COLORADO GENERAL ASSEMBLY JOINT BUDGET COMMITTEE



SUPPLEMENTAL REQUESTS FOR FY 2008-09

DEPARTMENT OF LABOR AND EMPLOYMENT

JBC Working Document - Subject to Change Staff Recommendation Does Not Represent Committee Decision

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Prioritized Supplementals

Supplemental Request, Department Priority #1 Hiring Freeze Reductions

	Request	Recommendation
Total	\$474,243	\$601,255
FTE	0.0	10.6
Cash Funds	387,975	499,664
Federal Funds	86,268	101,591

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?		YES
	of God; a technical error in calculating the original appropriation; data that was	
not available when th	e original appropriation was made; or an unforseen contingency.]	
JBC staff and the Dep	partment agree that this request is the result of an unforseen contingency.	

Department Request: The Department requests the total for all lines involving personal services be reduced by a total of \$474,243 due to savings from the hiring freeze implemented October 1, 2008.

Staff Analysis: The following table outlines the Department's savings as a result of the hiring freeze implemented October 1, 2008. It should be noted that the differences between the Department's request and staff's calculation is that the Department's request included the pay date shift, which is not applicable to cash or federal funded positions. This means that for a position set to be filled January 1, 2009 the Department's request showed five months of vacancy savings, where staff's calculations show six months of vacancy savings. Additionally, staff is taking the FTE associated with personal services dollars in order to avoid unfunded FTE positions.

Summary of Personal Services Savings for FY 2008-09					
Division CF FF Total					
Executive Director's Office	\$98,244	\$90,687	\$188,931	2.8	
Division of Employment and Training, Unemployment Insurance Fraud Program	50,414	0	50,414	1.5	
Division of Labor	74,784	0	74,784	1.3	
Division of Oil and Public Safety	175,465	10,905	186,370	3.3	
Division of Workers' Compensation, Workers' Compensation	41,414	0	41,414	0.7	

Summary of Personal Services Savings for FY 2008-09					
Division of Workers' Compensation, Major Medical and Subsequent Injury Funds 59,342 0 59,342 1.0					
Total Savings	\$499,663	\$101,592	\$601,255	10.6	

Staff Recommendation: Staff recommends that the Committee approve the reduction appropriations and FTE for the lines involving personal services in accordance with the table above.

Previously Approved Interim Supplemental Disability Program Navigator

	Previously Approved
Total	\$0
FTE	6.7

Description of Supplemental: At the September 2008 Joint Budget Committee meeting, the Committee approved this interim supplemental transferring 6.7 FTE for the Disability Program Navigator (DPN) to the Department of Labor and Employment (Department) from the Department of Human Services (DHS). Senate bill 08-231 transferred the funds for the DPN from DHS to the Department, as well as the funds and FTE for the Workforce Development Council (Council) from the Department of Local Affairs to the Department. The DPN enables state-run workforce centers to provide specific services to individuals with disabilities who enter workforce centers seeking employment information and training. The Council contracts directly with county-operated centers for services for people with disabilities, while the nine state-run workforce centers are appropriated 1.0 FTE each for the DPN. By placing both the Council and the DPN in the same department, the Department is able to ensure that individuals with disabilities receive similar services at county and state-run workforce centers.

The rules governing interim supplementals in Section 24-75-109 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. Staff will include this supplemental in the Department's supplemental bill.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

The Department of Labor and Employment Executive Director's Office is bottom line funded, therefore in the following table only the totals are shown, and staff requests permission to split out the funding sources once the changes are known for each line.

