasizing the importance of cash balances as a safety net.

Explanation of Receipt Estimate—DA 405

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission

EEOC revenues are estimated in the following manner:

State Fiscal Year 2022 Actual			
Items	No.	Rate	Total
FFY 2021-payment for case resolutions	480	\$800	\$384,000
FFY 2021-payment complaint intake	22	\$80	\$1,760
FFY 2021-FEPA engagement plan			\$1,000
Total for SFY			\$386,760

State Fiscal Year 2023 Actual			
Items	No.	Rate	Total
FFY 2022-payment for case resolutions	460	\$830	\$381,800
FFY 2022-payment complaint intake	25	\$100	\$2,500
FFY 2022-FEPA engagement plan			\$1,250
Total for SFY			\$385,550

State Fiscal Year 2024 Current			
	No.	Rate	Total
FFY 2023-payment for case resolutions	474	\$830	\$304,610
FFY 2023-payment complaint intake	27	\$100	\$ 2,000
FFY 2023- FEPA engagement plan			\$3,500
FFY 2023-FEPA conference travel allowance			\$1,800
Total for SFY			\$401,420

State Fiscal Year 2025 Projected			
	No.	Rate	Total
FFY 2024-payment for case resolutions	383	\$830	\$317,060
FFY 2024-payment complaint intake	20	\$100	\$ 2,000
Total for SFY			\$319,060

Revenue Source:	FY 2022 Actual	FY 2023 Actual	FY 2024 Current	FY 2025 Projected
Other Federal Grants (Operating Grants) (4090)	\$386,760	\$385,550	\$401,420	\$319,060
Total Revenue	\$386,760	\$385,550	\$401,420	\$319,060

Narrative – DA 400
State of Kansas
Division of the Budget

Agency: Kansas Human Rights Commission
Program: Compliance
Subprogram: Compliance

Subprogram Name Compliance

Priority 1/2

Required by Statute Yes

Maintenance of Effort or Matching Requirement N/A

Statutory Requirements K.S.A. 44-1005

Purpose Accepts, investigates and works to resolve complaints of discrimination in the areas of employment, housing, and public accommodation.

Consequences of Not Funding Discrimination, segregation or separation and loss of equal opportunities in employment, housing and public accommodations. Parties to the complaint do not have an administrative remedy to resolve allegations of discrimination.

Narrative – DA 400
State of Kansas
Division of the Budget

Agency: Kansas Human Rights Commission
Program: Compliance
Subprogram: Compliance

Subprogram Name Education

Priority 2/2

Required by Statute Yes

Maintenance of Effort or Matching Requirement N/A

Statutory Requirements K.S.A. 44-1004 (10)

Purpose Informs Kansans of what constitutes discrimination, the effects of unlawful discrimination, how to prevent discrimination, and an overview of discrimination laws. The public information program is the Commission's proactive effort to prevent future acts of discrimination.

Consequences of Not Funding Increased discrimination and harassment. Loss of a training tool for employers, individuals, stakeholders, and other groups who want to address and prevent discrimination.

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

COMPLIANCE AND EDUCATION PROGRAMS:

GOAL:

The Commission works to eliminate and prevent discrimination in employment, housing, and public accommodations by a strong enforcement effort through the investigation and resolution of complaints filed with the agency and by pursuing a public education and information program.

Compliance - The Compliance Program begins when a member of the public, feeling that he or she had been discriminated against, contacts the Commission. The individual may file a complaint personally, with the assistance of an attorney, or with the assistance of Commission intake staff.

After a complaint is received, the parties are contacted and advised of the option of using a voluntary mediation process conducted by Kansas Legal Services under contract with the agency. If the matter cannot be mediated, the complaint is assigned to full investigation.

The complaint undergoes an investigation and both parties and any other person who could have relevant knowledge are interviewed. Pertinent records and documents concerning the allegations are requested and reviewed. If the parties are interested in settlement, the investigator can act as a messenger forwarding settlement offers between the parties. Absent a settlement, the information is compiled and summarized. It is submitted to one of the seven Commissioners for a determination of whether there is probable cause to believe that a discriminatory act has occurred.

If a determination is made that a discriminatory act has not occurred, the case is closed and the Commission takes no further action. If Probable Cause is found, the Commission is required by statute to attempt to resolve the complaint through conciliation efforts. If the complaint cannot be resolved by conciliation, the matter may shift to the quasi-judicial program of the public hearing process.

The Compliance Program also generates revenues through a contractual relationship with the Equal Employment Opportunity Commission (EEOC). The EEOC enforces federal laws that provide similar protection to that of the Kansas laws enforced by the Commission. The EEOC pays the Commission a specified amount for each case the Commission investigates for the EEOC. The exact amount per case and the total number of cases per year varies on an annual basis. Refer to DA-405 Explanation of Receipt Estimates for additional information.

The Commission also receives complaints alleging pattern and practice violations. Whenever the Commission receives sufficient information to conclude that a pattern and practice violation may be occurring, the Commission initiates a complaint and proceeds with the investigation. These investigations are geared toward determining whether there are problems within a system itself, which are resulting in a discriminatory impact upon a class of individuals. In such cases, the Commission must determine whether certain patterns and practices, primarily in employment, are reasons in and of themselves found to be discriminatory. A particular practice may appear neutral on its face, but may be an arbitrary requirement, which has the effect of denying individuals an equal chance at obtaining employment. If such a situation exists, and there is no valid business reason for that practice, or if an alternative practice would serve the same purpose, the Commission issues a finding of probable cause and seeks to revise the system to eliminate those patterns and practices. Successful resolution of such situations may eliminate a large number of individual complaints, which the Commission would otherwise have to process.

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

Education - The thrust of the Education program is to assist the public in understanding what constitutes acts of discrimination in order that such acts can be prevented and eliminated in the future. This program is responsible for the dissemination of information to all segments of the public about the provisions of the Kansas Act Against Discrimination and the Kansas Age Discrimination in Employment Act.

Through the Education program, the Commission distributes informational materials and conducts seminars and workshops, which provide an overview of the laws against discrimination or a specific segment of the laws. *Inappropriate Behavior and the Inclusive Workplace* is the most requested program. This presentation addresses illegal harassment, including sexual harassment, in the workplace. The agency also has a new *On-Line Harassment Prevention* program, which is widely used and receives positive reviews.

Prior to the coronavirus pandemic, an employment law seminar was conducted annually. Invitees include respondents, attorneys, human resource professionals, and others. Topics cover various aspects of employment discrimination, and how to prevent it. The agency is planning to have a series of webinars in FY 2024 in place of the in-person seminar.

