

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Executive Office of Mayor Muriel Bowser**



Office of the City Administrator

January 15, 2021

Fiscal Year (FY) 2020 was an unprecedented year for all DC residents, businesses and the District Government. In March 2020—the second quarter of the fiscal year—Mayor Bowser declared a public health emergency and District government quickly pivoted to respond to the COVID-19 global health pandemic. To align with recommended social distancing and public safety guidelines, in just one day, over 60 percent of District government employees transitioned to a telework posture. In addition, many District agencies limited or temporarily ceased most in-person activities and services.

The global health emergency required the District to significantly reallocate financial and personnel resources to respond to the pandemic. With the change in operations and a substantial decrease in revenues, the District's response required all agencies to determine how to best provide services to District residents, visitors and employees, while maintaining the necessary protocols to help slow the spread of COVID-19.

As such, the global health pandemic greatly impacted some agencies' abilities to meet their FY20 key performance indicators (KPIs) and strategic initiatives established prior to its onset as agencies shifted resources to respond to COVID-19. Therefore, outcomes for KPIs and strategic initiatives reflect a shift in District priorities and efforts during this crisis. While we continue to believe strongly in performance tracking to improve District services, the data for FY20 is not fully indicative of agencies' performance and should be reviewed factoring in the unprecedented challenges encountered in FY 2020.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Donahue'.

Kevin Donahue  
Interim City Administrator



Office of Human Rights FY2020

Agency Office of Human Rights

Agency Code HMO

Fiscal Year 2020

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.

2020 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Drafted and submitted to the Mayor and Council the 85-page "State of Street Harassment in DC: A Report on the First Year of Implementing the Street Harassment Prevention Act." The report summarizes the accomplishments of the Advisory Committee on Street Harassment, details the data collected from 1,621 responses to a city-wide survey and 10 focus groups, and provides recommendations for policy, training, and reporting.	The report gave voice to residents who have experienced street harassment in the District. Additionally, through the surveys, focus groups, and accompanying Street Harassment DC campaign, residents were provided with information and resources to seek redress and access support and services. The policy, training, and reporting recommendations have the goals of preventing street harassment, empowering individuals to safely intervene, and providing options to those who have experienced street harassment. By preventing street harassment and enhancing responses we create a safer, stronger DC for all residents.	The report represents an increased focus on prevention and proactive engagement to complement the enforcement efforts of OHR. The work of the Advisory Committee, the data collection process, and the accompanying Street Harassment DC campaign increased the visibility of the work of OHR and likely resulted in increased inquiries and complaints of discrimination.
Quickly and efficiently adapted operations and procedures to shift to remote work due to COVID-19 and the state of emergency that allowed for seamless continuation of services.	District residents were able to continue to access the services of OHR and were informed about changes in District agency operations and responses to COVID and changes in leave laws in the District as a result of the pandemic, and provided with consistent information regarding their ability to address discrimination in the District.	The shift to remote work required several agency adjustments including revising regulations and implementing virtual mediation and conciliation sessions. Additionally, the agency drafted Enforcement Guidance on Covid Leave under the DCFMLA and crafted multiple multilingual messages and documents in its role of providing Language Access oversight for the District.
Settled 134 cases for approximately \$2.4 million.	By settling cases through mediation, OHR does not have to engage in the more time and resources intensive investigative and legal processes for these cases, thereby allowing for those resources to be focused on reducing case backlog.	For DC residents who are complainants or respondents in cases, it provided quicker resolutions, also potentially saving tax payers costs associated with hearing or litigation.

