



FY 2011 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.

AGENCY WORKLOAD MEASURES

Measure	FY 2008 Actual	FY 2009 Actual	FY 2010 YTD
Number of discrimination complaints received weekly (average)	Not Available	Not Available	15
Number of new docketed cases per week (average)	7	10	5
Number of mediations per week (average)	7	10	10

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

INITIATIVE 1.1: Maintain the agency’s backlog below 20 cases.

On July 28, 2010, OHR achieved a significant milestone by reducing its overall backlog to zero. Backlogged employment, public accommodation and education cases are those cases for which an OHR decision is not reached after 210 days of being docketed. The timeframe for backlogged housing cases is 90 days after being docketed and for backlogged language access cases 180 days after being docketed. The backlog is computed every Friday and cases become aged every week. During the course of FY 2011, OHR will maintain the backlog below 20 cases and will aim to keep it at zero. This initiative will ensure that, in the best interest of justice, people living, working and visiting the District are expeditiously informed of a decision after alleging discrimination and/or other types of civil and human right violation.

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



INITIATIVE 1.2: Increase enforcement actions brought forth by OHR.

The DC Human Rights Act and Chapter 9 of Title IV of the DC Municipal Regulations (DCMR) give OHR enforcement power to bring action against business establishments covered under the Act if a violation to the law is presumed. “Director’s Inquiries” are preliminary investigations conducted on behalf of the OHR Director in the event that an individual or organization alleges a systemic pattern of discrimination or a specific violation to the Act. This preliminary investigation may lead to a formal complaint. In FY 2010 an investigator was assigned to these types of inquiries after OHR received several tips from the community alleging discrimination on the bases of disability and gender identity. In FY 2011 OHR will continue to assign special investigators to “Director’s Inquiries” and will increase these types of investigations by 30%, as compared to FY 2010. These Director’s Inquiries will include audits of District Government agencies for possible violations to the DC Language Access Act. Through these efforts, OHR will take a more proactive approach to combat and eradicate discrimination in the District.

INITIATIVE 1.3: Maintain the volume and depth of independent case reviews.

In FY 2008, OHR established a Quality Assurance Panel to review determinations the office reached. This panel of outside experts and internal staff randomly 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 and FY 2010 this initiative was expanded to review more cases, including fair housing and language access cases. In FY 2011, OHR will maintain the number of reviewed cases in all areas of investigation, at approximately 85 cases. During FY 2011, OHR’s goal is to have 95% of reviewed cases found fully compliant with regulatory and quality standpoints, as compared to 90% in FY 2010. Moreover, the review process in FY 2011 will be based on a new set of requirements set forth by the 2010/2011 Standard Operating Procedures (SOP) Manual for the Office.

INITIATIVE 1.4: Complete the process of updating human rights-related issuances, regulations, and procedures.

In FY 2009 and FY 2010, OHR and the Commission on Human Rights worked on updating most of the rules and regulations under Title IV of the DCMR. Of all the chapters, six were completed for final publishing by FY 2010. During the course of FY 2010 the DC Human Rights Act has experienced additional changes, including new protections for persons serving as interns and volunteer in the District. As result, during FY 2011 OHR will draft and approve new rules and guidelines within 90 days of changes to the Act. In addition, by December 31, 2010, OHR will complete and publish a new Standard Operating Procedures (SOP) Manual after extensive modifications made during the last portion of FY 2010. Finally, by September 30, 2011, OHR and the Commission will complete and publish the remaining chapters (five in total) that have not been updated over the past four years. The release of final rules is vital for businesses and government in the city to understand and comport to the legislative mandates under the Office’s jurisdiction, and to ensure the administration of justice in a timely manner.

