



FY 2015 Performance Accountability Report Office of Human Rights

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 non-compliance 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 2015 by listing OHR's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

The top three accomplishments of OHR in FY 2015 are as follows:

- ✓ **Significant Reduction in Investigation Time:** After reconfiguring case assignment structure (Initiative 1.3), the average time that a charge or complaint was pending at OHR decreased from 409 days in FY 2014 to 257 days in FY 2015, a 37.16% reduction.
- ✓ **Successful Enforcement of FCRSA:** In December 2014, OHR began enforcing the District's Fair Criminal Records Screening Amendment Act (FCRSA), our nation's most progressive fair chance law. Prior to implementation, OHR spent a considerable amount of time and effort in building trust with stakeholders and determining the best course of action to get information about the new protections to individuals who needed it most: those who have interacted with

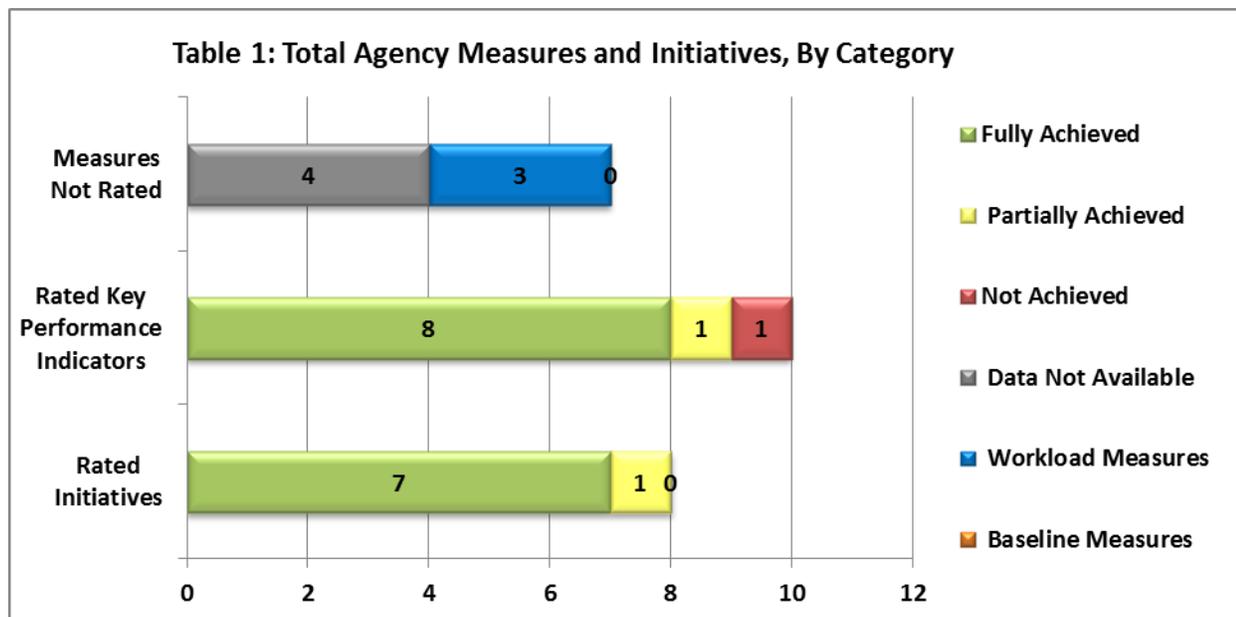


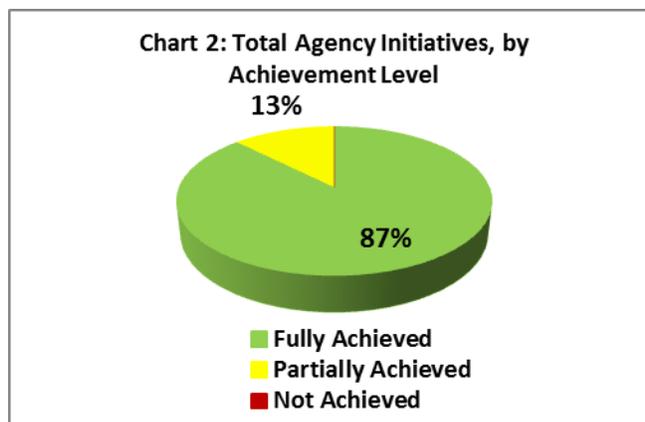
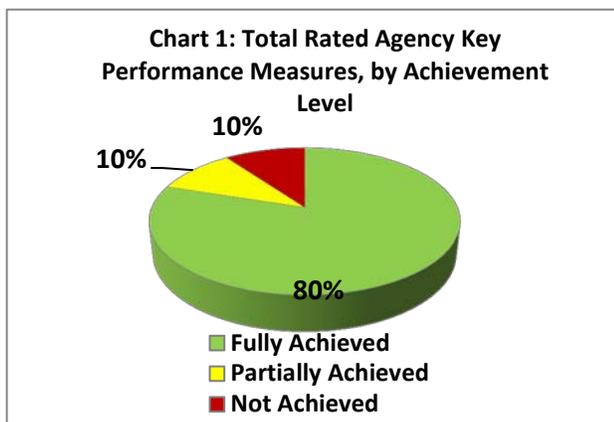
the criminal justice system or returning from incarceration. OHR prepared itself to be a model agency in enforcing the law by: (1) visiting prisons housing District residents; (2) developing a streamlined intake and investigative process; and (3) creating easy to understand literature about the new law. These efforts allowed the District to become the new national standard for any other jurisdiction implementing, or attempting to implement, a similar “Ban the Box” law. At the close of FY 2015, OHR docketed nearly 400 charges of discrimination based upon the protections in FCRSA and resolved 48 cases through its mediation process, resulting in \$50,000 in settlement funds. Moreover, OHR’s outreach and education efforts led to hundreds of employers complying with the law by changing their applications and interview processes.

- ✓ **Successful Launch of Disability Awareness Campaign:** On July 15, 2015, in celebration of the 25th anniversary of the Americans with Disabilities Act and to promote awareness around interacting with people with disabilities, more than 1,500 individuals from the Government of the District of Columbia, businesses, community organizations and the public participated in the “End the Awkward: Focus on the Person, Not the Disability” campaign, which consisted of engaging in conversations on respectful ways to interact with people with disabilities. In so doing, the campaign raised awareness regarding disability rights and OHR’s enforcement authority to investigate and resolve disability complaints.

SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS

Table 1 (see below) shows the overall progress the OHR made on completing its initiatives, and how overall progress is being made on achieving the agency’s objectives, as measured by their key performance indicators.





In FY 2015, OHR fully achieved more than 85 percent of its initiatives and 80 percent of its rated key performance measures. **Table 1** provides a breakdown of the total number of performance metrics OHR uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items were achieved, partially achieved, or not achieved. **Chart 1** displays the overall progress being made on achieving OHR objectives, as measured by their rated key performance indicators. Please note that Chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload measures, or baseline measures. **Chart 2** displays the overall progress OHR made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for OHR in FY 2015.

PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

Office of Human Rights

OBJECTIVE 1: Shorten response times and strengthen quality controls for all internal programs, including investigations and mediations, and Language Access compliance.

INITIATIVE 1.1: Improve efficiency in intakes and administrative dismissals.

In FY 2015, 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, Respondent motions to dismiss, and other administrative functions occurring prior the investigation of a valid complaint. Staffing levels at the intake stage will also be reevaluated and reconfigured for greater efficiency. **Completion Date: September 2015.**

 **Performance Assessment Key: Fully Achieved.**



In FY 2015, OHR processed approximately 2,008 unique complaints of discrimination, a 53.75% increase from FY 2014, and resulted in 1,078 docketed charges of discrimination. In response to those complaints, OHR's intake unit quickly and efficiently processed approximately 1,872 intake appointments, a 125% increase from FY 2014. The high volume of intake interviews indicates significant improvement in the quality of the initial and secondary contacts with OHR, which led to faster processing. These numbers also demonstrate a high level of accessibility to OHR's services, the intended goal behind Initiative 1.1.

