



OFFICE OF HUMAN RIGHTS

FY 2022 PERFORMANCE AND ACCOUNTABILITY REPORT

FEBRUARY 3, 2023

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1 OFFICE OF HUMAN RIGHTS

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.

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.

2 2022 ACCOMPLISHMENTS

| Accomplishment | Impact on Agency | Impact on Residents |
|--|--|---|
| Legal Case Processing Doubled After hiring additional attorneys for the legal unit, OHR was able to double its case processing in Q3 and Q4. | Doubling case processing means reducing overall age of a case at OHR. | Residents who were before the Office for a discrimination complaint saw a faster case resolution. |
| HR/Recruitment OHR recruited, hired and onboarded 20 new FTEs. | Fuller staff allows the agency to work on ensuring cases receive resolution more quickly. | Increase staffing resulted in increased production, which means, more residents are seeing resolutions. |
| 89% of complaints were scheduled for intake within 30 days (all time high in the last 3 years!) OHR was able to schedule intake interviews within 30 days of being assigned to an intake officer in 89% of the cases. | Increased number of complaints being schedule for an intake interview within 30 days means, cases can move forward faster. | Residents who were before the Office for a discrimination complaint saw a faster case resolution. |

3 2022 OBJECTIVES

| Strategic Objective | Number of Measures | Number of Operations |
|---|--------------------|----------------------|
| 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. | 3 | 5 |
| 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 | 2 |
| Provide high quality monitoring of and technical assistance in OHR's compliance programs, including Language Access, Bullying Prevention, and Equal Employment Opportunity policies. | 3 | 6 |
| Provide high quality education and awareness communication to the public in order to increase understanding of the laws enforced by OHR. | 2 | 3 |
| Create and maintain a highly efficient, transparent, and responsive District government. | 11 | 0 |

4 2022 OPERATIONS

| Operation Title | Operation Description | Type of Operation |
|--|---|-------------------|
| 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. | | |
| 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 |
| Agency Reorganization | Complete reorganization of enforcement units. | Daily Service |
| 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. | | |
| 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 |
| Provide high quality monitoring of and technical assistance in OHR's compliance programs, including Language Access, Bullying Prevention, and Equal Employment Opportunity policies. | | |
| 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 |

(continued)

| Operation Title | Operation Description | Type of Operation |
|---|--|-------------------|
| 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 |
| Provide high quality education and awareness communication to the public in order to increase understanding of the laws enforced by OHR. | | |
| 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 |
| LGBTQ Seniors and Seniors with HIV | provide education awareness for LGTBQ seniors and seniors with HIV. | Daily Service |

5 2022 STRATEGIC INITIATIVES

In FY 2022, Office of Human Rights had 7 Strategic Initiatives and completed 100%.

| Title | Description | Completion to Date | Update | Explanation for Incomplete Initiative |
|---|---|--------------------|---|---------------------------------------|
| Enforcement Unit Reorganization & Other Agency Reporting Structure Assessment | OHR will complete the reorganization of the Enforcement unit and closely assess the current reporting structures to increase agency accountability and efficiency. | Complete | The staffing component of this goal was accomplished in Q3 of the fiscal year. In Q3 OHR successfully recruited and onboarded 5 new team members to staff the Special Work Assignment Team (SWAT). In Q4, the agency began exploratory efforts to implement Fact Finding conferences. | |
| Case Backlog Reduction Program | OHR will create a special backlog team and a fact-finding conference team who will focus solely on aged cases. OHR will significantly reduce its case backlog by the end of FY22. | Complete | The staffing component of this initiative was accomplished in Q3 of the fiscal year. In Q3 OHR successfully recruited and onboarded 5 new team members to fully staff the SWAT team, tasked with reducing the backlog. In Q4, the agency began exploratory efforts to implement Fact Finding conferences. | |
| Industry Standard Study | OHR will award an outside vendor a contract to successfully begin work on the independent assessment study project. OHR will work closely with vendor to assess the progress of the independent assessment study and report to the OCA. | Complete | OHR received the third draft from the vendor (Bayne LLC) in August 2022. The vendor has met with OHR throughout the time of the contract and they have also responded thoroughly and efficiently to our edits, revisions, and requests. | |
| Outreach and Engagement | OHR will 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. This effort will include educating both individuals and the business community. | Complete | This goal was surpassed: OHR engaged in 59 outreach events in FY22, events that increased public awareness of the agency and the services it provides. Events ranged from District-wide events like Capital Pride or H Street Festival, the revamped Human Rights Liaison training, and specialized trainings like that for the DC Superior Courts on transgender and nonbinary rights. | |

