



FY 2010 PERFORMANCE PLAN Office of Human Rights¹

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, according 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 to the Language Access Act of 2004 and investigates allegations of non-compliance to this Act by DC government agencies. 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.

OBJECTIVE 1: Improve the effectiveness of the agency’s enforcement functions by shortening response times and strengthening quality controls.

INITIATIVE 1.1: Increase the volume and depth of independent case reviews.

In FY 2008, OHR established a Quality Assurance Panel to formally review determinations the office reached. This panel of outside experts and internal staff randomly and regularly reviews completed cases based on pre-established criteria, issues recommendations for improving the investigative process, and points out trends in the complaints that flow into the agency. In FY 2009, this initiative was expanded to review more cases, by including fair housing and language access cases. By September 30, 2010, OHR will further increase the number of reviewed cases by an additional 20%, by including all types of investigations (approximately 85 cases will be reviewed in total in FY2010, compared with 70 in FY 2009). The anticipated outcome of this initiative will be 90% of reviewed cases fully compliant with regulatory and quality standpoints.

INITIATIVE 1.2: Redesign the administrative process and legal review leading to more streamlined investigations and more timely decisions.

By December 1, 2009, OHR will draft a new section of its Standard Operating Procedure (SOP) manual to expand the options for expedited investigations and administrative closures. This will be accomplished by retooling the procedures for pre-intake and intake proceedings, and by further clarifying the reasons under which administrative dismissals apply. In doing so, OHR will maintain its backlog below 70 cases by June 30, 2010.

Additionally, by March 1, 2010, OHR will institute a more concise legal review and administrative issuance. This will be accomplished by establishing new parameters for findings of fact that make it to the Letter of Determination, and by refining the

¹ This Performance Plan includes the Office of Human Rights and the Commission on Human Rights.



boilerplates associated with case law and legal analysis. This will enable the agency's legal unit to decrease the time required to draft proposed decisions by at least 25%.

INITIATIVE 1.3: Update human rights-related issuances, rules and regulations.

By June 30, 2010, OHR and the Commission on Human Rights will update and publish no less than 50% of all the issuances, rules and regulations of Title IV ("Human Rights") of the DC Municipal Regulations (DCMR). This will help the agency and Commission advance their missions, eliminate old practices that are no longer in effect, and update guidelines and rules that help business organizations and government fulfill more efficiently their Equal Employment Opportunity obligations and accomplish their goals for an inclusive and fair workforce. Some of the changes include new guidelines for the administration of the DC Family and Medical Leave Act, the processing of DC government and private sector complaints, changes to the adjudicative process, and guidelines for damages and remedies imposed by the Commission.

OBJECTIVE 2: Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through education and compliance monitoring.

INITIATIVE 2.1: Improve EEO compliance within District agencies.

In FY 2009, OHR implemented a new EEO compliance monitoring mechanism and annual report for all District agencies evaluated under its jurisdiction. In FY 2010 the agency will strengthen this initiative by monitoring and reporting on diversity and cultural competency training across District government, providing recommendations on workforce diversity to leaders of the agencies, and refining the point system that leads to EEO compliance status at the end of the fiscal year.

INITIATIVE 2.2: Improve compliance to the DC Family and Medical Leave Act within District government.

Almost 20 years after the passage of the DC Family and Medical Leave Act of 1990 (DCFMLA), DC Government has not issued guidelines and regulations for organizations and employees across the city on how to administer and take advantage of the provisions of this law. This has created much confusion, misinterpretation and lack of understanding about the DCFMLA. In FY 2010 OHR will work to finally publish Chapter 16 of the DC Municipal Regulations (DCMR), which covers the DCFMLA.

In addition to publishing Chapter 16, OHR will also work with DC agencies and departments to alleviate the vast confusion and misinformation among FMLA administrators and workers. With this in mind, OHR will create a process to ensure compliance with this law through auditing and training DC agencies. The auditing will include agency questionnaires to determine the number and type of decisions related to DCFMLA. At least 50% of the auditing will be complete by January 30, 2010, and auditing for 100% of all agencies under the Mayor will be complete by September 30, 2010. The training will include the creation of a fact sheet, a DCFMLA question and answer webpage, and a multi-agency training by August 2010.



INITIATIVE 2.4: Expand citywide diversity and EEO training.

In FY 2009, OHR created and launched an E-learning program focused on educating the District workforce (DC government and private sector employees) on workforce diversity and inclusion, and EEO policies. The program has not been utilized as expected, in spite of widespread publicity with leaders of District agencies and departments. This year OHR will see an increase of more than 100% in the usage rate of this online program by expanding the awareness of this program across DC government, business associations and other interested groups.

Specific to District government, OHR will work in conjunction with the Office of the City Administrator (OCA) to establish, by November 2009, completion targets for the E-learning program for selected agencies and departments with the largest number of EEO complaints in FY 2009. By September 2010, OHR will accomplish those targets in at least 70% of the selected agencies.