Another aspect of this program is the agency newsletter, *Spectrum*. "Hot topic" e-mails have not been used as much recently due to increased usage of the Twitter account.

The agency opened a Twitter account in January 2016. Tweets and re-tweets include announcements from the U.S. Equal Employment Opportunity Commission, information about complaints filed with the KHRC, and links to informational material on the KHRC website, the EEOC website, or other sites.

Although the full impact of the program is difficult to measure empirically, it is believed from the number of requests generated by the public, many of which are requests for materials, the number of referrals received, and the number of people trained, that many acts of discrimination are prevented by the education and service this program provides.

COMPLIANCE PROGRAM-PROGRAM CODE 01031

OBJECTIVE #1:

To provide prompt, professional, and appropriate services to all citizens who contact the agency for assistance and maintain an effective and efficient complaint intake service to reduce or eliminate non-jurisdictional and frivolous complaints.

Strategies for Objective #1:

1. Provide continuing staff training on jurisdictional matters, public service relationships and changing case law.
2. Continue effective intake screening methods.

Performance Measures for Objective #1:

OUTCOME MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of Administrative Closures	257	204	226	233

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

OUTPUT MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of public contacts	2,125	2,583	2,590	2,600
Number of complaints filed	799	1,032	975	950
Complaints Clearance Rate	102%	80%	94%	100%

Both the number of public contacts and the number of complaints filed increased from FY 2022 to FY 2023. Complaints filed first with the KHRC or only KHRC rose by 204 during FY 2023, closely aligning with the overall increase of 233. The increased level of complaint receipts has continued into the first months of FY 2024.

The clearance rate was hampered by vacancies and insufficient Special Investigator II staffing since FY 2021 due to incumbents retiring, moving out of state, or accepting promotions with other State agencies. It takes approximately four months to hire new staff when a vacancy occurs and Special Investigator II's have a six-month training period, where they are producing cases at a training level and not at the full quota of a fully trained investigator. Consequently, the agency has not been fully staffed with Special Investigator II's producing at the full quota since FY 2021, when the agency resolved 952 cases. As of October 2023, all current Special Investigator II's have completed training and will be producing at the full quota. The agency is filling an additional Special Investigator II position in FY 2024 to address elevated complaint receipts. Therefore, 920 closures are projected for FY 2024, and a higher clearance rate is listed for FY 2024 and thereafter.

Intake employees receive continuous training about which complaints do not fall within our jurisdiction but must accept a complaint if an individual insists on filing one. Intake staff reports that they make a concerted effort to gather complete information in the first contact with an individual.

OBJECTIVE #2:

To provide the opportunity for the early resolution through mediation of every complaint filed.

Strategies for Objective #2:

1. To provide all parties the opportunity to have the complaint resolved by a third-party mediation service. This procedure is established through Kansas Legal Services.

OUTCOME MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of settlements completed through KLS	68	84	86	88
Settlement amount through KLS	\$894,485	\$871,796	\$900,000	\$910,000

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

<u>OUTPUT MEASURES:</u>	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of referrals to Kansas Legal Services	398	548	544	541
Percentage of first-filed KHRC complaints referred to Kansas Legal Services for voluntary mediation	94%	88%	92%	94%

Kansas Legal Services continues to provide mediation services, resulting in a significant number and dollar amount of settlements.

Due to the influx of complaints filed with agency as first filed KHRC or KHRC only, Kansas Legal Services received an analogous increase in referrals. The first filed KHRC and KHRC only complaints increased by 204 from FY 2022 to FY 2023, whereas the referrals to KLS rose by 150 during the same period. Despite the increased workload without a corresponding increase in resources, Kansas Legal Services was able to reach 84 settlements.

Please see the Enhancement Requests which are intended to provide additional funding and resources to Kansas Legal Services to address the larger workload, resulting in more case resolutions.

KHRC staff continue to note a number of “aiding and abetting” complaints. These types of complaints generally involve a complainant and two respondents, a staffing agency employer and a worksite, which means there are two companion complaints. “Aiding and abetting” complaints are not referred to voluntary mediation due to the difficulty in reaching a resolution with three parties (the complainant, the staffing agency, and the worksite). Also, we have found that we often need to process the companion complaints simultaneously to effectively investigate them.

OBJECTIVE #3:

On all cases not resolved by mediation, to conduct a prompt and thorough investigation of all allegations in every complaint filed and render a timely and appropriate determination, well supported by evidence of Probable Cause or No Probable Cause on all cases submitted to Commissioners for such determination.

Strategies for Objective #3:

1. Maintain an effective internal staff education and training program to keep abreast of current law and constantly evolving case law.
2. Maintain an employee awards and recognition program to encourage maximum effort and increase morale.
3. Maintain an effective recruiting program and selection process to assure a high-quality, professional staff.
4. Maintain an effective Performance Management Program with clearly defined standards and expectations to assure a high-quality work product and sense of fairness.
5. Maintain an effective case monitoring and tracking system to insure timely processing and currency of case status.

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

6. Maintain a professional, cohesive, and proactive management staff to assure efficiency in operations and quality of work product.
7. Encourage employee input on increasing productivity, quality, efficiency, and promote a spirit of teamwork.
8. Continue the internal audit and review of all agency case processing procedures in management's on-going effort to "reinvent" agency procedures to achieve maximum effectiveness and efficiency.

OUTCOME MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Open Case Inventory	736	938	993	993
Processing time (in months)	9.73	10.00	10.59	10.59
Complaints clearance rate * *(No. of closed cases/No. of complaints filed)	102%	80%	94%	100%

OUTPUT MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of complaints closed	814	830	920	950
Total annual recovery	\$1,115,035	\$1,207,784	\$1,000,000	\$1,010,000
Percent of resolved cases with recovery/benefits	26%	14%	17%	20%

The 202 rise in the open inventory in FY 2023 corresponds with the overall 233 increased complaint receipts and 204 increased KHRC first filed or KHRC only complaints during the period. Understaffing at the Special Investigator II level has been addressed with all Special Investigator II's completing training and progressing to full quotas in October 2023. In addition, an eighth Special Investigator II will be added soon. Both actions will have a positive impact on cases closed, processing time, and open case inventory. Please see the Enhancement Requests for proposals which will be impactful.

Although slightly increased from the previous fiscal year, the FY 2023 processing time of 10.00 months is acceptable, especially considering the staffing shortage during the period. Supervisors monitor Special Investigator case inventories to help prevent aged cases.