INITIATIVE 1.2: Digitize Language Access Citywide Reporting Systems.

In FY 2015, OHR will transition Language Access Quarterly Reports to a fully digitized reporting system for more streamlined and comprehensive tracking of compliance with Language Access statutes. Use of this database will enable smoother transition from agencies' Quarterly Reporting to Biennial Reporting. Presently, the Language Access Program obtains 18 discrete points of data from 34 agencies, four times per year via Microsoft Word/Excel files which must then be reconfigured. The Language Access Program this year will unveil a digital QuickBase tracking system to streamline data collection and reporting. **Completion Date: September 2015.**

● **Performance Assessment Key: Fully Achieved.**

With the launch of the Language Access Digital Compliance Monitoring system, all FY 2015 compliance reports on implementation of language access requirements were submitted digitally. In addition to the existing 34 covered agencies with major public contact, four (4) new agencies (Department of General Services, Office of Administrative Hearings, Office of the Attorney General's Child Support Services Division, and Department of Health Care Finance) and the D.C. Public Charter Schools, were designated in October 2014 as entities with major public contact. The newly designated major public contact entities were incorporated into the new system and primed for digital reporting in FY 2016.

INITIATIVE 1.3: Reconfigure Investigative Assignment Procedures.

OHR will establish more effective criteria to ensure docketed cases can be tracked, assigned and completed according to area of discrimination (i.e. employment, housing, etc.) and complexity of case (i.e. number of issues/bases presented). Presently, all cases docketed through the Office of Human Rights must be completed within a six month timeline (three months for housing cases). Under this new system, investigations will be assigned based upon in-house investigator expertise and the level of effort required for each investigation as reflected by the allegations. Timeline of completion for traditional cases will be approximately 14 weeks (three to four months), while complex cases will be 20 weeks (five months). This reconfiguration will enable OHR to tailor its investigative methods and bring cases to resolution in an expedited way. **Completion Date: September 2015.**

● **Performance Assessment Key: Fully Achieved.**

In FY 2015, based on the individual's expertise and background, OHR designated investigators to specific areas of discrimination under the Human Rights Act. For example, OHR now has an investigator who specializes in complaints against the District or educational institutions,



complaints against private employers, complaints against places of public accommodations, and complaints based upon national origin and/or Language Access. Following this restructure, cases were then assigned to the respective investigator who specializes on the specific type allegation raised in the complaint. This resulted in expedited investigation time. In FY 2015, OHR docketed 1,078 charges of discrimination, a 113.88% increase from FY 2014. However, the average time that a charge was pending at OHR decreased from 409 days in FY 2014 to 257 days in FY 2015, a 37.16% reduction.

OBJECTIVE 2: Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through increased outreach and awareness activities (Age Friendly DC Goal: Domain #5).

INITIATIVE 2.1: Create Touchpoints Report.

Through thorough analysis of OHR Complainants and Respondents – including ward-by-ward data, analysis of location of incident (“hot spots”) crossed with area of discrimination – OHR will better determine: 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’s trends and interactions with specific communities will be used to guide future outreach and awareness initiatives. **Completion Date: September 2015.**

● **Performance Assessment Key: Fully Achieved.**

All complaints entered into OHR’s case management database capture complainant residence by ward and/or city and state. Additionally, the location of alleged discrimination is captured for every complaint. This information is immediately available to OHR personnel for review and publication in an aggregate or individual manner.

INITIATIVE 2.2: Design and implement outreach initiative.