2020 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
<b>1 - Provide high quality and efficient resolution of complaints filed at the Office of Human Rights in order to comply with statutory requirements, improve customer service, and strengthen enforcement. (4 Measures)</b>												
Percent of inquiries filed at the Office of Human Rights scheduled for intake interview within 30 days of initial internal screening	Quarterly	45%	45.7%	34.5%	80%	93.6%	52.3%	64.5%	90.2%	74.2%	Nearly Met	Transition of managers and COVID-19 transition to telework environment.
Percent of docketed cases at the Office of Human Rights scheduled for mediation within 45 days	Quarterly	92.8%	100%	99.8%	80%	100%	100%	100%	100%	100%	Met	
Percent of assigned cases at the Office of Human Rights with letters of determination within 160 days of unsuccessful mediation.	Quarterly	77.1%	32.3%	12.1%	80%	15%	15.8%	9.4%	16.1%	14.2%	Unmet	This performance measure was challenging to meet due to high case volume, shortage of staff, and personnel changes.
Percent of settlement agreements executed within 15 business days after completion of mediation session	Quarterly	New in 2020	New in 2020	New in 2020	New in 2020	57.8%	69.6%	85.3%	73.1%	70.3%	New in 2020	
<b>2 - Provide high quality and efficient adjudication of certified charges filed at the Commission on Human Rights in order to comply with statutory requirements and to improve customer service. (2 Measures)</b>												
Percent of Commission on Human Rights cases pending over 15 months	Quarterly	24.4%	16.8%	37.8%	20%	43.5%	52%	44.4%	47.1%	47%	Unmet	This performance measure was challenging to meet due to personnel changes.
Percent of cases assigned to hearing tribunal within 60 days of proposed decision and order	Quarterly	New in 2020	New in 2020	New in 2020	New in 2020	100%	100%	100%	0%	91.7%	New in 2020	
<b>3 - Provide high quality monitoring of and technical assistance in OHR's compliance programs, including Language Access, Bullying Prevention, and Equal Employment Opportunity policies. (3 Measures)</b>												
Percent of Post-EEO Training Evaluations with an overall rating of 5 out of 5	Annually	100%	100%	100%	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	94%	Met	
Percent of language access cases which receive initial intervention within 30 days	Annually	100%	100%	95%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of informal intervention provided in bullying cases within 30 days of reporting	Annually	100%	100%	100%	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents		
<b>4 - Provide high quality education and awareness communication to the public in order to increase understanding of the laws enforced by OHR. (2 Measures)</b>												
Percent of Human Rights Liaisons that rate the all-day training as "good" or "excellent" in post-training survey	Annually	95.7%	0%	86.5%	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	87%	Met	
Percent of participants that rate "Know Your Rights" presentations as "good" or "excellent" in post-training survey	Annually	95.6%	0%	100%	80%	Annual Measure	Annual Measure	Annual Measure	No data available	No data available		

2020 Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
<b>1 - Intake (2 Measures)</b>							
Number of Inquiries Received	1483	1590	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1209
Number of Intakes Conducted	563	735	Annual Measure	Annual Measure	Annual Measure	Annual Measure	618

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
<b>1 - Investigate (2 Measures)</b>							
Number of New Docketed Cases	355	490	Annual Measure	Annual Measure	Annual Measure	Annual Measure	457
Number of pending cases	577	503	512	568	534	531	531
<b>1 - Legal Review (7 Measures)</b>							
Number of Letters of Determination Reviewed	164	69	Annual Measure	Annual Measure	Annual Measure	Annual Measure	70
Number of Motions, Reconsiderations, and Requests to Reopen Reviewed	247	63	Annual Measure	Annual Measure	Annual Measure	Annual Measure	40
Number of Hearing Examiner Cases Reviewed	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	4
Number of Compliance Reviews Completed	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	7
Number of FOIA Requests Reviewed	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	80
Number of Case Representations - Court	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	17
Number of Case Presentations - Commission	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	5
<b>1 - Mediation (1 Measure)</b>							
Number of Cases Mediated	521	502	Annual Measure	Annual Measure	Annual Measure	Annual Measure	379
<b>2 - Convene and Support Commission Meetings (1 Measure)</b>							
Number of Commission Meetings Per Year	6	6	Annual Measure	Annual Measure	Annual Measure	Annual Measure	5
<b>2 - Hold Final Hearings (2 Measures)</b>							
Number of Final Hearings Held	16	2	Annual Measure	Annual Measure	Annual Measure	Annual Measure	3
Number of Pre-Hearing Settlement Conferences Held	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0
<b>3 - Bullying Prevention Policy Oversight (2 Measures)</b>							
Number of Covered Entities under Youth Bullying Prevention Act	324	301	Annual Measure	Annual Measure	Annual Measure	Annual Measure	244
Number of Youth Bullying Prevention Outreach and Education Activities	37	4	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
<b>3 - Community Engagement (2 Measures)</b>							
Number of Community Education/Outreach Activities	48	14	Annual Measure	Annual Measure	Annual Measure	Annual Measure	43
Number of Meetings with Consultative Agencies	10	6	Annual Measure	Annual Measure	Annual Measure	Annual Measure	11
<b>3 - Compliance Monitoring and Technical Assistance (3 Measures)</b>							
Number of Language Access Coordinator Meetings Held	6	6	Annual Measure	Annual Measure	Annual Measure	Annual Measure	7
Number of LA Trainings to Covered Entities	33	34	Annual Measure	Annual Measure	Annual Measure	Annual Measure	36
Number of Covered Entities under the Language Access Act	63	62	Annual Measure	Annual Measure	Annual Measure	Annual Measure	61
<b>3 - EEO Counselors and Officers Training (3 Measures)</b>							
Number of active certified EEO Counselors and Officers in the District	111	75	Annual Measure	Annual Measure	Annual Measure	Annual Measure	78
Number of EEO Trainings Held	8	11	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
Number of Affirmative Action Review Requests	717	1300	Annual Measure	Annual Measure	Annual Measure	Annual Measure	850
<b>3 - Enforcement (2 Measures)</b>							
Number of LA Inquiries Received	20	9	Annual Measure	Annual Measure	Annual Measure	Annual Measure	12
Number of Language Access cases resolved	16	4	Annual Measure	Annual Measure	Annual Measure	Annual Measure	3
<b>4 - Provide education/training and perform outreach (5 Measures)</b>							
Number of Business Training Series	27	20	Annual Measure	Annual Measure	Annual Measure	Annual Measure	3
Number of Human Rights Liaisons Trained	22	101	Annual Measure	Annual Measure	Annual Measure	Annual Measure	83
Number of Overall Outreach Activities	91	200	Annual Measure	Annual Measure	Annual Measure	Annual Measure	20
Number of Fair Housing Outreach Activities	54	95	Annual Measure	Annual Measure	Annual Measure	Annual Measure	20
Number of FCRSA/FCRSHA Outreach Activities	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	17