The FY 2023 recoveries of \$1,207,784 mark the third time in four fiscal years that recoveries exceeded \$1,000,000. Settlements continue to include a significant number of target equity (non-monetary) relief. The FY 2020 annual recovery amount of \$2,009,923 set a record, exceeding the previous record of \$1,542,101 from FY 1998. If recoveries were made on first-filed EEOC, second-filed KHRC cases, the EEOC would claim those amounts and the KHRC would not be able to do so.

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

The KHRC was recognized at the 2018 EEOC's Fair Employment Agencies Conference as having the highest percentage of targeted equity (non-monetary) relief among 92 Fair Employment Practices Agencies. Targeted equity relief is any non-monetary and non-generic relief that addresses the complaint's alleged discriminatory practices and non-generic relief that addresses the complaint's alleged discriminatory practices and provides remedies to the aggrieved individuals or prevents similar violations in the future. The purpose of targeted equity relief is to remove the effects of past discrimination, remedy the problems that contributed to the discrimination, and prevent future discrimination. Examples of targeted equity relief might include a neutral letter of reference, granting a disability accommodation request, a policy change or training.

OBJECTIVE #4:

To conduct a timely and effective conciliation effort on all cases determined to be Probable Cause, and to expeditiously refer to the Administrative Hearings Office all cases in which conciliation efforts have failed.

Strategies for Objective #4:

1. Begin conciliation efforts with ten days of a Probable Cause determination.
2. Submit written conciliation proposals to the Respondent with fifteen days after a Probable Cause determination.

Performance Measures for Objective #4:

<u>OUTCOME MEASURES:</u>	Actual	Actual	Current	Allocated
	FY 2022	FY 2023	FY 2024	FY 2025
Number of successful conciliations	0	3	3	3
Number of Probable Cause cases filed in Federal Court	0	0	1	1
Percentage of Probable Cause Findings resulting in Successful Conciliation	0%	75%	75%	75%

<u>OUTPUT MEASURES:</u>	Actual	Actual	Current	Allocated
	FY 2022	FY 2023	FY 2024	FY 2025
Number of Probable Cause findings	4	4	4	5
Probable Cause findings as a Percent of First-Filed KHRC Complaint Filings	0.95%	.64%	.75%	.80%

The number of Probable Cause findings remained steady in FY 2023. Of the four Probable Cause cases open at the end of FY 2023, three have since closed and one is in the process of a successful conciliation.

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

Some Complainants and/or their attorneys opt to file in federal court because awards, damages, etc. are higher under federal law, than in state law. Federal law also allows attorneys' fees, whereas state law does not.

EDUCATION PROGRAM-PROGRAM CODE 01032

OBJECTIVE #1:

To maintain a statewide education program to inform all citizens on what constitutes discrimination, the effects of unlawful discrimination, how to prevent discrimination, and how to obtain redress.

Strategies for Objective #5:

1. Plan and conduct workshops, seminars, conferences, and webinars on such topics as anti-discrimination, the effects of unlawful discrimination, how to prevent discrimination, and how to obtain redress.
2. Provide information to the public, employers, landlords, and business providing public accommodations by written, electronic, or other means.
3. Distribute posters, pamphlets, booklets, and other appropriate literature and films to the public.
4. Respond promptly to all requests from the public for information on the agency's mission, anti-discrimination laws, pamphlets, booklets, posters, etc.

<u>OUTCOME MEASURES:</u>	Actual FY 2022	Current FY 2023	Current FY 2024	Allocated FY 2025
Number of people trained through educational presentations	613	1,569	1,600	1,625
Number of people completing KHRC on-line training	12,347	9,510	10,000	10,100
Number of people trained through the Annual Employment Law Seminar or Webinar Series (Webinar series in FY 2024 and FY 2025)	N/A	N/A	375	400

<u>OUTPUT MEASURES:</u>	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Number of educational presentations	21	26	27	28
Provide on-line training	Yes	Yes	Yes	Yes

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

OUTPUT MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Annual Law Employment Seminar or Webinar Series Held	No	Yes	Yes	Yes
Use the Twitter account to distribute information	Yes	Yes	Yes	Yes

In FY 2023, in-person trainings resumed. However, many organizations preferred virtual trainings due to the size of the audience, geographic distance from a KHRC office, or holding trainings simultaneously in multiple locations.

We were unable to hold the in-person Employment Law Seminar in FY 2022 due to mass gathering limitations associated with the coronavirus and continued concerns associated with the coronavirus. Understaffing prevented a focus on a series of webinars in FY 2023. We are starting preparations for a series of webinars in FY 2024 to take the place of the in-person Employment Law Seminar.

The agency began working on an on-line harassment prevention training program in FY 2018. The Office of Personnel Services, Department of Administration, volunteered their services and the use of their software to help convert a Power Point presentation to the online training program. This training provides an opportunity for employers/employees to access free training and allows us to provide training to workplaces where it would not have been practical before, such as workplaces that are geographically distant from any of our offices, or where only 1 or 2 employees need training. We launched the on-line training program on December 28, 2017. A Spanish language version of the training was posted in April 2019.

In FY 2013, the agency posted its most popular PowerPoint presentations on its website as a means of training and information. The agency also referred to articles previously published in the *Spectrum* available in an easier to find format by topic on the website. These efforts are expected to be carried forward into the current and out years.

We opened a Twitter account in January 2016. We continued to use this account in FY 2023. Tweets or re-tweets are made as needed. The number of followers continues to grow.

EXPENDITURE JUSTIFICATION - COMPLIANCE AND EDUCATION

Object Code 100: Salaries and Wages

Summary: The Compliance and Education Programs are authorized 20.00 FTE positions in the current and budget years, down from the 23.00 FTE in FY 2023, 25.00 FTE in FY 2012 and from the 34.00 FTE authorized in prior years. 14 positions are filled at the time of the budget submission. Three positions vacant at the time of the budget submission are in the process of being filled.

The agency has been operating with 16 filled positions but will move to 17 filled positions. Funding limitations in the past and concern about maintaining adequate cash balances in previous fiscal years deterred filling vacant positions beyond the 16 FTE level. An ongoing increase in complaint receipts and the open inventory have prompted the filling of a vacant Special Investigator II, thereby moving to 17 filled FTE. The agency will rely on the cash balance in the EEOC account fund the 17th position, which will cause a decrease in the EEOC fund cash balance. The EEOC fund, although lowered from a SFY 2023 ending cash balanced of \$758,819 to a projected SFY 2025 ending cash balance of \$580,263, remains adequate at this time.

Salaries comprise approximately 72% of the total projected expenditures in all proposed budgets. Adequate staffing assures that Kansans are served in an effective and efficient manner by receiving, investigating, and resolving complaints in a timely manner.