OHR will collaborate with a marginalized community to create an outreach initiative that increases the number of complaints from this community, thereby reducing discrimination via heightened enforcement activities. OHR will accomplish this initiative through an advertising campaign and new programs like the Human Rights Liaison training, which aims to develop expertise and understanding of the functions of the OHR in the broader community. **Completion Date: September 2015.**

● **Performance Assessment Key: Fully achieved.**

In July 2015 OHR launched its “End the Awkward” campaign promoting social inclusion of people with disabilities, with more than 1,500 participants from government, businesses, community organizations and the public. Seventeen partner organizations joined the OHR-led effort, and more than 45 businesses had employees wear pins to promote the campaign (including dozens of restaurants). Additionally, representatives of disability organizations or organizations that serve the disability community participated in OHR’s Human Rights Liaison Program throughout the year, to ensure they are prepared to answer clients’ questions about District civil rights laws.



INITIATIVE 2.3: Ensure compliance with Bullying Prevention Program.

Ensure all covered entities – specifically city agencies and educational institutions – have a compliant bullying prevention policy. In the Youth Bullying Prevention Act of 2012, youth-serving government agencies (eg: OSSE, DPR, DPL) and educational 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 FY 2013, the Bullying Prevention Task Force and Bullying Prevention Program made public the model policy, and in the subsequent months, the Director of the Bullying Prevention Program has worked with agencies and LEAs to ensure that 1) they have a bullying prevention policy, 2) it is compliant with the law, and 3) it uses best practices over and above the basic legal requirements in the law.

Currently, 90% of LEAs have policies, of which 60% are compliant, and 100% of District agencies have policies, all of which are compliant. This fiscal year, the Bullying Prevention Program will enhance outreach to agencies and educational institutions through increased trainings, in-person visits and a day-long awareness event in October, to boost the number of compliant policies. **Completion Date: September 2015.**

● Performance Assessment Key: Partially Achieved.

In FY 2015, the Bullying Prevention Program (BPP) enhanced its outreach and training to agencies and educational institutions. These efforts included increasing parent outreach and creating a step by step guide for parents on how to engage schools and ensure they have compliant policies. Through such targeted supports and consistent communication, the BPP was able to vastly increase the number of compliant agencies and educational institutions. Currently, all agencies have a compliant Bullying Prevention Policy with an updated point of contact for the 2015-16 school year. In educational institutions, 90% of LEAs (58) have fully compliant policies, up from 60% last year. Another 8% (5) have submitted policies that need some revisions. Three schools have not submitted policies. All policies including the name and contact information for each entity are available on OHR’s web site. A three hour training tool kit is available on the OHR web site (including a PowerPoint, training guide, checklists and practice scenarios) so that any school or community agency can ensure full compliance with the letter and the spirit of the law.

OBJECTIVE 3: Oversee the implementation of agency-wide priorities.

INITIATIVE 3.1 Conduct agency sustainability assessment using OCA approved criteria developed by DOEE and OP in accordance with Mayor’s Order 2013-209 (Sustainable DC Governance Goal 1, Action 1.2; Built Environment Goal 3).

Within 120 days after the City Administrator approves sustainability assessment criteria developed jointly by the Department of Energy and Environment and the Office of Planning, each agency head subject to the authority of the mayor shall use the criteria to evaluate the sustainability of their respective operations in accordance with the requirements of Mayor’s Order 2013-209, the Sustainable DC Transformation Order, and submit to his or her responsible Deputy Mayor and the Office of the City Administrator the results of the agency’s internal assessment. **Completion Date: April 2015.**



● Performance Assessment Key: Fully Achieved.

KEY PERFORMANCE INDICATORS—Office of Human Rights

				KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
				1.1	Median case review score (Cases with completed investigations/number of cases assigned to HRO)	91.08%	96%	Not Applicable	53.31% ¹	Neutral	Equal Justice Program
				1.2	Percent of cases backlogged (number of backlogged cases/number of cases docketed)	13.99%	2%	10%	16.81% ²	59.47%	Office of Human Rights
				1.3	Percent of OHR complainants satisfied with the agency's customer service (number satisfied/number surveyed)	95.34%	96%	Not Applicable	100%	104.17%	Office of Human Rights
				1.4	Percent of mediations that lead to settlement agreements (number of settled cases/number of mediated cases)	41.79%	44%	Not Applicable	48.42%	Neutral	Equal Justice Program

¹ The decrease in overall score is due to the number of docketed cases doubling in FY15. Quarterly numbers indicate that although the number of completed cases increased with each quarter, the number of cases assigned doubled in Q2 and Q3 while it tripled in Q4. The continuous doubling and tripling of cases assigned resulted in lower case review score.