## 2020 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
<b>1 - Provide high quality and efficient resolution of complaints filed at the Office of Human Rights in order to comply with statutory requirements, improve customer service, and strengthen enforcement. (4 Activities)</b>			
INVESTIGATIONS	Investigate	The Human Rights Officer (HRO) in the Investigation Unit will review an assigned Charge of Discrimination docketed and investigate the claims asserted in the Charge. The HRO will interview relevant witnesses and recommend a finding as to whether there is probable cause to believe discrimination may have occurred.	Daily Service
INTAKE	Intake	The Intake Officer will review inquiries (known as Complaint Questionnaire) filed with the Office of Human Rights and determine jurisdiction. If the Office has jurisdiction, the inquiry will be scheduled for an intake interview. The Intake Officer will review the information provided during the interview and docket the inquiry as a Charge of Discrimination or dismiss the matter as appropriate.	Daily Service
MEDIATION	Mediation	Once an inquiry is docketed as a Charge of Discrimination, the Mediation Unit will schedule a mandatory mediation date. If the matter is resolved at mediation, the case will be closed. If the matter is not resolved, Mediation will forward the case for full investigation.	Daily Service
LEGAL SERVICES	Legal Review	Once a Human Rights Officer makes a probable cause determination as to whether discrimination may have occurred, the Legal Unit will review the determine for legal sufficiency and forward the matter for the Director's review.	Daily Service
<b>2 - Provide high quality and efficient adjudication of certified charges filed at the Commission on Human Rights in order to comply with statutory requirements and to improve customer service. (2 Activities)</b>			
HUMAN RIGHTS COMMISSION	Hold Final Hearings	When the case has completed discovery, the Commission will schedule and hold a final hearing on the merits of the case.	Daily Service