The 20 authorized staff include nine Special Investigator II's/Special Investigators, two Public Service Administrator III's/Public Service Administrator (supervisors), two Special Investigators (Intake Representatives), one Chief Legal Counsel (Attorney), one Administrative Officer, two Administrative Specialists, one Senior Administrative Assistant, one Assistant Director (Public Service Executive), and one Executive Director.

The primary daily activity of the agency centers on the investigation and resolution of complaints filed with the agency. The other general areas of activity include intake and docketing of complaints, education, and administrative support. The primary administration function of management is the monitoring, tracking and accountability of case files that are in various stages of processing.

The salary figure includes longevity payable at \$40 per year up to \$1,000, and updates to fringe benefit costs.

The KPERS composite rate is scheduled to decrease from the FY 2023 actual rate. However, fringe benefits costs continue to be substantial. The agency portion of the single member health insurance rate is scheduled to increase by almost 20% from FY 2023 to FY 2025.

All salaries are scheduled for Program 01031 (Compliance) in the budget proposal. However, we plan to complete journal vouchers to allocate salary and fringe benefit costs to Program 01032 (Education) based on time spent on this function.

Current Budget FY 2024 -- \$1,096,117 (\$685,290 SGF and \$410,827 EEOC Fund)

Shrinkage is anticipated from the following positions:

No. of FTE Positions	Position No.	Classification/Explanation	Projected No. of Vacant Payroll Periods	Salary and Fringe Benefit Savings	Notes
1	K0063952	Special Investigator II	26	\$57,327	
1	K0068188	Chief Legal Counsel	26	\$104,228	1
1	K0109062	Administrative Specialist	26	\$51,334	
1	K0215668	Special Investigator II	13	\$28,660	2
1	K0233976	Special Investigator I (Intake Representative)	8	\$15,600	3
1	K0231824	Administrative Officer	8	\$17,562	3
		FY 2024 Pay Plan Shortfall		\$5,001	4
6		Total Vacancy Savings		\$279,712	

1. The agency been contracting with an outside law firm to provide legal services to the agency to save monies.
2. This position is anticipated to be filled mid-fiscal year.
3. In the process of being filled at the time of the budget submission.
4. Per the Division of the Budget instructions, the 2023 Legislature did not appropriate enough State General Fund for the FY 2024 employee pay plan. Therefore, the State Finance Council distributed the shortfall among applicable agencies by reducing the State General Fund award by approximately 20 percent. The State General Fund shortfall allocated to the agency is \$5,001, as reflected in the shrinkage amount above and as reported by the Division of the Budget. Please see the Supplemental Request for a like amount of funding requested for FY 2024. The State Finance Council has committed to passing a supplemental appropriation bill to make agencies whole as one of the first orders of business in the 2024 Legislative Session, according to the Division of the Budget notification.

Allocated Budget FY 2025 -- \$1,160,152 (\$674,523 SGF and \$485,629 EEOC Fund)

Shrinkage is projected for the following positions:

No. of FTE Positions	Position No.	Classification/Explanation	Projected No. of Vacant Payroll Periods	Salary and Fringe Benefit Savings	Notes
1	K0063952	Special Investigator II	26	\$57,533	
1	K0068188	Chief Legal Counsel	26	\$104,331	1
1	K0109062	Administrative Specialist	26	\$51,595	
6		Total Vacancy Savings		\$213,459	

1. The agency been contracting with an outside law firm to provide legal services to the agency to save monies.

Object Code 200 - 290 - Contractual Services:

The four largest non-salary expenditures are made up of fees-professional services, rents, fees-other services, and communications. These items represent 26%-25% of the proposed budgets for FY 2024 and FY 2025, respectfully.

The largest non-salary expense item is Fees – Professional Services. The primary item in this object code is for the Kansas Human Rights Commission's nationally recognized mediation program, which is contracted through the mediation division at Kansas Legal Services. This program has drawn favorable attention from federal, other state and local agencies throughout the United States and at least one foreign country. The Kansas Human Rights Commission provides funding of \$115,000 for this service in the current budget year, and private funding of \$38,333 is also provided. Please see the FY 2025 Enhancement Requests for increased funding for the mediation project. This object code also contains \$45,000 in the current fiscal year and \$46,305 in the outlying fiscal year for contracting with an outside law firm. Outside counsel provides advice on legal matters that come before the Commission, and reviews and revises Kansas Administrative Regulations.

Due to increases in rental rates for the Landon State Office Building, the agency gave up approximately 15 percent of its Topeka office space mid-way through FY 2016 as a cost savings measure. Although the rental rate for the Landon State Office Building remains constant from FY 2023 to FY 2024, the FY 2025 rate increases by 10 percent.

Due to the State of Kansas' decision to vacate the Finney State Office Building, the Wichita office moved to private rental space on September 15, 2014. In general, the offices outside of Topeka allow the agency to save money in other budget areas, greatly increase our services to the citizens of Kansas and allow lower rents than if all the agency personnel were located in Topeka.

Office of Information Technology Services (OITS) charges and fees include network connections, voice mail, dial tones, and e-mail accounts. Desktop as a Service, which charges for computers and laptops used through this program, are reflected in the budget. Some laptops are leased directly from Dell as part of the OITS/Department of Administration contract with Dell.

Last year's budget submission included \$35,000 in Fees-Other Services for the conversion of Access Databases to more modern software. The project was initiated at the recommendation of OITS. State General Fund for the project was awarded in FY 2020. Because the project was put on hold due to the coronavirus pandemic and the need for OITS and agency personnel to focus on other priorities during this time, the \$35,000 SGF was reappropriated to future fiscal years. The U.S. Equal Employment Opportunity Commission (EEOC) deployed a new database in January 2022. KHRC staff evaluated the EEOC's new database and concluded it can be used to fulfill the Access Database roles, if needed. Therefore, the \$35,000 State General Fund is listed to be lapsed in FY 2024. We ask that consideration be given to directing these funds to the Enhancement Requests.

The Monumental Building Charge continues to be a significant expense, listed at \$16,578 in actual FY 2024. The FY 2025 rate is 10% higher than the FY 2025 actual rate.

Travel is scheduled for in-person training presentations when requested, although organizations continue to request virtual trainings. Commission Board meetings are held with a combination of in-person and virtual attendance. Travel is not scheduled for investigations.

In previous submissions we budgeted \$30,000 in out years for possible future public hearings. The proposed funds were designated as \$20,000 for legal counsel to present the case at public hearing and \$10,000 to pay for depositions, copies, and court reporters. The agency has been successful at resolving probable cause cases through conciliation. However, not all probable cause cases can be concluded through conciliation and a public hearing may be necessary. FY 2008 public hearing costs were in excess of \$13,000 and FY 2009 public hearing costs were more than \$11,000 and used agency staff,

which is no longer available. Due to limited funds in the future and no public hearings in recent years, we have not listed these items for any of the proposed budgets or requested an enhancement. If there is a need to present a public hearing, particularly if there is a precedent setting issue to be heard, we will notify the Division of the Budget. However, any funding request would be notably higher than previous expenses as a number of fiscal years have passed since then.

