

# Office of Human Rights FY2021

**Agency** Office of Human Rights

**Agency Code** HMO

**Fiscal Year** 2021

**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.

## 2021 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
ANC "Know Your Rights" Tour Completed	In FY21, OHR conducted a tour of the District's ANCs to bring critical information about OHR services and initiatives close to the neighborhoods and residents of the city. The agency, in partnership with the Language Access Program, delivered 10-15 minute presentations on local civil rights laws, OHR complaint filing process as well as ANC Language Access resources regarding translation and interpretation service reimbursement procedures for commissions. In total, OHR completed 7 sessions, including: 4B, 8C, 2F, 2B, 3B, 7B, AND 6C.	Greater awareness of OHR services established throughout the District.
Street Harassment Training Resource Development Completed	As part of recommendations made in the Year One State of Street Harassment Prevention in the District report released in 2020, OHR developed an online training module for District employees on the Street Harassment Prevention Act and how to safely intervene as a bystander or witness of street harassment. The agency worked with HSEMA to complete module design, using the District-approved software Articulate, to create an interactive training experience. By the end of FY21, the training development had been completed and the agency began outreach to the Department of Human Resources for adoption into the Peoplesoft training suite in FY22.	Agency implementation of street harassment prevention recommendation.
The Commission is now able to post decision on the agency website. This gives residents access to the information and increases transparency.	OHR continues to meet its goals of being a responsive organization.	Residents, litigants, and attorneys can now look at decisions on issues that may impact them and understand the types of cases handled by the Commission.
OHR fully launched its long awaited case management system during FY21. OHR is continuing to work with OCTO to implement phase two of the system.	The system allows for a more efficient management of cases.	The system helps to provide analytical data of OHR's work.
Resolved a total of 185 cases through mediation, resulting in \$2.4 million in relief for the public.	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.

## 2021 Key Performance Indicators

Measure	Frequency	FY 2019 Actual	FY 2020 Actual	FY 2021 Target	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual	Was 2021 KPI Met?	Explanation For Unmet KPI
<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 docketed cases at the Office of Human Rights scheduled for mediation within 45 days	Quarterly	99.8%	100%	80%	100%	100%	77.1%	100%	92.5%	Met	
Percent of assigned cases at the Office of Human Rights with letters of determination submitted for review within 160 days of unsuccessful mediation.	Quarterly	12.1%	14.2%	50%	18.2%	14.6%	17.6%	10%	15.5%	Unmet	Due to multiple agency-wide personnel transitions and OHR's restructure of the investigation team, the agency did not have a full complement of fully experienced employees and managers to consistently meet this measure.
Percent of inquiries filed at the Office of Human Rights scheduled for intake interview within 30 days of assignment to an intake officer.	Quarterly	34.5%	74.2%	75%	70.5%	84.6%	86.5%	83.5%	81.4%	Met	

Measure	Frequency	FY 2019 Actual	FY 2020 Actual	FY 2021 Target	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual	Was 2021 KPI Met?	Explanation For Unmet KPI
Percent of settlement agreements executed within 15 business days after completion of mediation session	Quarterly	New in 2020	70.3%	80%	34.6%	24%	27.3%	40.7%	30.1%	Unmet	As part of the mediation process, when the parties have agreed to resolve the case, they are given 15 business days to complete and execute a final settlement agreement. During FY21, there were situations where some of the parties did not submit the "Agreement" within the 15 business day requirement. There were a variety of reasons such as differences and ongoing discussions about the language in the agreement, continuation of talks about the final terms, some agreements required a review by the OHR's Office of General Counsel, cases filed at the D.C. Superior Court resulting in parties holding discussions on how to combine the court case with the OHR settlement, Covid-19, and other factors. The KPI "15 business day pending "Settlement Agreement" goal is a challenge and difficult to achieve because we cannot control the conduct of the parties and their life event variables that influence the final submittal of the "Agreement." During FY22, we will do our best to meet this objective.
<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	37.8%	47%	20%	60%	50%	39.1%	50%	48.7%	Unmet	As a result of personnel transitions, OHR onboarded a new ALJ in FY21. Additionally, due to covid parties frequently requested extension resulting in longer time on the docket.
Percent of cases assigned to hearing tribunal within 60 days of proposed decision and order	Quarterly	New in 2020	91.7%	80%	100%	100%	100%	100%	100%	Met	
<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 language access cases which receive initial intervention within 30 days	Annually	95%	100%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	The Language Access program reviews the inquiries within the 30 days that they are received to determine jurisdiction before issuing a dismissal if applicable. In addition, all cases must go through legal review. In some cases, the administrative and review process may take more than 30 days.
Percent of informal intervention provided in bullying cases within 30 days of reporting	Annually	100%	No Applicable Incidents	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of Post-EEO Training Evaluations with an overall rating of 5 out of 5	Annually	100%	94%	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	84.85%	Met	
<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	86.5%	87%	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	91.3%	Met	
Percent of participants that rate "Know Your Rights" presentations as "good" or "excellent" in post-training survey	Annually	100%	Not Available	80%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents		