OBJECTIVE 3: Effectively collaborate with DC government agencies and the community to promote and enforce equal access to government services by Limited English Proficient/Non English (LEP/NEP) populations that live, work and visit the District.

INITIATIVE 3.1: Improve government compliance with the Language Access Act.

In FY 2009, OHR created an E-learning program on language access in the District. This educational tool helps District employees and the community-at-large become aware of the language access rights LEPs/NEPs are entitled to when seeking District government information, activities and services. Additionally, OHR expanded and improved its foreign language testing program by increasing the volume and type of tests available (i.e. phone, correspondence, face-to-face).

In FY 2010 the agency will work to ensure at least 50% of the covered entities (agencies under OHR's jurisdiction) launch language access e-learning within their workforce. By May 30, 2010, the Language Access Program will also retool the guidelines of the testing program in a way that targets the agencies, departments and programs with the most interaction with LEPs/NEPs. This initiative will further improve the District-wide Language Access Act compliance rate by 50%, compared to FY 2007 baseline data.

INITIATIVE 3.2: Implement District-wide and performance-based translation/interpretation procurement.

In FY 2009, OHR worked with the Office of Contracting and Procurement (OCP) and the Office of the City Administrator (OCA) to develop the scope of work and criteria to efficiently implement a District-wide contracting mechanism for foreign language translation and interpretation. By June 30, 2010, OCP and OHR will formally announce and implement the new procurement method based on the selection of qualified vendors that, from now on, will be selected to perform translations and interpretations. The initiative will improve the quality of foreign language information and services provided to LEP/NEP District constituents



KEY PERFORMANCE INDICATORS

Measure	FY08 Actual	FY09 Projection	FY09 Actual	FY10 Projection	FY11 Projection	FY12 Projection
Objective 1						
Workload: Number of new docketed cases per week (average)	7	N/A	10			
Workload: Number of mediations per week (average)	7	N/A	10			
Percent of case reviews with “very good” or higher score	80%	85%	96%	90%	92%	95%
Number of backlogged cases at the end of the year*	99	79	60	69	59	49
Percent of newly filed cases processed within 5 business days	100%	100%	100%	100%	100%	100%
Percent of OHR complainants satisfied with the agency’s intake process	75%	80%	83.2%	85%	90%	95%
Percent of mediations that lead to settlement agreements	15%	25%	50%	30%	35%	40%
Percent reduction in the inventory of cases adjudicated at the Commission that are certified before January 1 st 2007 **	N/A	N/A	N/A	80%	85%	90%
Percent reduction in the inventory of cases adjudicated at the Commission that are certified on or after January 1 st 2007**	N/A	N/A	N/A	75%	80%	85%
Workload: Number of Public Hearings conducted by the Commission	1	N/A	5			
Objective 2						
Number of DC government and private employers and	3,000	1,000	1,168	2,000	3,000	3,500



workers trained on diversity and EEO policies.						
Percent of District agencies trained by OHR on EEO laws and policies	90%	100%	115%***	100%	100%	100%
Objective 3						
Percent of District “covered” agencies launching Language Access E-Learning Programs	N/A	N/A	N/A	50%	55%	60%
Percent of District agencies trained on the requirements of the Language Access Act, submit a Language Access Plan, and report on language access progress	95%	100%	100%	100%	100%	100%
Percent of “covered” agencies under the LAA that receive an overall rating of good (at least 3 out of 5) or more during foreign language testing	50%	60%	58%	70%	70%	75%

* Employment, education and public accommodation cases are considered backlogged after 210 days; housing cases after 90 days; language access cases after 6 months. These targets are all from the date the case is docketed.

** Both of these measures for the Commission of Human Rights have the objectives to, respectively, reduce the Commission’s backlog (cases before 2007) and expedite the completion of newer cases (cases after 2007).

*** This figure amounts to more than 100% as OHR provided training for a number of agencies that are not under Mayoral control, and thus are not included in the denominator of this calculation.



STANDARD CITYWIDE OPERATIONAL MEASURES

Measure	FY09 YTD
Contracts	
KPI: % of sole-source contracts	
KPI: Average time from requisition to purchase order for small (under \$100K) purchases	
KPI: # of ratifications	
KPI: % of invoices processed in 30 days or less	
Customer Service	
KPI: OUC customer service score	
Finance	
KPI: Variance between agency budget estimate and actual spending	
KPI: Overtime as percent of salary pay	
KPI: Travel/Conference spending per employee	
KPI: Operating expenditures "per capita" (adjusted: per client, per resident)	
People	
KPI: Ratio of non-supervisory staff to supervisory staff	
KPI: Vacancy Rate Total for Agency	
KPI: Admin leave and sick leave hours as percent of total hours worked	
KPI: Employee turnover rate	
KPI: % of workforce eligible to retire or will be within 2 years	
KPI: Average evaluation score for staff	
KPI: Operational support employees are percent of total employees	
Property	
KPI: Square feet of office space occupied per employee	
Risk	
KPI: # of worker comp and disability claims per 100 employees	