Current Year FY 2024 -- \$416,082 (\$413,173 SGF, \$1,632 Education and Training Fund, and \$1,277 EEOC Fund)

Major items include:

- Communications are listed at \$29,794, comparable to the previous fiscal year figure of \$28,326. OITS rates were adjusted for new rates where applicable. Non-OITS charges were adjusted for the inflationary index, as provided by the Division of the Budget.
- State building rent is listed at \$111,708, the same as the previous fiscal year.
- Private rent for the Wichita and Dodge City field offices is \$26,440.
- The Monumental Building charge is listed at \$16,578 based on the billing received this fiscal year, which is the same as the previous fiscal year.
- The Kansas Legal Services contract of \$115,000, which is the actual contract amount for this fiscal year, is included in Fees-Professional Services. This contract provides for the historically highly successful mediation program and the price has remained the same since 1997. Please see the Enhancement Requests for proposed increased funding.
- A \$45,000 contract is budgeted for outside legal counsel due to the vacant Chief Legal Counsel position, based on the previous year actual cost. Pursuant to HB 2087, passed by the 2022 Legislature, the agency submitted its evaluation of its administrative regulations in July 2023. Activities related to this task are expected to continue to take a significant amount of time and attention.
- \$500 is projected to be spent on publishing revised Kansas Administrative Regulations and public hearing notices in the *Kansas Register*. The outside counsel continues to update Kansas Administrative Regulations for proposed changes.
- Travel is listed at \$9,301. Projected expenses include limited in-person attendance at Commission Board meetings and travel for in-person trainings. The amount includes funds for two employees to attend the annual EEOC conference, with partial funding provided by the EEOC. The EEOC has resumed in-person attendance at the conference.
- Copier rent is listed at \$6,663, the same as the previous fiscal year cost.
- There are several Office of Information Technology Services charges, including network connections, e-mail accounts, and phone connections. Laptops are provided to all Commissioners to facilitate electronic case determinations and to preserve confidentiality.
- \$17,165 in temporary staffing agency costs are listed while permanent staffing positions are in the process of being filled.
- \$500 in official hospitality is listed.
- Minor amounts are scheduled to have a series of webinars, in lieu of the in-person annual employment law seminar.

Allocated Budget FY 2025 -- \$418,696 (\$415,742 SGF, \$1,651 Education and Training Fund, and \$1,303 EEOC Fund)

Expenses projected for the current year were carried forward into the budget year and adjusted accordingly. The major items and/or the rate increases are:

- Communication is listed at \$30,449, reflecting OITS rates. Non-OITS services were adjusted by the cost index.
- The Monumental Building charge is listed at \$18,236, a 10 percent increase over the current fiscal year per Division of the Budget cost indices.
- Private rent for the Dodge City and Wichita offices is projected at \$28,430. The current Wichita office lease ends in September 2024 and the landlord has proposed the rent be increased from \$14.00 per square foot to \$15.50 per square foot. The agency will be working with the Office of

Facilities and Property Management regarding the lease renewal and proposed rental increase. The proposed rental increase is included in the FY 2025 budget proposal.

- State building rent is scheduled at \$122,821, which includes a 10 percent increase as provided by the Division of the Budget leasing rates.
- Travel is listed at \$9,614 to reflect higher travel expenses rates, as provided by the Division of the Budget instructions. The projected FY 2024 amount was adjusted to develop the FY 2025 estimate. The estimate includes two staff attending the EEOC conference with partial funding provided by the EEOC.
- \$46,305 is listed for the contract with an outside law firm, in lieu of filling the Chief Legal Counsel position.
- \$500 is anticipated to be spent on publishing revised Kansas Administrative Regulations and public hearing notices in the *Kansas Register*. Work to review and update the agency's Kansas Administrative Regulations is expected to continue into this fiscal year,
- The mediation contract with Kansas Legal Services is scheduled at \$115,000, which carries forward the FY 2023 actual amount. Please see the Enhancement Requests for the mediation project.
- Temporary staffing costs are not anticipated.
- \$500 in official hospitality is scheduled.
- Expenses for the Office of Information Technology Services are carried forward and adjusted for current fiscal year rates.

Object Code 300 - 309 - Commodities:

Summary: Expenditures in this object code are used to purchase the agency's general office supplies such as stationary, computer supplies, printer supplies, envelopes, copy paper, pencils, tape, file folders, food for the Employment Law Seminar, etc.

Current Year 2024 -- \$11,450 (\$11,450 SGF)

Actual year stationery and office supply expenditures, and data processing supplies (mainly toner cartridges) were adjusted for the inflationary index. Expenses associated with the annual Employment Law Seminar, primarily food for consumption, are not budgeted. A series of webinars, in lieu of an in-person seminar, are being planned.

Allocated Budget FY 2025 -- \$11,782 (\$11,782 SGF)

Amounts projected for the current year were adjusted by the inflationary index to develop the estimated expenses.

Object Code 400 - Capital Outlay

Summary: Previous budget submissions contained expenditures for servers and firewalls as the KHRC had its own network environment, administered by OITS. The KHRC moved to an OITS managed environment in July-August 2023, which eliminates the need for the agency to purchase servers and firewalls. The Desktop as a Service program has eliminated the capital outlay for computers and laptops. However, associated monitors, keyboards, and mice, docking stations and printers must still be purchased.

Current Budget FY 2024 -- \$4,620 (\$4,620 SGF)

The agency replaces approximately 25% of its computers and laptops each year. It is important that computers and laptops are current for efficiency and IT security reasons. Monitors and printers are replaced on an as needed basis. Funds are scheduled for four replacement monitors, four docking stations, four replacement printers, and the purchase of four laptops from Desktop As A Service.

Allocated Budget FY 2025 -- \$4,620 (\$4,620 SGF)

Funds are scheduled for four replacement monitors, four docking stations, four replacement printers, and the purchase of four laptops from Desktop As A Service.

SUPPLEMENTAL PACKAGE

1. FY 2024-Supplemental Package #1/1-FY 2024 State General Fund FY 2024 Pay Plan Shortfall

The supplemental package is included per Division of the Budget instructions. The SGF portion of the pay plan was \$25,602, but the 2023 Legislature did not appropriate enough State General Fund for the FY 2024 employee pay plan. Therefore, the State Finance Council distributed the shortfall among applicable agencies by reducing the State General Fund award by approximately 20%. The State General Fund shortfall allocated to the agency is \$5,001, as reported by the Division of the Budget.