Operations Header	Operations Title	Operations Description	Type of Operations
HUMAN RIGHTS COMMISSION	Convene and Support Commission Meetings	The Chief Administrative Law Judge and their team organizes the Commission meetings, which occur on a bi-monthly basis. The Administrative Law Judges will record minutes of the meeting.	Daily Service
<b>3 - Provide high quality monitoring of and technical assistance in OHR's compliance programs, including Language Access, Bullying Prevention, and Equal Employment Opportunity policies. (6 Activities)</b>			
RESEARCH AND COMPLIANCE	EEO Counselors and Officers Training	Provide certification and ongoing training and technical assistance to EEO Counselors and Officers.	Daily Service
BULLYING PREVENTION OVERSIGHT	Bullying Prevention Policy Oversight	Oversee bullying prevention policy development and compliance and provide training and informal interventions.	Daily Service
LANGUAGE ACCESS OVERSIGHT	Community Engagement	Provide outreach and education to the public; Work closely with consultative agencies and community stakeholders.	Daily Service
LANGUAGE ACCESS OVERSIGHT	Enforcement	Assist with identifying pre-investigation intervention solution; Investigate docketed cases of language access complaints; Issue written findings after investigation is completed; Assist non-compliant agencies with systemic corrective actions.	Daily Service
LANGUAGE ACCESS OVERSIGHT	Compliance Monitoring and Technical Assistance	Review and monitor each major public contact agency's two-year LA compliance plan; Provide technical assistance such as one-on-one consultations, Language Access Coordinator meetings, and implementing corrective actions.	Daily Service
BULLYING PREVENTION OVERSIGHT	School Climate Data and Youth Bullying Prevention Project	As a result of a four-year grant from National Institute of Justice (NIJ), in partnership with Child Trends and Office of the State Superintendent for Education (OSSE), the Youth Bullying Prevention Program will collect school climate data, evaluate prevention strategies in schools, and support their efforts to implement evidence based programs to prevent bullying and improve school safety. The grant ends on December 31, 2019.	Key Project
<b>4 - Provide high quality education and awareness communication to the public in order to increase understanding of the laws enforced by OHR. (2 Activities)</b>			
PUBLIC EDUCATION	Provide education/training and perform outreach	The Communications & Community Engagement team schedules and conducts training for the public and business community. To ensure awareness and compliance, the Communications & Community Engagement team conducts outreach regarding newly enacted laws or regarding laws under which the Office has seen a rise in claims. Outreach may be provided in the form of targeted trainings, participation at community events and meetings, and educational campaigns.	Daily Service
PUBLIC EDUCATION	Issue reports and publications	The Communications & Community Engagement team is responsible for preparing annual reports and publications required by the various statutes that the Office enforces.	Daily Service

