

**FOI Commission Responses to Representative Nuccio's Information Requests  
for the General Government A Appropriations Subcommittee Hearing, March 13, 2023**

**Headcount questions:**

0. **What is the authorized headcount, the funded headcount and the filled headcount for your area?** 16 authorized headcount; 16 funded; and 14 filled (see vacancy information below).
1. **If there is change in headcount (either up or down) please provide an explanation of the change.**  
No change in headcount. Possible need for additional position (see answers to general questions, below).
  - a. If there is a positive change in headcount, please explain why these positions are needed.  
Not applicable.
  - b. If these adds are legislatively driven, what piece of legislation is driving the increase?  
Not applicable.
2. **Are there any vacant positions in your headcount? There are 2 current vacant positions in the headcount.**
  - a. If yes, how are they budgeted into your plan? (as a full year FTE or partial? Are they fulltime or part time?) They are both budgeted into the plan as full-time, full year FTE.
  - b. What is the anticipated start date of your vacancies? Are they staggered throughout the year, or all anticipated to start on July 1? All vacancies are anticipated to be refilled prior to 7/1/23. Currently, one position is in the interview process. One position is in the refill process due to internal agency promotion.
  - c. How many vacancies did you have at year end on 06/30? Two.
  - d. How many vacancies did you have throughout the year last fiscal year? Six.
  - e. How many new hires did you have in the same time period? Four.
3. **What is the average cost of an FTE for your area?** The Average cost for an FTE in the Agency is \$106,133.
4. **What is the average fringe cost of an FTE in the comptroller's area?** The Office of State Comptroller pays the fringe benefit costs for the General Fund agencies, including the FOI Commission. We have been advised that these calculations are based upon the fringe benefit rates for FY 2023 that were approved by the U.S. Department of Health and Human Services.

**Lapse Questions:**

1. **Were there any lapsing accounts on 06/30?** Yes.
  - a. If yes, what were the accounts? Both Personal Services and Other Expenses had lapses (the FOI Commission has only one line item, that encompasses both accounts).
  - b. If yes, what was the lapse balance? PS \$37,599 and OE \$62,195.

- c. If yes, what drove the lapse? What spending didn't occur that was planned to occur?

There were a number of items that drove the lapses, primarily due to the pandemic: reductions in travel for Commissioners and per diem (as all Commission meetings and hearings had been conducted remotely up until 9/1/22), as well staff travel to conduct training and to attend annual professional conference: the Commission did not hold its own annual conference in person; and there some minor time lags in refilling positions, in part due to the need to reclassify red circled positions). All of these items resulted in reduced spending in those two accounts.

2. **If there is a lapsing balance, do you anticipate it carrying forward?** No
  - a. If yes, how do you propose to use that lapse? Not applicable.
  - b. Will it be for one-time expenses? Not applicable.
    - i. If so, what are those one-time expenses? Not applicable.
  - c. If ongoing expense is that expense built into this budget in FY 25? Not applicable.

### **ARPA**

1. **Did you receive any ARPA funding in your department?** No
  - a. If yes, have you assumed the programs/staffing established with the ARPA funding is now in your General Fund budget as an ongoing expense? Not applicable.
    - i. If not all, how much? Not applicable.
  - b. Are there still ARPA funds included in this budget? Not applicable.
    - i. If yes, how much of this budget is continuation of ARPA funding? Not applicable.
    - ii. How much ARPA do you still have in the budget that may need to be picked up as ongoing expenses in out years? Not applicable.

### **General Questions:**

1. **Is there anything you would change about this budget?** See 2., below.
2. **Is there anything you would add to this budget?** Yes, funding for an additional position, an Administrative Assistant (at a cost of \$60,703-78,533 range); this would speed up the complaint processing and adjudication times. The Commission has gotten used to doing more with less over the past decade but realizes that the time delays in processing and adjudicating complaints from start to finish could be improved upon significantly with the aid of an additional support position.
3. **Is there anything you would remove from this budget?** No.
4. **Is there any legislation that was passed you feel you are not adequately prepared to enforce?** No.
  - a. If so, what would we need to change to make it administer-able? Not applicable.