2021 Workload Measures

Measure	FY 2019 Actual	FY 2020 Actual	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual
<b>1 - Intake (2 Measures)</b>							
Number of Inquiries Received	1590	1209	Annual Measure	Annual Measure	Annual Measure	Annual Measure	972
Number of Intakes Conducted	735	618	Annual Measure	Annual Measure	Annual Measure	Annual Measure	314
<b>1 - Investigate (2 Measures)</b>							
Number of New Docketed Cases	490	457	Annual Measure	Annual Measure	Annual Measure	Annual Measure	341
Number of pending cases	503	531	506	554	542	521	521
<b>1 - Legal Review (7 Measures)</b>							
Number of Letters of Determination Reviewed	69	70	Annual Measure	Annual Measure	Annual Measure	Annual Measure	76
Number of Compliance Reviews Completed	New in 2020	7	Annual Measure	Annual Measure	Annual Measure	Annual Measure	9
Number of Motions, Reconsiderations, and Requests to Reopen Reviewed	New in 2020	40	Annual Measure	Annual Measure	Annual Measure	Annual Measure	91
Number of FOIA Requests Reviewed	New in 2020	80	Annual Measure	Annual Measure	Annual Measure	Annual Measure	86
Number of Case Representations - Court	New in 2020	17	Annual Measure	Annual Measure	Annual Measure	Annual Measure	13
Number of Case Presentations - Commission	New in 2020	5	Annual Measure	Annual Measure	Annual Measure	Annual Measure	17
Number of Hearing Examiner Cases Reviewed	New in 2020	4	Annual Measure	Annual Measure	Annual Measure	Annual Measure	3
<b>1 - Mediation (1 Measure)</b>							
Number of Cases Mediated	502	379	Annual Measure	Annual Measure	Annual Measure	Annual Measure	390
<b>2 - Convene and Support Commission Meetings (1 Measure)</b>							
Number of Commission Meetings Per Year	6	5	Annual Measure	Annual Measure	Annual Measure	Annual Measure	5
<b>2 - Hold Final Hearings (2 Measures)</b>							
Number of Final Hearings Held	2	3	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
Number of Pre-Hearing Settlement Conferences Held	New in 2020	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	5
<b>3 - Bullying Prevention Policy Oversight (2 Measures)</b>							
Number of Covered Entities under Youth Bullying Prevention Act	301	244	Annual Measure	Annual Measure	Annual Measure	Annual Measure	247
Number of Youth Bullying Prevention Outreach and Education Activities	4	2	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1
<b>3 - Community Engagement (2 Measures)</b>							
Number of Community Education/Outreach Activities	14	43	Annual Measure	Annual Measure	Annual Measure	Annual Measure	41
Number of Meetings with Consultative Agencies	6	11	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
<b>3 - Compliance Monitoring and Technical Assistance (3 Measures)</b>							
Number of Language Access Coordinator Meetings Held	6	7	Annual Measure	Annual Measure	Annual Measure	Annual Measure	11
Number of LA Trainings to Covered Entities	34	36	Annual Measure	Annual Measure	Annual Measure	Annual Measure	88
Number of Covered Entities under the Language Access Act	62	61	Annual Measure	Annual Measure	Annual Measure	Annual Measure	64
<b>3 - EEO Counselors and Officers Training (3 Measures)</b>							
Number of EEO Trainings Held	11	6	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
Number of Affirmative Action Review Requests	1300	850	Annual Measure	Annual Measure	Annual Measure	Annual Measure	905
Number of active certified EEO Counselors and Officers in the District	75	78	Annual Measure	Annual Measure	Annual Measure	Annual Measure	83
<b>3 - Enforcement (2 Measures)</b>							
Number of LA Inquiries Received	9	12	Annual Measure	Annual Measure	Annual Measure	Annual Measure	29
Number of Language Access cases resolved	4	3	Annual Measure	Annual Measure	Annual Measure	Annual Measure	4
<b>4 - Provide education/training and perform outreach (5 Measures)</b>							
Number of Business Training Series	20	3	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0
Number of Human Rights Liaisons Trained	101	83	Annual Measure	Annual Measure	Annual Measure	Annual Measure	47
Number of Overall Outreach Activities	200	20	Annual Measure	Annual Measure	Annual Measure	Annual Measure	41
Number of Fair Housing Outreach Activities	95	20	Annual Measure	Annual Measure	Annual Measure	Annual Measure	39
Number of FCRSA/FCRSHA Outreach Activities	New in 2020	17	Annual Measure	Annual Measure	Annual Measure	Annual Measure	22

