



Office of Human Rights (OHR) FY2016 Performance Accountability Report (PAR)

Introduction

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

Mission

The mission of the DC Office of Human Rights (OHR) is to eradicate discrimination, increase equal opportunity, and protect human rights in the city.

Summary of Services

The DC OHR investigates and resolves complaints of discrimination in employment, housing, places of public accommodation, and educational institutions, pursuant to the DC Human Rights Act of 1977 and other numerous local and federal laws. OHR also prevents discrimination by providing training and educating DC government employees, private employers, workers, and the community at-large of their rights and responsibilities under the law. OHR monitors compliance with the Language Access Act of 2004 and investigates allegations of noncompliance with this Act by DC government agencies and houses the District's Citywide Bullying Prevention Program. The agency also investigates complaints and conditions causing community tension and conflict that can lead to breaches of the peace. The Commission on Human Rights is the adjudicatory body that decides private sector cases after OHR has found probable cause of discrimination.

Overview – Agency Performance

The following section provides a summary of OHR performance in FY 2016 by listing OHR’s top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

Top Agency Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
OHR met its goal in ensuring customers received quality service.	By delivering good customer service, OHR is better able to process cases filed at OHR. This is because the more informative the filer is, the better OHR can communicate with the filer.	High quality customer service means residents are educated about the OHR process, and that they are treated professionally and courteously.
OHR exceeded its fair housing activity goal by 98%.	Increased outreach and education assists OHR in achieving its mission of eradicating discrimination.	Increased fair housing activity means more residents are educated on the fair housing laws in the District.
OHR successfully revitalized the EEO Counseling Program in the District by delivering a series of training and publishing an EEO Counselor Manual.	Knowledgeable EEO Counselors can expand OHR’s reach in educating employees and residents about laws enforced by OHR. Additionally, because OHR is charged with overseeing the EEO Counseling program, efforts to improve the program helps OHR achieve its deliverable.	Improvement in the EEO Counseling Program means improvement in EEO Counseling services for residents who are employed by the District.

In FY 2016, OHR had 8 Key Performance Indicators. Of those, 0 were neutral, and another 1 were not able to be reported by the end of the fiscal year. Of the remaining measures, 62% (5 KPIs) were met, 0% (0 KPIs) were nearly met, and 25% (2 KPIs) were unmet. In FY 2016, OHR had 15 Initiatives. Of those, 87% (13) were completed and 13% (2) were nearly completed, and 0% (0) were not completed. The next sections provide greater detail on the specific metrics and initiatives for OHR in FY 2016.

FY16 Objectives

Division	Objective
Commission on Human Rights	Adjudicate cases with probable cause findings, determine damages associated with cases, and adjudicate all criminal background check cases.
Office of Human Rights	Shorten Response Times and Strengthen Quality Control for All Internal Programs, including investigations, mediations, and Language Access Compliance
Office of Human Rights	Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through increased outreach and awareness activities.
Office of Human Rights	Oversee Implementation of Agencywide Priorities

FY16 KPIs

Objective: Adjudicate cases with probable cause findings, determine damages associated with cases, and adjudicate all criminal background check cases.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent of EEOC Contract case closures per quarter	97	Q	80	84.8	80	163.2	102	Met	
Percent of EEOC Contract cases docketed	98	Q	70.4	35.2	83.2	57.6	61.6	Unmet	While OHR would have liked to have docketed many more EEOC contract cases, it has little control over what types of cases are filed. This KPI is more of a workload measure since OHR could not have influenced the types of cases filed.

Objective: Oversee Implementation of Agencywide Priorities

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
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Percent of Agencies Compliant with Language Access	95	A	This KPI is not yet available. This data calculation requires OHR to review 39 covered entities' submission of annual reports, compliant policies, plans, and data. By regulations, covered entities are required to send their annual report by the end of November, but not all entities are able to comply by this date. OHR also reviews annual secret shopper testing results, which was received just recently in December. All of the data must then be compiled, analyzed, and reported in OHR's Annual Language Access Report, which is typically published in February or March.						
Level of Education Institution Compliance on Bullying Prevention	90	A	95.6	Met					

Objective: Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through increased outreach and awareness activities.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Average cost per Language Access Training	932.14	A					902.8	Met	