| | | | |
|---------------|---|----------|---|
| Seniors | OHR will recruit a program specialist who will develop and execute the requirements under the Care for LGBTQ Seniors provision of the Act. | Complete | 1- OHR appointed an experienced Program Manager (PM) with a nursing and behavioral health background to lead the implementation tasks of the "Care for Seniors" law and developed a preliminary strategic plan for its completion including the review of the Act and development of an outline for the training module. 2- OHR hired a highly skilled training specialist who managed to develop a robust training module on the "Rights and Legal Protections for the LGBTQ Seniors and Seniors with HIV" |
| Racial Equity | OHR will create multi-use, educational resource guides to serve, in its primary purpose, as key learning, takeaway materials for the Office of Racial Equity's government-facing training series. The resource guides will cover Inclusive Language: Race v. Ethnicity, and additional best practice guides related to anti-racism against people that identify as part of the African diaspora, Asian and Pacific Islander, Latin American and Middle Eastern communities. The materials will be published on OHR's website and used as agency-owned resources to be distributed to the public at community outreach events and public bias reduction workshops in which the agency facilitates. | Complete | OHR created "Guide to Inclusive Language: Race and Ethnicity" in FY22 and it's currently in the approval process before it is released to the public. The support D.C.'s commitment to racial equity, this guide is meant to aid DC government employees as they engage more regularly in conversations about race, ethnicity, and racial and ethnic equity in the workplace. |

Tipped
Wage
Workers
Program

OHR will create the sexual harassment prevention training and certify competent trainers to implement it in the tipped wage industry, and develop an online platform for covered entities to file required documentation and information on sexual harassment complaints

Complete

1- Sexual Harassment Prevention training module and list of certified trainers: a) OHR established a working group and maintained monthly meetings to consult on the best and most appropriate content for the development of program materials as mandated by the law. b) Created and published a Know-Your-Rights factsheet to raise awareness of the law and how to submit a sexual harassment claim directly to OHR. c) Developed a unique training module for sexual harassment prevention in the Tipped Wage Industry and launched it on August 18th, 2022. d) Completed and implemented two cohorts of OHR's Sexual Harassment Prevention Train of Trainers including a weekend date to accommodate most schedules: Certified 33 sexual harassment prevention trainers, and published the list on OHR's Website.

2) Develop an Online Self-Service Platform to submit documents and complete certifications. a) OHR developed, tested, and deployed the final version of the Self-Service Online Platform (Phase 1) to track businesses' sexual harassment policy submissions, the number of claims submitted and the role of the alleged harasser in the business, the number of policies distributed to employees, and to write where policies have been posted within the establishment. b) A total of 180 businesses have submitted their documentation and certifications, including a copy of their sexual harassment policy, and 69 businesses have been approved for complying with the requirements of the law on their documentation and certifications. c) 50 businesses have been contacted to add more documentation and data to their submission before approval d) 85 businesses/HR representatives have been supported in navigating the business self-service form to submit their compliance documents.

6 2022 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

Key Performance Indicators

| Measure | Directionality | FY 2020 | FY 2021 | FY 2022 Target | FY 2022 Q1 | FY 2022 Q2 | FY 2022 Q3 | FY 2022 Q4 | FY 2022 | Was 2022 KPI Met? | Explanation of Unmet KPI |
|--|----------------|---------|---------|----------------|------------|------------|------------|------------|---------|-------------------|--|
| 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. | | | | | | | | | | | |
| Percent of docketed cases at the Office of Human Rights scheduled for mediation within 45 days | Up is Better | 100% | 92.5% | 80% | 80% | 100% | 100% | 100% | 94.9% | Met | |
| Percent of inquiries filed at the Office of Human Rights scheduled for intake interview within 30 days of assignment to an intake officer. | Up is Better | 74.2% | 81.4% | 75% | 86.5% | 95.7% | 83.1% | 94.5% | 89% | Met | |
| Percent of cases with letters of determination submitted to Manager for review within 180 days of assignment | Up is Better | 14.2% | 15.5% | 50% | 18.2% | 36.4% | 21.6% | 12.7% | 22.1% | Unmet | The agency was building out new and additional staff for its investigation unit which required existing staff to provide trainings, which slowed down the progress for this goal. Additionally, the agency's focus was on clearing out older cases in FY22, which again detracted from this goal of completing investigations within 180 days in every case. It should be noted that despite the added challenges in FY22, the agency's success rate on this goal is higher than years past. |
| 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. | | | | | | | | | | | |
| Percent of Commission on Human Rights cases pending over 15 months | Down is Better | 47% | 48.7% | 20% | 41% | 28.6% | 13.6% | 20% | 20% | Met | |