Department's Portion of Statewide Supplemental Request	Total	CF	RF	FF
Worker's Compensation	\$0	\$0	\$0	\$0
Purchase of Services from Computer Center	0	0	0	0
Multiuse Network Payments	0	0	0	0
Payment to Risk Management and Property Funds	0	0	0	0
Vehicle Lease Payments	0	0	0	0
Capitol Complex Leased Space	0	0	0	0
Communication Services Payments	0	0	0	0
Administrative Law Judge Services - Division of Workers' Compensation	0	0	0	0
Department's Total Statewide Supplemental Requests	0	0	0	0

Staff Recommendation: The staff recommendation for these requests is pending Committee approval of common policy supplementals. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this common policy supplemental. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.**

Cash Fund Transfers

Department Requested Transfer, OSPB #15 Transfer from Fund 142 - Workers' Compensation Cash Fund Statutory Change Required

FY 2008-09	Request	Recommendation
Transfer from Workers' Compensation Cash Fund to General Fund	\$15,700,000	\$7,000,000

Staff Analysis: The purpose of the Workers' Compensation Cash Fund (Fund) is to fund the Workers' Compensation Program (Program) within the Department of Labor and Employment. The Program works to assure quick and efficient delivery of disability and medical benefit payments to injured workers at a reasonable rate to the employer. Pursuant to Section 8-44-112 (1) (a), revenue for the Fund is from a surcharge set by the Division Director on workers' compensation insurance premiums. During FY 2002-03 \$6.0 million was transferred into the General Fund and not replaced. Currently there is \$14.0 million of the TABOR reserve in the Fund, and staff recommends the TABOR reserve be transferred into the Major Medical Insurance Fund.

Workers' Compensation Cash Fund Department Request					
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate	
Beginning FY Balance	\$20,198,325	\$18,425,648	(\$749,352)	(\$3,199,352)	
Revenues	12,047,673	10,625,000	11,050,000	11,381,500	
Expenditures	(13,820,350)	(14,100,000)	(13,500,000)	(13,905,000)	
Ending FY Balance without transfer	\$18,425,648	\$14,950,648	(\$3,199,352)	(\$5,722,852)	
Proposed Transfer	<u>0</u>	(15,700,000)	<u>0</u>	<u>0</u>	
Ending Balance after transfer	\$18,425,648	(\$749,352)	(\$3,199,352)	(\$5,722,852)	

Staff is concerned that the proposed transfer amount would cause the Fund to go negative within two fiscal years, resulting in the Department having to request a loan from the General Fund in FY 2010-11. A transfer of the \$15.7 million would help with the immediate budget shortfall, but the likelihood that the cash fund would subsequently go negative within two fiscal years would out weight the immediate benefit to the General Fund. The following table outlines staff's recommendation for the transfer amount from the Workers' Compensation Cash Fund to the General Fund for FY 2008-09. The transfer of TABOR reserve as well as the transfer of funds to the General Fund will require separate legislation.

Workers' Compensation Cash Fund Staff Recommendation					
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate	
Beginning FY Balance	\$22,938,227	\$21,165,550	\$10,690,550	\$8,240,550	
Revenues	12,047,673	10,625,000	11,050,000	11,381,500	
Expenditures	(13,820,350)	(14,100,000)	(13,500,000)	(13,905,000)	
Ending FY Balance without transfer	\$21,165,550	\$17,690,550	\$8,240,550	\$5,717,050	
Recommended Transfer	<u>0</u>	(7,000,000)	<u>0</u>	<u>0</u>	
Ending FY Balance	\$21,165,550	\$10,690,550	\$8,240,550	\$5,717,050	

Department Requested Transfer, OSPB #16 Transfer from Fund 416 - Subsequent Injury Fund Statutory Change Required

FY 2008-09	Request	Recommendation
Transfer from Subsequent Injury Fund to General Fund	\$26,500,000	\$26,500,000

Staff Analysis: The Subsequent Injury Fund (SIF) provides benefits to individuals who have become permanently and totally disabled as a result of more than one industrial accidents pursuant to Section 8-46-101 (1) (a), C.R.S. Additionally this fund provides benefits to workers whose medical expenses have exceed \$10,000 as a direct result of more than one workplace exposures to radioactive materials. House Bill 92-1280 closed the SIF to new traumatic injuries after July 1, 1993, and H.B. 93-1356 closed the SIF to new occupation diseases occurring after April 1, 1994. Pursuant to Section 8-46-102 (3), C.R.S. the revenue for this fund comes from a surcharge on employers' workers' compensation insurance premiums. The surcharge is set by the Director of the Division of Workers' Compensation, and is dependent on the balance in the SIF and the Major Medical Insurance Fund (MMIF). The surcharge is deposited in the SIF and then transferred to the MMIF, so that the MMIF reaches actuarial balance first. In FY 2002-03 \$20.0 million was transferred into the General Fund and never replaced. Currently there is \$16.0 million of TABOR reserve in the SIF which the Department recommends be transferred into the MMIF. The transfer of TABOR reserve as well as the transfer of funds to the General Fund will require separate legislation.