Objective: Shorten Response Times and Strengthen Quality Control for All Internal Programs, including investigations, mediations, and Language Access Compliance

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent of OHR complainants satisfied with the agency's customer service	96	Q		100	98.59	94.74	97	Met	
Number of Fair Housing Outreach Activities	55	Q	32	20	38	19	109	Met	

Percent of Cases Backlogged	10	Q	29.78	41.51	36.23	48.96	38.7	Unmet	<p>OHR worked very diligently to reduce the backlog; however, the following factors in FY16 were prohibitive in achieving the desired target: (1) Several hundred of cases filed late in FY15 carried over into FY16, a significant of which were FCRSA cases; (2) quite often, multiple FCRSA cases were filed in multiples (10-50); (3) funding for additional staff was not received until FY16; (4) new staff had to be hired and trained on processing FCRSA cases; and finally (5) OHR executed an in-place renovation from June 2015 to January 2016.</p>
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FY16 Initiatives

Title: COHR Will Upgrade Case Management Procedures

Description: In FY16, COHR will evaluate current case management systems and purchase software and increase capacity of COHR staff in order to improve efficiency in adjudication of all cases.

Complete to Date: 75-99%

Status Update: OHR had to negotiate the terms of the contract for the purchase of the software. It is expected that the contract will be executed by 11/11/16

If Incomplete, Explanation: OHR had to negotiate the terms of the contract with the vendor, which caused delays in completing the purchase transaction.

Title: COHR Will Train DC Bar members on COHR rules and procedure

Description: The Commission on Human Rights will organize and execute a program for members of the District of Columbia Bar on the rules and procedure for litigating a case before the Commission. Each year, DC Bar members bring dozens of cases before the Commission. It is imperative that these litigators understand the nuance of defending a case and appearing before the Commission, as the administrative law field differs substantially in rules and procedure from the civil and criminal fields. The Commission will prepare and present at least one training program for any and all DC Bar members interested.

Complete to Date: Complete

Status Update: Initiative was completed on June 22, 2016

Title: OHR will improve efficiency in intakes and administrative dismissals.

Description: In FY16, OHR will enhance the pre-complaint and intake process to become more user friendly for parties. These enhancements include plain language explanation of process, procedure, and law via OHR communication tools and outreach, and in-agency correspondence. Specifically, OHR will rewrite its administrative dismissal and notice letters to explain agency action with less technical or sophisticated legal language in an effort to reduce confusion to parties and unnecessary interaction with OHR. These changes will significantly reduce requests to reopen administratively dismissed cases, motions to dismiss, and other administrative functions occurring prior to the investigation of a valid complaint. Staffing levels at the intake stage will also be reevaluated and reconfigured for greater efficiency.

Complete to Date: Complete

Status Update: This initiative is complete, but it is an ongoing initiative. Thus, OHR continues to improve its process, forms, and communication. In FY16, OHR improved and revised its "fact sheets" made available online and in print at OHR's office. OHR has also simplified language in the notice letters, dismissal and determination letters. OHR will focus on improving and revising intake questionnaire forms and process in FY17

Title: OHR Will Strive to Improve Language Access in All Eight Wards

Description: In FY16, OHR's Language Access program will strive to improve language access in all 8 wards by providing targeted education, training, and intervention. In FY15, OHR transitioned Language Access Quarterly Reports to a fully digitized reporting system for more streamlined and comprehensive tracking of compliance with Language Access statutes. The Language Access Director will use this information to provide targeted education, training, and intervention.

Complete to Date: Complete

Status Update: In FY16: 1) OHR provided targeted (based on annual report) technical assistance to 17 agencies re data collection requirements; and 2) OHR met with all 17 agencies to help with collecting, reporting, and analyzing comprehensive data re LA assistance

Title: OHR Will Reconfigure Investigative Assignment Procedures

Description: In FY16, OHR will integrate protections afforded by the Fair Criminal Records Screening Act, the Protecting Pregnant Workers Fairness Act, and the Unemployment Anti-Discrimination Act of 2012 into its complement of investigative services. Given the variety of laws OHR enforces, OHR will continue to develop a system of case management which streamlines operations and provides speedy resolution to parties. Existing regulations require all cases docketed by OHR to be resolved within a 6 month timeline. Under this new system which was implemented in FY15, investigations will continue to be assigned based upon in-house investigator expertise and the complexity of the allegations and relevant law. This reconfiguration will assist with OHR's goal to reduce its investigative period to less than 6 months.