Key Performance Indicators (continued)

| Measure | Directionality | FY 2020 | FY 2021 | FY 2022 Target | FY 2022 Q1 | FY 2022 Q2 | FY 2022 Q3 | FY 2022 Q4 | FY 2022 | Was 2022 KPI Met? | Explanation of Unmet KPI |
|---|----------------|-------------------------|-------------------------|----------------|----------------|----------------|----------------|----------------|-------------------|-------------------|---|
| Percent of cases assigned to hearing tribunal within 60 days of proposed decision and order | Up is Better | 91.7% | 100% | 80% | 100% | 60% | 60% | 100% | 96.4% | Met | |
| Provide high quality monitoring of and technical assistance in OHR's compliance programs, including Language Access, Bullying Prevention, and Equal Employment Opportunity policies. | | | | | | | | | | | |
| Percent of language access cases which receive initial intervention within 30 days | Up is Better | 100% | 100% | 90% | 100% | 100% | 100% | 100% | 100% | Met | one language access complaint was received on December 30, 2021 and it received early intervention early Q2 |
| Percent of informal intervention provided in bullying cases within 30 days of reporting | Up is Better | No Applicable Incidents | 100% | 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 | Up is Better | 94% | 84.8% | 80% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | No data available | | Due to several staff transitions within the EEO training program in FY22, we do not have the post-training evaluations available for reporting. |
| Provide high quality education and awareness communication to the public in order to increase understanding of the laws enforced by OHR. | | | | | | | | | | | |
| Percent of Human Rights Liaisons that rate the all-day training as "good" or "excellent" in post-training survey | Up is Better | 87% | 91.3% | 80% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 92.86% | Met | |
| Percent of participants that rate "Know Your Rights" presentations as "good" or "excellent" in post-training survey | Up is Better | Not Available | No Applicable Incidents | 80% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 80% | Met | |

Workload Measures

| Measure | FY 2020 | FY 2021 | FY 2022 Q1 | FY 2022 Q2 | FY 2022 Q3 | FY 2022 Q4 | FY 2022 |
|---|-------------|-------------|----------------|----------------|----------------|----------------|---------|
| Intake | | | | | | | |
| Number of Inquiries Received | 1209 | 972 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 1090 |
| Number of Intakes Conducted | 618 | 314 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 292 |
| Number of cases processed at intake | New in 2022 | New in 2022 | 288 | 260 | 278 | 270 | 808 |
| Investigate | | | | | | | |
| Number of New Docketed Cases | 457 | 341 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 361 |
| Number of pending cases | 531 | 521 | 442 | 450 | 362 | 467 | 1279 |
| Legal Review | | | | | | | |
| Number of Letters of Determination Reviewed | 70 | 76 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 100 |
| Number of Motions, Reconsiderations, and Requests to Reopen Reviewed | 40 | 91 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 224 |
| Number of FOIA Requests Reviewed | 80 | 86 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 65 |
| Number of Case Representations - Court | 17 | 13 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 11 |
| Number of Case Presentations - Commission | 5 | 17 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 29 |
| Number of Hearing Examiner Cases Reviewed | 4 | 3 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 2 |
| Number of Compliance Reviews Completed | 7 | 9 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 9 |
| Mediation | | | | | | | |
| Number of Cases Mediated | 379 | 390 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 322 |
| Convene and Support Commission Meetings | | | | | | | |
| Number of Commission Meetings Per Year | 5 | 5 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 6 |
| Hold Final Hearings | | | | | | | |
| Number of Final Hearings Held | 3 | 2 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 12 |
| Number of Pre-Hearing Settlement Conferences Held | 0 | 5 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 13 |
| Bullying Prevention Policy Oversight | | | | | | | |
| Number of Covered Entities under Youth Bullying Prevention Act | 244 | 247 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 314 |
| Number of Youth Bullying Prevention Outreach and Education Activities | 2 | 1 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 14 |
| Community Engagement | | | | | | | |

Workload Measures (continued)

| Measure | FY 2020 | FY 2021 | FY 2022 Q1 | FY 2022 Q2 | FY 2022 Q3 | FY 2022 Q4 | FY 2022 |
|--|-------------|-------------|----------------|----------------|----------------|----------------|---------|
| Number of Meetings with Consultative Agencies | 11 | 2 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 4 |
| Number of Community Education/Outreach Activities | 43 | 41 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 59 |
| Compliance Monitoring and Technical Assistance | | | | | | | |
| Number of Language Access Coordinator Meetings Held | 7 | 11 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 6 |
| Number of LA Trainings to Covered Entities | 36 | 88 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 72 |
| Number of Covered Entities under the Language Access Act | 61 | 64 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 65 |
| EEO Counselors and Officers Training | | | | | | | |
| Number of EEO Trainings Held | 6 | 6 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 2 |
| Number of Affirmative Action Review Requests | 850 | 905 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 860 |
| Number of active certified EEO Counselors and Officers in the District | 78 | 83 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 104 |
| Number DC Government Employees Completing EEO Training | New in 2022 | New in 2022 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 18 |
| Enforcement | | | | | | | |
| Number of LA Inquiries Received | 12 | 29 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 7 |
| Number of Language Access cases resolved | 3 | 4 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 9 |
| Provide education/training and perform outreach | | | | | | | |
| Number of Business Training Series | 3 | 0 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 0 |
| Number of Human Rights Liaisons Trained | 83 | 47 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 143 |
| Number of Overall Outreach Activities | 20 | 41 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 59 |
| Number of Fair Housing Outreach Activities | 20 | 39 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 38 |
| Number of FCRSA/FCRSHA Outreach Activities | 17 | 22 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 18 |