Subsequent Injury Fund Department Request					
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate	
Beginning FY Balance	\$43,748,437	\$44,498,437	\$18,748,437	\$19,498,437	
Revenues	3,000,000	3,000,000	3,000,000	3,000,000	
Expenditures	(2,250,000)	(2,250,000)	(2,250,000)	(2,250,000)	
Ending FY Balance without transfer	\$44,498,437	\$45,248,437	\$19,498,437	\$20,248,437	
Proposed Transfer	<u>0</u>	(26,500,000)	<u>0</u>	<u>0</u>	
Ending Balance after transfer	\$44,498,437	\$18,748,437	\$19,498,437	\$20,248,437	

Department Requested Transfer, OSPB #17 Transfer from Fund 417 - Major Medical Insurance Fund Statutory Change Required

FY 2008-09	Request	Recommendation
Transfer from Major Medical Insurance Fund to		
General Fund	\$69,500,000	\$69,500,000

Staff Analysis: The Major Medical Insurance Fund (MMIF) provides unlimited medical benefits to qualifying industrially injured workers who injuries occurred on or before July 1, 1981 pursuant to Section 8-46-202, C.R.S. An individual will qualify for MMIF benefits if his/her medical expenses have exceed \$20,000. Pursuant to Section 8-46-102 (3), C.R.S. the revenue for this fund is a portion of the surcharge on employers workers' compensation insurance premiums that is transferred from the Subsequent Injury Fund. Currently, the MMIF has \$120 million in long term investments that the Department is not comfortable selling given the condition of the market. The Department has recommended the entire \$94 million in TABOR reserve currently spread among the MMIF, the SIF and the Workers' Compensation Fund be consolidated in the MMIF. In FY 2002-03 \$150 million was transferred into the General Fund, and on July 1, 2003 pursuant to Section 8-46-202 (1.5) (b), C.R.S. \$10 million was transferred from the General Fund into the MMIF. The transfer of TABOR reserve as well as the transfer of funds to the General Fund will require separate legislation.

Major Medical Insurance Fund Department Request							
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate			
Beginning FY Balance	\$156,499,249	\$183,499,249	\$140,999,249	\$140,999,249			
Revenues	40,000,000	40,000,000	40,000,000	40,000,000			
Expenditures	(13,000,000)	(13,000,000)	(13,000,000)	(13,000,000)			
Ending FY Balance without transfer	\$183,499,249	\$210,499,249	\$167,999,249	\$167,999,249			
Proposed Transfer	<u>0</u>	(69,500,000)	(27,000,000)	<u>0</u>			
Ending Balance after transfer	\$183,499,249	\$140,999,249	\$140,999,249	\$167,999,249			

JBC Staff Initiated Transfer Recommendation Transfer from Employment Support Fund - Fund 232 Statutory Change Required

FY 2008-09	Recommendation
Transfer from Employment Support Fund to the	
General Fund	\$5,000,000

Staff Analysis: The purpose of the Employment Support Fund is to offset funding deficits for various Department of Labor and Employment programs, including information technology initiatives, and to support programs, mainly information technology upgrades, to strengthen the Unemployment Trust Fund long-term solvency pursuant to Section 8-77-109 (2) (I), C.R.S. The fund is also used by the Department to improve labor standards, labor relations between employers and employees and the Colorado works grievance procedure. The ESF receives half of the 0.22 percent Unemployment Insurance Tax Surcharge that employers pay pursuant to Section 8-77-109 (1), C.R.S. This fund does not have a reserve limit pursuant to Section 8-77-109 (II) (b), C.R.S. because the fund is being built up by the Department to redo the unemployment insurance tax and benefits system, which the Department estimates will cost \$75.5 million. In FY 2002-03 \$5.4 million was transferred in the General Fund and not replaced pursuant to Section 8-77-109 (2) (II) (B) (a.7), C.R.S. In the Department's supplemental request, it was noted that at this time the Department was not comfortable transferring money from the ESF into the General Fund, but if there was a Reed Act distribution for either the operation of workforce centers of technology improvements, the Department may then reconsider a transfer.