Complete to Date: Complete

Status Update: This initiative has been completed. In FY16, OHR systematically assigned cases under new or relatively new laws to trained investigators familiar with the laws. OHR also streamlined case management and tracked progress of these or other cases to provide better customer service.

Title: OHR Will Update EEO Counseling Program for District Government Employees and Provide Training

Description: OHR is redesigning and revitalizing the DC government EEO Counseling process. OHR has already trained over 100 EEO Counselors, HR personnel, and agency attorneys under existing procedures. In FY16, OHR will update DCHRA regulations regarding complaints in the district government, launch an EEO Counselor Certification Program, and offer regular trainings for counselors to reduce the number of employment discrimination complaints in District government.

Complete to Date: Complete

Status Update: This initiative is complete. In FY16, OHR delivered certification trainings, and certified over 90 EEO Counselors and Officers. OHR issued a manual and templates for EEO Counselors. OHR also revised its regulations impacting government complaints (awaiting further revisions and publication)

Title: OHR Will Create Touchpoints Report

Description: In FY16, OHR will perform a thorough ward-by-ward review and analysis of complaint data (both Complainants and Respondent), identifying location of incidents (hot spots) and area of discrimination. This information will allow OHR and the District to gain a better understanding of: 1) the most frequent type of offenses; 2) where most Complainants live in the District; and 3) areas of the District where most Respondents do business. OHR will utilize this data to provide targeted education to workers and employers, and to perform Initiative 1.2 below.

Complete to Date: Complete

Status Update: This initiative is ongoing. OHR ran and analyzed a report showing areas of discrimination alleged by residents in each ward. The report reveals top three areas of discrimination alleged by residents in each ward. This report is helpful for conducting targeted outreach and trainings. OHR has conducted focused outreach with both residents and businesses. This analysis is also useful for OHR's Annual Report. OHR will continue to conduct more targeted outreach in FY17

Title: OHR Will Design and Implement Targeted Outreach Initiative

Description: In FY16, OHR will increase its targeted outreach and education efforts by using the Touchpoints Report and collaborating with DOES and marginalized communities. OHR will achieve this by communicating with specific community organizations and leaders to educate workers and employers on the District's human rights. OHR will also work with ANC leaders to implement this initiative.

Complete to Date: Complete

Status Update: In FY16, OHR held several business training series, human rights liaison trainings, and other outreach events. Many of these included a focus on criminal background, disability, and sex discrimination. OHR also collaborated with DOES and held joint trainings around criminal background discrimination. OHR spoke at ANC meetings to offer information about OHR and filing a discrimination complaint.

Title: OHR Will Conduct Fair Housing Symposium

Description: OHR will work with DC Housing Authority, U.S. Housing and Urban Development agency, and other local housing related agencies to provide a community oriented Fair Housing Symposium. OHR will reach out to community organizations providing assistance to the victims of domestic violence and people who have been identified as homeless in order to ensure education of this marginalized group.

Complete to Date: Complete

Status Update: This initiative has been completed. In FY16, OHR held its annual Fair Housing Symposium with Department of Housing and Community Development (DHCD), the D.C. Developmental Disabilities Council (DDC), and other community partners. OHR also held or participated in several Know Your Rights training and numerous housing outreach events. OHR also continues to participate in Mayor's Interagency Council on Homelessness - Tenant Barriers to identify and resolve housing barriers.

Title: OHR Will Educate Employers and Workers

Description: In FY16, OHR will develop and issue monthly or quarterly guidance to raise awareness regarding new laws, and to take preventative measures in eliminating discrimination by educating the community about frequent types of discrimination occurring in the District. OHR will work with the Spanish Chambers of Commerce, DSLBD, and DCRA to broaden employer outreach.

Complete to Date: Complete

Status Update: OHR issued its first-ever guidance publications on source of income discrimination in housing and on criminal background discrimination. Both were well received by the community. Both publications are available on OHRs' website.