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 the Office's jurisdiction. In FY 2010 the agency strengthened this initiative by monitoring and reporting on diversity and cultural competency training across District government, providing recommendations on workforce diversity to leaders of District government agencies, and refining the point system that leads to EEO compliance status. By September 30, 2011, OHR will once again measure EEO compliance throughout District government, with the goal of achieving an overall improvement/rating of 20% higher as compared to FY 2010. This improvement will be achieved by: 1) an increase in monitoring activity aimed at decreasing the "cause" rate found against DC government; 2) ensuring agencies' prompt response to reports, Requests for Information (RFIs), and Agency Orders (AOs), and; 3) training a larger number of District government employees.

INITIATIVE 2.2: 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's utilization increased substantially in FY 2010- more than 100%. In FY 2011, OHR will double the number of trained employees as compared to FY 2010. Additionally, by September 30, 2011 the number of agencies using the program will increase by 30%, as compared to FY 2010. The Office will achieve the goals of this initiative by grouping agencies according to the need for training. This initiative ensures that District workers know their rights under the law and that businesses, local government entities and other DC employers prevent and are prepared to handle discrimination claims.

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 2010, OHR implemented 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 Limited English Proficient (LEP)/ and Non-English Proficient (NEP) individuals are entitled to when seeking District government services. Additionally during FY 2010, OHR improved its foreign language testing program by increasing the volume and type of tests (i.e. phone, face-to-face). In FY 2011 the agency will work to ensure at least 70% of the covered entities with major public contact (34 District agencies in total) launch language access e-learning within their workforce. Additionally, the Language Access Program will make modifications to the foreign language testing program to target those agencies with most LEP/NEP contact, and increase by at least 50% the number of tests performed for those agencies.



INITIATIVE 3.2: Review and approval of Biannual Language Access Plans (BLAPs).

Biannual Language Access Plans (BLAPs) are the roadmaps that agencies and departments in DC government use to fulfill their obligations under the DC Language Access Act, and to ensure that Limited English residents and customers receive equal access to services and programs offered by their government. By January 30, 2011, OHR will review and approve all BLAPs that will guide the implementation and compliance of the Language Access Act during FY 2011 and FY 2012. Subsequently, OHR will meet with every agency head of covered entities to review and sign the BLAPs. The meetings will be conducted between February and March of 2011. These meetings will also serve as individual agency updates to address any deficiencies with regards to the implementation of language access.

INITIATIVE 3.3: Community Forums on Immigrant and Language Access rights.

By September 30, 2011, OHR will plan, organize and conduct at least two community forums to inform District residents of their rights under the Language Access Act, as well as other resources and legal protections for immigrants residing in the District. OHR will partner with a wide array of government and non-governmental organizations to provide relevant information for immigrant residents, Limited English residents, social service providers, government officials, advocacy and community legal groups, and the general public. The Office will also include a public information component to this initiative through partnerships and collaborations with ethnic media.



PROPOSED KEY PERFORMANCE INDICATORS

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY12 Projection	FY13 Projection
Percent of case reviews with “very good” or higher score	96%	90%	90%	92%	95%	96%
Number of backlogged cases at the end of the year ²	60	69	49	20	10	0
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	83.2%	85%	92%	90%	95%	95%
Percent of mediations that lead to settlement agreements	50%	30%	32%	35%	40%	50%
Percent reduction in the total inventory of cases adjudicated at the Commission	Not Available	80%	TBD	50%	60%	70%
Percent of recommendations for decision on all appeals filed to the Commission under the Criminal Background Check for the Protection of Children Act	Not Available	Not Available	TBD	60%	70%	80%
Number of DC government and private employers and workers trained on diversity and EEO policies.	1,168	2,000	2,300	3,500	3,500	4,000
Percent of District agencies trained by OHR on EEO laws and policies	Not Available	100%	60%	100%	100%	100%
Percent of District “covered” agencies launching Language Access E-Learning Programs	Not Available	50%	50%	70%	60%	80%
Percent of District agencies trained on the requirements of the Language Access Act, submit a Language Access Plan, and report on language access progress	100%	95%	90%	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	58%	70%	TBD	70%	75%	80%

² 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.