## 2020 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Bullying Prevention Policy Oversight (1 Strategic Initiative)</b>				
Social Media Lesson Training	In FY20, the Office of Human Rights will partner with the State Board of Education to conduct train the trainer workshops in schools and at youth-serving agencies on the healthy relationship/social media lesson plans that were developed and piloted in FY19.	Complete	Responses to facilitator e-survey were incorporated to make minor revisions to curriculum and training materials. Broader dissemination of the complete curriculum initiated September 30, 2020.	
<b>Community Engagement (1 Strategic Initiative)</b>				
Conduct a City-Wide Language Access Meeting with Agency Partners	In FY 20, the Language Access (LA) program will strengthen its community outreach efforts by partnering with the three Mayor Constituencies' offices (Mayor's Office on Latino Affairs, Mayor's Office on Asian and Pacific Islander Affairs, Mayor's Office on African Affairs) and with agencies with Major Public contact to hold a city-wide Language Access meeting which will target LEP/NEP community members.	Complete	In collaboration with the Mayor's Office on African Affairs and the Ethiopian Community Center (ECC), the Language Access Director participated in the Language Access Know Your Rights Workshop to speak with the Amharic speaking community about their language rights and to bring awareness of the language access resources available for the LEP and NEP community.  Since July, the Language Access (LA) Program in partnership with the three Constituency Offices have conducted a Language Access Round Table Forums.  The monthly forums have been the space for the Language Access Coordinators (LACs) along with the Constituency Offices to discuss, brainstorm and build collaborative working teams to address language access concerns, questions, challenges and strategies. Currently, LACs' main concern is to meet Language Access compliance requirements which is challenging during the pandemic emergency situation. As of today, the LACs have expressed interest to continue participating in the forums where common language access matters are discussed.  In the meeting with DCHR LAC, together with the three constituency offices, it was decided that due to the freeze in the District hiring, it will not be feasible to hold the virtual bilingual hiring event in FY 20.	
<b>Compliance Monitoring and Technical Assistance (1 Strategic Initiative)</b>				
ANC Omnibus Amendment Act Technical Support	In FY20, pursuant to the Office of Human Right's implementation of the ANC Omnibus Amendment Act of 2016, the Language Access program will create a system to reimburse ANCs for translation of documents, interpretation of meetings, and purchase or rental of assistive listening systems and will train ANC commissioners on reimbursement procedures.	Complete	In September, the Language Access Program revised and disseminated the most updated reimbursement process to all ANC commissioners. In addition, the language access team met with ANC 1A05 commissioners to review effective ways to outreach ANC commissioners, to bring awareness about the available funding for language services. Thus, ANC commissioners can maximize the language services available for the ANC meetings to engage the LEP and NEP DC residents.	
<b>Convene and Support Commission Meetings (1 Strategic Initiative)</b>				
Regulatory Review and Revision	In FY20, the Rules Committee of the Commission on Human Rights and the Office of Human Rights will review Chapter 4 Regulations and propose revisions that will complement the DC Human Rights Act and provide better clarity to parties appearing before the Commission on Human Rights.	Complete	OHR was able to complete drafting amendments to Chapter 4 of its regulations (4 DCMR § 400 et seq.) and the Commission on Human Rights was able to review it. At present, the regulation is being reviewed for finalization for OPLA review and legal sufficiency review from OAG.	
<b>EEO Counselors and Officers Training (1 Strategic Initiative)</b>				
Webinars and Train the Trainer Course	In FY20, OHR will conduct quarterly refresher webinars with certified EEO Counselors and Officers and will provide EEO Officers with "Train the Trainer" course on workplace discrimination laws.	0-24%	This initiative was put on hold due to personnel changes. OHR's Deputy Director lead this initiative however she transitioned from the agency and the position has not been filled. This initiative will pick back up in FY21.	
<b>Hold Final Hearings (1 Strategic Initiative)</b>				
Hearing Tribunals	In FY20, the Commission will focus on convening hearing tribunals within 60 days of a proposed decision and order to increase the efficiency of the adjudication process.	0-24%	One case went to a Tribunal this quarter. Due to the length of the record and order, several extension were granted for the parties to file Exceptions to the proposed order which delayed scheduling a tribunal within 60 days.	
<b>Investigate (1 Strategic Initiative)</b>				
Case Organization Tiers	In FY20, the Investigation Unit will organize its cases into three tiers - Tiers I - III - where Tier I identifies the most complicated cases. The investigation of Tier II and III cases will be streamlined, which will allow Investigators to spend more time on the more complicated, Tier I cases.	0-24%	In Phase I implementation. Process is ongoing and dependent upon pending full reorganization of the investigation/intake unit rollout into three pods.	

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Legal Review (1 Strategic Initiative)</b>				
OHR Enforcement Guidance	To assist the public with compliance, in FY20, the Office of Human Rights will produce three guidance for publication by the end of the fiscal year covering: (1) Intake Procedures, (2) Breastfeeding Guidance, and (3) DC Family Medical Leave Act.	75-99%	Did not issue 3 distinct guidance documents, however, OHR did issue multiple guidance documents relating to COVID. OHR issued two guidance documents in FY20: (1) COVID related Enforcement Guidance on DCFMLA called "Enforcement Guidance 20-01: COVID-19 Support Emergency Amendment Act (CSEA) Guidance", which was updated twice; and (2) a housing Enforcement Guidance called, "Enforcement Guidance 20-02: Fair Housing Laws and Affirmative Efforts to Reduce Homelessness in the District of Columbia".	
<b>Provide education/training and perform outreach (1 Strategic Initiative)</b>				
Wards 7 and 8 Education and Outreach	In FY20, the Communications & Community Engagement team will conduct quarterly Know Your Rights and Human Rights Liaison workshops in Wards 7 and 8 focused on returning citizens' rights in housing and employment, street harassment, hate crimes, and source of income discrimination.	0-24%	OHR was enthusiastic about conducting outreach targeting Wards 7 & 8 residents in FY20 and started off the year prioritizing those communities, but the COVID-19 pandemic shut our in-person engagement efforts down. Our outreach relied heavily on in-person events and trainings to reach residents East of the River who lack some of the resources available in the rest of the city. Despite the pandemic, OHR made an effort to reach the returning citizens community by partnering with Court Services and Offender Supervision Agency (CSOSA) who hosted several virtual information sessions for their clients. OHR looks forward to getting back to traditional forms of engagement, but also wants to ensure the safety of the public and our staff.	