ENHANCEMENT PACKAGES

Background for both Enhancement Projects:

The agency is proposing two enhancement packages in cooperation with Kansas Legal Services/Midland Mediation to address the mediation project's funding needs and provide a method of addressing the influx of complaints received in FY 2023 and continuing to-date in FY 2024. The mediation project through Kansas Legal Services/Midland Mediation was established on a limited basis in 1996 and expanded statewide in 1997 without an increase in the contract amount since that time. Funding for the mediation project and specifically Kansas Legal Services is provided in each fiscal year's budget bill.

Voluntary mediation has historically provided a method of resolving complaints in a quick and efficient manner, thereby resolving the complaint to the satisfaction of both parties without a need to proceed to investigation and avoiding litigation. Of those cases where mediation is used, 50% or more of those cases routinely settle.

Kansas Legal Services/Midland Mediation reports a 100% satisfaction rate from satisfaction surveys in the last two years. Comments from the surveys include:

- *The human right was really for human right as the name implies. They have never treated me poorly instead took the case seriously. They resolved my EEO complaint in a professional manner. (sic)*
- *I had little hope that the two related matters we were mediating would be resolved. There was a lot of emotion on both sides, and the complainant perceived the value of their cases very differently than did my clients. The mediator was remarkably successful at soothing everyone's feelings, and patiently hung in there until matters were successfully resolved. Excellent job.*

The following is a passage from a letter of support for the enhancement requests:

I am writing this letter on behalf of the Kansas Human Rights Commission, and their mediation program to support their request for an increase in funding. As a business professional and health care worker, I have a very busy schedule which does not lend itself to extended time away from the office and my patients who need care. I unfortunately recently had an experience with a serious discrimination dispute where legal proceedings were required for settlement. The mediation process was very beneficial to my own peace of mind during a very difficult time and indeed saved both myself and the other party countless hours of state and federal court time and dollars to officially settle the matter within a matter of a few months.

This much needed additional funding helps to assist Kansas workforce professionals and other members to settle disputes quickly and efficiently without the prolonged mental and emotional toll of extended court proceedings, further lost income opportunities, and

unnecessary time away from the workplace where patients, clients, and customers require their time and services. Each dollar of investment in the program saves countless subsequent dollars of unnecessary taxpayer and community costs.

Note: The agency is lapsing \$35,000 State General Fund for an IT project that is no longer needed. We hope that consideration can be given to reallocating these funds to the mediation project.

1. FY 2025-Enhancement Package #1/2: \$20,000 State General Fund

The agency seeks an additional \$20,000 State General Fund, allowing the Kansas Legal Services/Midland Mediation contract to be increased from \$115,000 to \$135,000. The increased State General Fund is an on-going request. The requested increase is due to the higher number of referrals to Kansas Legal Services, a direct result of the increased complaint receipts and the shift towards a higher percentage of KHRC first filed complaints and KHRC only complaints. The Kansas Legal Services contract amount has been the same figure for 26 years, whereas the operating cost has increased due to salaries, fringe benefits and other operating expenses.

The annual fiscal legislation provides for a match of State moneys on a \$1 of private moneys to \$3 of State moneys basis, meaning that Kansas Legal Services/Midland Mediation raises private funds of \$38,333 to match the \$115,000 contract. If the enhancement is approved, Kansas Legal Services asks that the match to be changed to 4 to 1, thereby reducing the private funds to \$37,500 and increasing the contract to \$135,000.

Expenditures and Financing:

EXPENDITURES	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
Salaries and Wages				
Contractual Services	N/A	\$20,000	\$20,000	\$20,000
Commodities				
Capital Outlay				
Total				
FINANCING	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
State General Fund	N/A	\$20,000	\$20,000	\$20,000
Total	N/A	\$20,000	\$20,000	\$20,000
FTE	N/A	N/A	N/A	N/A

2. FY 2025-Enhancement Package #2/2: \$59,000 State General Fund

Although listed as #2, the KHRC prefers this enhancement package.

The agency seeks an additional \$59,000 State General Fund, allowing the Kansas Legal Services/Midland Mediation contract to be increased from \$115,000 to \$174,000. The additional State General Fund is requested on an on-going basis. This request is inclusive of Enhancement Package #1. This proposal allows Kansas Legal Services/Midland Mediation to use their contracted mediators, who are State certified, trained, and familiar with KHRC mediations, to be used on a more consistent basis, providing for an additional 50 mediations in a fiscal year.

This proposal provides an immediate method of addressing and resolving the influx of complaints received. There were 398 complaints referred to Kansas Legal Services/Midland Mediation in FY 2022, versus 548 referrals in FY 2023, an increase of 150. Complaints resolved at the mediation stage have historically had a resolution time of approximately 4 months, allowing parties to quickly resolve disputes to the satisfaction of both parties without proceeding to investigation or litigation. The inventory of cases assigned to Kansas Legal Services/Midland Mediation has typically been 70-80 cases. However, with the elevated case receipts, the inventory assigned to Kansas Legal Services/Midland Mediation has increased to as many as 150 cases. With the increase in workload without a corresponding increase in resources, mediations are now being scheduled up to six months out. As a result, the resolution time for successfully mediated cases rose to 5.33 months in FY 2023.

Delays in the mediation process defeat its purpose of a timely and efficient resolution, and can make the administrative resolution process more difficult. For example, any amendments to employment complaints for a new protected class must be completed within six months of the last incident under the Kansas Act Against Discrimination. If the complaint is delayed at mediation, the KHRC may not become aware of the need to amend the complaint until the amendment deadline has passed, thereby possibly depriving the Complainant of the ability to have their allegation investigated or litigated in court at a later date.

The annual fiscal legislation provides for a match of State moneys on a \$1 of private moneys to \$3 of State moneys basis, meaning that Kansas Legal Services/Midland Mediation raises private funds of \$38,333 to match the \$115,000 contract. If the enhancement is approved, Kansas Legal Services asks that the private match to be specified at the current amount of \$38,333 as it is difficult to raise the private funds. The contract would be \$174,000 if the enhancement request is granted.