	Employment Support Fund Staff Recommendation							
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate				
Beginning FY Balance	\$39,371,799	\$44,498,437	\$34,986,915	\$30,136,799				
Projected Revenues	25,691,732	22,049,351	22,600,585	23,165,599				
Expenditures	(20,565,094)	(26,560,873)	(27,450,701)	(25,359,092)				
Ending FY Balance without transfer	\$44,498,437	\$39,986,915	\$30,136,799	\$27,943,306				
Recommended Transfer	<u>0</u>	(5,000,000)	<u>0</u>	<u>0</u>				
Ending FY Balance after transfer	\$44,498,437	\$34,986,915	\$30,136,799	\$27,943,306				

Other Balancing Options

These options are presented without staff recommendation in order to maximize the Committee's choices. The Committee may wish to consider these options now or in the future.

Numbering does not indicate priority.

Options with Appropriation Impacts	GF	CF	RF	FF	Total	FTE
1	10,500,000	0	0	0	10,500,000	0.0

Unemployment Insurance Surcharge Transfer

Currently the Unemployment Insurance Surcharge is 0.22 percent on the first \$10,000 of wages earned by an employee, pursuant to section 8-76-102 (4) (d), C.R.S. Section 8-76-102 (4) (b) directs that fifty percent of the surcharge be deposited into the Employment Support Fund and the other fifty percent be deposited into the Unemployment Insurance Compensation Fund. This statute could be amended so that the percentage currently being deposited into the Unemployment Insurance Fund is deposited into the General Fund for a period of time. This transfer of funds would not affect the State's ability to pay unemployment benefits.

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation -	Requested	Recommended	New Total with
	Actual	Appropriation	Change	Change	Recommendation
DEPARTMENT OF LABOR AND EMPLO Executive Director Don Mares	YMENT				
Supplemental #1 - Hiring Freeze Reduction					
(1) Executive Director's Office					
Personal Services	13,259,736	12,605,644	(150,065)	(188,931)	12,416,713
FTE	<u>166.9</u>	<u>167.4</u>	<u>0.0</u>	(2.8)	<u>164.6</u>
Cash Funds	6,895,063	6,554,935	(78,034)	(98,244)	6,456,691
Reappropriated Funds	397,792	378,169	0	0	378,169
Federal Funds	5,966,881	5,672,540	(72,031)	(90,687)	5,581,853
(2) Division of Employment and Training, (B) Unemploymen	t Insurance Fraud	l Program		
Program Costs	1,755,909	1,508,633	(42,012)	(50,414)	<u>1,458,219</u>
FTE	<u>25.8</u>	<u>26.0</u>	<u>0.0</u>	<u>(1.5)</u>	24.5
Cash Funds	730,547	1,508,633	(42,012)	(50,414)	1,458,219
Reappropriated Funds	1,025,362	0	0	0	0
(3) Division of Labor					
Program Costs - CF	1,120,667	1,132,465	(60,762)	(74,784)	1,057,681
FTE	11.9	16.0	0.0	(1.3)	14.7
(4) Division of Oil and Public Safety					
Personal Services	5,002,866	5,297,365	(145,836)	(186,370)	<u>5,110,995</u>
FTE	<u>58.6</u>	<u>76.2</u>	0.0	(3.3)	72.9
Cash Funds	1,651,077	4,713,422	(131,599)	(175,465)	4,537,957
Reappropriated Funds	2,322,362	19,516	0	0	19,516