## 2021 Operations

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>		
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	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 schedule 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	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 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>		
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
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>		
Community Engagement	Provide outreach and education to the public; Work closely with consultative agencies and community stakeholders.	Daily Service
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
EEO Counselors and Officers Training	Provide certification and ongoing training and technical assistance to EEO Counselors and Officers.	Daily Service
Bullying Prevention Policy Oversight	Oversee bullying prevention policy development and compliance and provide training and informal interventions.	Daily Service
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
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>		
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
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

## 2021 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Investigate (2 Strategic initiatives)</b>				
Tipped Wage Workers Fairness Amendment Act platform	Develop an online platform for filing required documentation and information on sexual harassments as required under the Tipped Wage Workers Fairness Amendment Act.	Complete	In Q4 FY21, OHR created and deployed a user-friendly online platform to facilitate the process for businesses that employ tipped wage employees to register and submit copies of their required documentation under the TWWF Law. OHR is now able to collect basic information on businesses, as well as their sexual harassment policies and procedures, and the number of claims presented to management per year.	Due to the pandemic, OHR experienced delays in onboarding a Program Manager, which did not happen until the end of July
Agency Reorganization	Implement a reorganization of agency activities to streamline case processing, reduce the existing case back-log, and incorporate the increase of two dozen FTEs.	Complete	OHR has successfully restructured its Enforcement Units into three pods. Led by a Program Manager, each pod contains Attorney Advisors, Intake Officers, and Investigators. Recruitment efforts are ongoing to fully re-staff the third pod. In addition, OHR fully launched its Case Management System in FY21.	This is a long term project spanning multiple quarters. OHR plans to complete the agency reorganization by the end of FY22.

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Provide education/training and perform outreach (1 Strategic Initiative)</b>				
Outreach and Community Engagement in Ward 7 and 8	Engage in five to ten outreach events (virtual or in-person based on the District's operating status) to increase public awareness of the agency and the services it provides, targeted to residents and community-based organizations in wards 7 and 8.	Complete	During FY21, OHR held ten trainings specifically for ward 7 and 8 residents. Additionally, we trained several people from organizations that serve ward 7 and 8 clients through our Human Rights Liaison training series. We also began to forge a new relationship with Lydia's House, a non-profit organization that exclusively serve ward 8 residents seeking affordable housing. In total, about 500+ people in these communities learned about OHR, their civil protections against discrimination and how to file a complaint with our office in FY21. We plan on continuing and expanding these efforts in the new fiscal year, reaching the District's most vulnerable populations and educating them about their rights.	