Performance Measures:

<u>OUTCOME MEASURES:</u>	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
No. of additional mediations completed	N/A	50	50	50
Number of additional settlements completed through KLS	N/A	25	26	27
Additional settlement amount through KLS	N/A	\$261,000	\$268,000	\$269,000
Processing time in months at KLS	5.33	4.50	4.00	4.00

<u>OUTPUT MEASURES:</u>	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
No. of additional complaint referrals to KLS	150	200	200	200

Expenditures and Financing:

<u>EXPENDITURES</u>	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
Salaries and Wages				
Contractual Services	N/A	\$59,000	\$59,000	\$59,000

	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
EXPENDITURES				
Commodities				
Capital Outlay				
Total	N/A	\$59,000	\$59,000	\$59,000
FINANCING	Current FY 2024	Outyear #1 FY 2025	Outyear #2 FY 2026	Outyear #3 FY 2027
State General Fund	N/A	\$59,000	\$59,000	\$59,000
Total	N/A	\$59,000	\$59,000	\$59,000
FTE	N/A	N/A	N/A	N/A

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

ADMINISTRATIVE HEARINGS OFFICE

Goal:

To eliminate unlawful discriminatory practices in employment, public accommodations and housing by means of remedial orders and to encourage and facilitate voluntary agreements without the necessity of formal hearings. The Commission may take unsettled Probable Cause determinations to public hearing.

The Administrative Hearings Office performs the adjudicatory functions of the Kansas Human Rights Commission. By statute, public hearing proceedings (administrative trial proceedings) are conducted pursuant to the provisions of the Kansas Administrative Procedure Act. These hearings are presided over by hearing officers through the Office of Administrative Hearings.

OBJECTIVE NUMBER #1:

To expedite cases through the public hearing process and provide timely justice.

Strategies for Objective #1:

1. To schedule cases through the public hearing process and provide timely justice.
2. To submit an initial order (proposed findings of fact, conclusion of the law and order) to the Commission within thirty days after the receipt of relevant transcripts and briefs.

NOTE: The proceedings of the Hearing process are strictly governed by statute and the Administrative Rules and Regulations.

Performance Measures for Objective #1:

OUTCOME MEASURES:

The Commission is a deferral agency recognized by the Equal Employment Opportunity Commission (EEOC). To qualify as a deferral agency, the Commission must substantially conform to policies and procedures of EEOC. EEOC aggressively follows a policy of litigation emphasizing the individual, making whole relief, rather than merely seeking resolution of charges via settlement. Providing for administrative hearings is an essential element in the effort to make individuals whole.

OUTCOME MEASURES:	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Cases approved for public hearing	0	0	0	0
Cases heard at the hearing level	0	0	0	0
Pre-hearings conferences held	0	0	0	0
Settlements at the hearing level	0	0	0	0

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency: Kansas Human Rights Commission
Program: Compliance and Education

<u>OUTPUT MEASURES:</u>	Actual FY 2022	Actual FY 2023	Current FY 2024	Allocated FY 2025
Administrative Closure/Withdrawn	0	0	0	0

EXPENDITURE JUSTIFICATION – ADMINISTRATIVE HEARINGS OFFICE

Expenses, such as charges from the Office of Administrative Hearings, transcripts, and court reporters, are paid from the Compliance and Education Program, which has been the practice for several years.

As noted previously, this budget submission does not include any projected costs for public hearings due to the limited funds. Instead, if there is a need to present a public hearing, particularly if there is a precedent setting issue to be heard, we will notify the Division of the Budget.

Custom 406/410 Report

Dept. Name: Kansas Human Rights Commission
 Agency Name: Kansas Human Rights Commission
 Agency Reporting Level: 2025-A-02-00058
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:26:28

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request	null	null
1000	0103 OPERATING EXPENDITURES	1,041,818	1,114,033	5,001	1,119,034	0	0
1000	0104 OPERATING EXPENDITURES-OFF HOS	0	500	0	500	0	0
2282	2000 EDUCATION AND TRAINING.FD	0	1,632	0	1,632	0	0
3016	3000 EMPLOYMENT DISCRIMINATION FDF	311,074	412,104	0	412,104	0	0
0	TOTAL GENERAL FUNDS	1,041,818	1,114,533	5,001	1,119,534	0	0
40	TOTAL ALL OTHER FUNDS	311,074	413,736	0	413,736	0	0
44	TOTAL ALL FUNDS	1,352,892	1,528,269	5,001	1,533,270	0	0
KANSAS							
rglover / 2025A0200058							

406/410 - Custom 406/410 Report

Custom 406/410 Report

Dept. Name:

Agency Name: Kansas Human Rights Commission

Agency Reporting Level:

Version: 2025-A-02-00058

Date: 10/01/2023

Time: 19:26:28

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request	null	null
519990	Salaries and Wages	898,838	1,375,829	5,001	1,380,830	0	0
	SHRINKAGE	0	(279,712)	0	(279,712)	0	0
	TOTAL Salaries and Wages	898,838	1,096,117	5,001	1,101,118	0	0
52000	Communication	28,326	29,794	0	29,794	0	0
52100	Fuel (non-motor vehicle use)	4,220	4,368	0	4,368	0	0
52200	Maint Constr Material Supply	529	1,638	0	1,638	0	0
52300	Printing and Advertising	151,755	145,861	0	145,861	0	0
52500	Rents	5,925	8,982	0	8,982	0	0
52510	Travel and Subsistence	21	319	0	319	0	0
52600	InState Travel and Subsistence	40,887	42,427	0	42,427	0	0
52700	Fees-other Services	209,254	180,049	0	180,049	0	0
52900	Fee-Professional Services	2,073	2,644	0	2,644	0	0
	TOTAL Contractual Services	442,990	416,082	0	416,082	0	0
53300	Fuel (non-motor vehicle use)	0	140	0	140	0	0
53400	Maint Constr Material Supply	25	26	0	26	0	0
53500	Vehicle Part Supply Accessory	66	68	0	68	0	0
53700	Office and Data Supplies	10,837	11,216	0	11,216	0	0
53900	Other Supplies and Materials	136	0	0	0	0	0
	TOTAL Commodities	11,064	11,450	0	11,450	0	0
	TOTAL Capital Outlay	0	4,620	0	4,620	0	0
	TOTAL REPORTABLE EXPENDITURES	1,352,892	1,528,269	5,001	1,533,270	0	0
	SUBTOTAL State Operations	1,352,892	1,528,269	5,001	1,533,270	0	0
	TOTAL EXPENDITURES	1,352,892	1,528,269	5,001	1,533,270	0	0
	KANSAS	406/410 - Custom 406/410 Report				rglover / 2025A0200058	0

Custom 406/410 Report

Dept. Name: Kansas Human Rights Commission
Agency Name: Kansas Human Rights Commission
Agency Reporting Level: Version: 2025-A-02-00058