	FY 2007-08	FY 2008-09	Fiscal Y	Fiscal Year 2008-09 Supplemental			
	Actual	Appropriation	Requested	Recommended	New Total with		
	Actual	Appropriation	Change	Change	Recommendation		
			(1.1.22	(10.005)			
Federal Funds	1,029,427	564,427	(14,237)	(10,905)	553,522		
(5) Division of Workers' Compensation, (A) V	Vorkers' Compe	nsation					
Personal Services - CF	6,856,861	6,708,748	(31,061)	(41,414)	6,667,334		
FTE	92.9	102.0	0.0	(0.7)	101.3		
(5) Division of Workers' Compensation, (B) M	Iajor Medical I	nsurance and Sub	sequent Injury F	unds			
Personal Services	1,038,403	1,229,695	(44,507)	(59,342)	<u>1,170,353</u>		
FTE	<u>12.9</u>	<u>16.0</u>	0.0	(1.0)	15.0		
Cash Funds	0	1,229,695	(44,507)	(59,342)	1,170,353		
Reappropriated Funds	1,038,403	0	0	0	0		
Total for Supplemental #1	29,034,442	28,482,550	(474,243)	(601,255)	27,881,295		
FTE	<u>369.0</u>	<u>403.6</u>	<u>0.0</u>	(10.6)	<u>393.0</u>		
Cash Funds	17,254,215	21,847,898	(387,975)	(499,663)	21,348,235		
Reappropriated Funds	4,783,919	397,685	0	0	397,685		
Federal Funds	6,996,308	6,236,967	(86,268)	(101,592)	6,135,375		
Previously Approved Interim Supplemental	- Disability Pro	ogram Navigator					
(2) Division of Employment and Training, (C) I	Employment and	d Training Progra	ms				
Workforce Improvement Grants	N.A.	870,000	0	0	870,000		
FTE	N.A	<u>1.0</u>	<u>6.7</u>	<u>6.7</u>	<u>7.7</u>		
Cash Funds		20,000	0	0	20,000		
Reappropriated Funds		0	0	0	0		
Federal Funds		850,000	0	0	850,000		

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Annyonviotion	Requested	Recommended	New Total with
	Actual	Appropriation	Change	Change	Recommendation
Totals Excluding Pending Items					
Department of Labor and Employment					
Totals for ALL Departmental line items	152,300,179	161,772,598	0	0	161,772,598
FTE	1,076.7	1,121.0	<u>6.7</u>	<u>6.7</u>	1,127.7
Cash Funds	36,324,204	62,716,074	0	0	62,716,074
Reappropriated Funds	14,994,282	1,621,014	0	0	1,621,014
Federal Funds	100,981,693	97,435,510	0	0	97,435,510
Statewide Common Policy Supplementals					
(see narrative for more detail)	<u>N.A.</u>	<u>N.A.</u>	<u>Pending</u>	<u>Pending</u>	<u>N.A.</u>
Cash Funds					
Reappropriated Funds					
Federal Funds					
Totals Including Pending Items					
Department of Labor and Employment					
Totals for ALL Departmental line items	152,300,179	161,772,598	(474,243)	(601,255)	161,171,343
FTE	<u>1,076.7</u>	<u>1,121.0</u>	<u>6.7</u>	(3.9)	<u>1,117.1</u>
Cash Funds	36,324,204	62,716,074	(387,975)	(499,663)	62,216,411
Reappropriated Funds	14,994,282	1,621,014	0	0	1,621,014
Federal Funds	100,981,693	97,435,510	(86,268)	(101,592)	97,333,918

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	A atreal	Req	Requested	Recommended	New Total with
	Actual	Appropriation	Change	Change	Recommendation
Previously Approved Interim Supplemental					
DEPARTMENT OF HUMAN SERVICES Executive Director Karen L. Beye					
(9) Services for People with Disabilities, (D) Di	ivision of Voca	tional Rehabilitatio	on		
Rehabilitation Programs - Local Funds Match	24,695,266	29,314,972	(797,470)	(797,470)	28,517,502
FTE	<u>19.8</u>	<u>27.0</u>	<u>(6.7)</u>	<u>(6.7)</u>	<u>20.3</u>
Cash Funds	66,244	1,034,500	0	0	1,034,500
Reappropriated Funds	6,647,097	5,224,824	(209,211)	(209,211)	5,015,613
Federal Funds	17,981,925	23,055,648	(588,259)	(588,259)	22,467,389

Key:

N.A. = Not Applicable or Not Available