² Backlogged cases are cases which have not been resolved at OHR within 180 days. In FY15, this includes cases which did not originate at OHR (such as EEOC and HUD cases). In addition, in FY15, OHR saw 114% increase in docketed cases (1078 cases in FY15 v. 504 in FY14). Therefore, OHR experienced a slight increase in percent of cases backlogged as compared to FY14.



	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
●	1.5	Percent of agencies compliant with Language Access (number of compliant agencies/number of covered agencies)	88%	90%	Not Applicable	81% ³	Neutral	Equal Justice Program
●	1.6	Average cost per mediation (salary/number of mediations)	\$906.10	\$495.62	Not Applicable	\$430.14	115%	Equal Justice Program
●	1.7	Average cost per Language Access training (salary cost for language access training/number of trainings)	\$804.00	\$1,075.58	Not Applicable	\$1,019.24	106%	Equal Justice Program
●	1.8	Percent adherence to optimal number of case closures per quarter (number of cases closed/ number of optimal cases)	131%	97%	Not Applicable	166.15	171.29%	Equal Justice Program
●	1.9	Number of pre-complaint questionnaires received	1,306	1,050	Not Applicable	n/a	Neutral	Equal Justice Program
●	1.10	Percent of adherence to operational efficiency targets, based on diagnostic analysis (cases docketed/suggested number of cases docketed)	88.03%	98%	Not Applicable	311.69%	318.05%	Equal Justice Program

³ This is an estimate as this time as the final number will not be available until the end of January.



			FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
	KPI	Measure						
	2.1	Number of Fair Housing outreach activities (including trainings, events, etc.)	78	50	Not Applicable	149	298%	Equal Justice Program
	2.2	Level of educational institution compliance on Bullying Prevention (number of compliant entities/covered entities)	91%	85%	Not Applicable	89.47%	105.26%	Equal Justice Program

Commission on Human Rights

OBJECTIVE 1: Adjudicate cases with probable cause findings, determine damages associated with cases, and adjudicate all criminal background check cases.

INITIATIVE 1.1: Train DC Bar members on Commission on Human Rights rules and procedures.

The Commission on Human Rights will organize and execute a program for members of the District of Columbia Bar on the rules and procedures 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. **Completion Date: September 2015.**

Performance Assessment Key: Fully Achieved.

The Commission exceeded its case closure goals for the year and partially achieved its goal of educating members of the DC Bar and others who appeared before it. Specifically, all litigants who appeared before the Commission’s Administrative Law Judges were informed and educated about the Commission’s rules, procedures and time frames. Additionally, the Commission developed an Adjudication Guide which will be posted on its web site for all litigants. Also, the Commission worked with the DC Bar Section on Employment and Litigation to plan and execute a Continuing Legal Education seminar on the laws concerning the employment of returning citizens and the procedures utilized by the Office and the Commission with respect to the handling of these cases.



KEY PERFORMANCE INDICATORS– Commission on Human Rights

   	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
	1.1	Percent of reductions in the total inventory of cases adjudicated at the Commission	82%	90%	Not Applicable	76%	85%	Commission on Human Rights
	1.2	Number of months, on average, that is used as a guideline for completion of Commission cases	15	15	Not Applicable	5	300%	Commission on Human Rights

WORKLOAD MEASURES – APPENDIX

WORKLOAD MEASURES

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
Number of discrimination complaints received	1,115	1,306	2,008	Equal Justice Program
Number of new docketed cases	408	504	1,078	Equal Justice Program
Number of mediations	397	416	251 ⁴	Equal Justice Program

⁴ Although there was a decrease in the number of mediations in FY15, the actual dollar amount of settlement increased by 74.32% (compare \$2,119,376.29 in FY14 with \$3,694,658.91 in FY15).