Date: 10/01/2023
Time: 19:28:33

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null	null	null
1000	0103 OPERATING EXPENDITURES	1,106,167	79,000	1,185,167	0	0	0
1000	0104 OPERATING EXPENDITURES-OFF HOS	500	0	500	0	0	0
2282	2000 EDUCATION AND TRAINING FD	1,651	0	1,651	0	0	0
3016	3000 EMPLOYMENT DISCRIMINATION FDF	486,932	0	486,932	0	0	0
0	TOTAL GENERAL FUNDS	1,106,667	79,000	1,185,667	0	0	0
40	TOTAL ALL OTHER FUNDS	488,583	0	488,583	0	0	0
44	TOTAL ALL FUNDS	1,595,250	79,000	1,674,250	0	0	0
406/410 - Custom 406/410 Report							
rglover / 2025A0200058							

Custom 406/410 Report

Dept. Name:

Agency Name: Kansas Human Rights Commission

Date: 10/01/2023

Time: 19:28:33

Agency Reporting Level:

Version: 2025-A-02-00058

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null	null	null
519990	Salaries and Wages SHRINKAGE	1,373,611 (213,459)	0 0	1,373,611 (213,459)	0 0	0 0	0 0
	TOTAL Salaries and Wages	1,160,152	0	1,160,152	0	0	0
52000	Communication	30,449	0	30,449	0	0	0
52100	Freight and Express	4,495	0	4,495	0	0	0
52200	Printing and Advertising	1,664	0	1,664	0	0	0
52300	Rents	158,995	0	158,995	0	0	0
52500	Travel and Subsistence	9,286	0	9,286	0	0	0
52510	InState Travel and Subsistence	328	0	328	0	0	0
52600	Fees-other Services	46,523	0	46,523	0	0	0
52700	Fee-Professional Services	164,250	79,000	243,250	0	0	0
52900	Other Contractual Services	2,706	0	2,706	0	0	0
	TOTAL Contractual Services	418,696	79,000	497,696	0	0	0
53300	Fuel (non-motor vehicle use)	144	0	144	0	0	0
53400	Maint Constr Material Supply	27	0	27	0	0	0
53500	Vehicle Part Supply Accessory	70	0	70	0	0	0
53700	Office and Data Supplies	11,541	0	11,541	0	0	0
53900	Other Supplies and Materials	0	0	0	0	0	0
	TOTAL Commodities	11,782	0	11,782	0	0	0
	TOTAL Capital Outlay	4,620	0	4,620	0	0	0
	TOTAL REPORTABLE EXPENDITURES	1,595,250	79,000	1,674,250	0	0	0
	SUBTOTAL State Operations	1,595,250	79,000	1,674,250	0	0	0
	TOTAL EXPENDITURES	1,595,250	79,000	1,674,250	0	0	0
	KANSAS					rglover / 2025A0200058	0

412 reconciliation

Program Name: null
 Agency Name: Kansas Human Rights Commission
 Agency Reporting Level: null
 Version: 2025-A-02-00058

Date: 10/01/2023
 Time: 19:44:31

Division of the Budget
 KANSAS

Classification of Employment	Pay Grade	Pos	FY 2024 Estimate Amount	Pos	FY 2025 Request Amount
Authorized Positions					
Regular Classified					
Administrative Specialist	21	1.00	31,262	1.00	31,262
Public Service Administrator 3	29	1.00	64,938	1.00	64,938
Senior Administrative Asst	20	1.00	33,613	1.00	33,613
Special Investigator II	24	4.00	169,478	4.00	169,478
Subtotal Regular Classified		7.00	299,291	7.00	299,291
Regular Unclassified					
Attorney IV	37	1.00	74,854	1.00	74,854
Administrative Officer	1	1.00	37,981	1.00	37,981
Administrative Specialist	1	1.00	33,862	1.00	33,862
Appointive State Agency Head	1	1.00	110,300	1.00	110,300
Public Service Administrator	1	1.00	55,890	1.00	55,890
Public Service Executive	1	1.00	69,851	1.00	69,851
Special Investigator	1	7.00	267,904	7.00	267,904
Subtotal Regular Unclassified		13.00	650,641	13.00	650,641
Temporary Unclassified					
Appt/elect Bd/comm Bd Member	1	0.00	2,940	0.00	2,940
Subtotal Temporary Unclassified		0.00	2,940	0.00	2,940
Longevity					
Subtotal Longevity		0.00	3,600	0.00	2,680
Totals		20.00	956,473	20.00	955,553
Totals by Fringe Benefits					
RET	KPERS	0.00	75,342	0.00	68,843
RET	OTHER	0.00	23,659	0.00	21,654
RET	KPER2	0.00	30,393	0.00	27,818
FICA		0.00	59,301	0.00	59,244
UNEMP		0.00	0	0.00	572
WKCOMP		0.00	1,492	0.00	1,223
RSAL		0.00	6,887	0.00	6,880
HLT1		0.00	170,884	0.00	178,596
HLT2		0.00	37,529	0.00	39,373
FICA 2		0.00	13,869	0.00	13,856
Total Benefits		0.00	419,357	0.00	418,058
Total Salaries and Benefits		0.00	1,375,829	0.00	1,373,610
Totals by Position Type					
Regular Classified		7.00	299,291	7.00	299,291
Regular Unclassified		13.00	650,641	13.00	650,641
Temporary Unclassified		0.00	2,940	0.00	2,940
Longevity		0.00	3,600	0.00	2,680
KANSAS					rglover / 2025A0200058

DA-412 - 412 reconciliation

CAPITAL OUTLAY -- DA 416

AGENCY NAME
Kansas Human Rights Commission

AGENCY NUMBER
058

PROGRAM TITLE AND NUMBER
Compliance 01031

SUBPROGRAM TITLE AND NUMBER
PAGE

DIVISION OF THE BUDGET

STATE OF KANSAS

AGENCY NAME

AGENCY NUMBER

PROGRAM TITLE AND NUMBER

SUBPROGRAM TITLE AND NUMBER

ITEM DESCRIPTION	QUANTITY ON HAND	PER UNIT COST	FY 2024 Current Budget Request		DOB USE ONLY
			QUANTITY	ESTIMATED EXPENDITURES	
Monitors-Replacement		250	4	1,000	
Docking Stations		300	4	1,200	
Printers-Replacement		305	4	1,220	
Laptops purchased from Desktop As A Service		300	4	1,200	
Total Expenditures				4,620	
FY 2025 Allocated Budget Request					
			QUANTITY	ESTIMATED EXPENDITURES	
Monitors-Replacement		250	4	1,000	
Docking Stations		300	4	1,200	
Printers-Replacement		305	4	1,220	
Laptops purchased from Desktop As A Service		300	4	1,200	
Total Expenditures				4,620	