Title: OHR Will Increase Equal Employment Opportunity for Returning Citizens

Description: In FY16, OHR will continue to visit correctional facilities housing individuals who are likely to return from incarceration to the District. OHR will work with the Department of Corrections to reach out to residents in Pre-Release programs. OHR will collaborate with the Office of Returning Citizens Affairs and NAACP to effectuate this initiative.

Complete to Date: Complete

Status Update: In FY16, OHR visited several correctional facilities and collaborated with the Mayor's Office on Returning Citizens, the Department of Employment Services, and the Department of Corrections. In FY16, OHR trained over 250 inmates and several more returning citizens in the community through collaboration with the National Association for the Advancement of Colored People.

Title: OHR Will Enhance Investigations Division Law Clerk Program

Description: OHR will continue to operate a robust and competitive law clerk program focused on educating law school students attending law schools in the District on human rights issues and laws enforced by OHR. OHR will support Human Rights Officers who conduct investigations by pairing them with law students who are passionate about civil rights and who are equipped with the skillset to support HROs with investigative workload.

Complete to Date: Complete

Status Update: In FY16, OHR hosted 15 law clerks, who were of tremendous assistance in case processing. OHR provided rigorous training and mentoring for the law clerks. Many of the law clerks also received outreach experience and worked with the community to raise awareness around anti-discrimination

Title: OHR Will Ensure Implementation of Bullying Prevention Policy

Description: In FY16, OHR will work to ensure all covered entities specifically city agencies and educational institutions are developing and implementing their bullying prevention policy consistent with OHR's guidance. In the Youth Bullying Prevention Act of 2012, youth-serving government agencies (e.g.: OSSE,

DPR, DPL, etc.) and education institutions (in practice, Local Education Agencies, or LEAs) must have a bullying prevention policy, modeled after the Bullying Prevention Task Force's model policy. In FY13, the Bullying Prevention Task Force and Bullying Prevention Program made public the model policy. In FY15, the Director of the Bullying Prevention Program launched a toolkit for implementing the bullying prevention policy. It is OHR's goal to have all District schools (including charter schools) have 100% compliant Bullying Prevention Policy so that all students in all 8 wards have equal access to a world class education.

Complete to Date: Complete

Status Update: OHR has worked with all covered entities to develop a compliant policy. Currently, of the 66 submitted, 65 are in compliance (98.4%).

Title: OHR Will Strengthen Fair Housing Enforcement

Description: In FY16, OHR will work with DHS to require grantees who are direct service providers to comply with DCHRA on non-housing discrimination. To that end, OHR will provide training to direct service providers who are grantees and sub-grantees. OHR will provide quarterly training to landlords and housing providers on housing discrimination. OHR will also perform additional outreach services to vulnerable communities. OHR will revise its housing regulations to expand protection for victims of intra-family offense, who are part the vulnerable community. OHR will continue to review its regulations for areas to strengthen. OHR will continue to participate in community meetings on tenant barriers to identify barriers and propose potential solutions.

Complete to Date: 75-99%

Status Update: OHR has delivered trainings to direct service providers and to landlords and housing providers. OHR also held general housing discrimination trainings. This initiative was completed for the most part with the exception of the regulations. Although, OHR did revise the housing regulations, it was not able to publish it in FY16 due to the expansion of the amendments in FY16.

If Incomplete, Explanation: This initiative was completed for the most part. Although, OHR did revise the housing regulations, it was not able to publish it in FY16 due to the expansion of the amendments in FY16.

Title: OHR Will Educate and Provide Support to the Aging Community

Description: In FY16, OHR will ensure the District's aging residents are able to obtain housing free from discrimination. OHR will achieve this in part by collaborating with ODR and the Office on Aging to ascertain the specific type of assistance OHR can provide. Projected support include providing seminars and outreach sessions on Fair Housing laws and human rights laws covering employment, housing, educational institutions, and public accommodations.

Complete to Date: Complete

Status Update: In FY16, OHR conducted several direct seminars and trainings for seniors. OHR spoke and tabled at events held by D.C. Office on Aging. OHR also partnered with Office on Disability Rights in OHR's Fair Housing Symposium to discuss anti-discrimination against disabled individuals.