



FY 2012 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, 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. 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 WORLOAD MEASURES

Measure	FY 2010 Actual	FY 2011 Actual	FY 2012 Proposed
Number of discrimination complaints received weekly (average)	13	10	10
Number of new docketed cases per week (average)	5	8	8
Number of mediations per week (average)	10	10	12
Number of Directors Inquiries conducted (yearly)	NA	56	45
Number of Language Access Audits (yearly)	NA	1	2

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

INITIATIVE 1.1: Reduce agency’s pre-backlog timeframe to 180 days and maintain backlog below 20 cases.

In 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 cases will now be 180 days, reducing the response time by an additional one month compared to last year. The only exception to this initiative will be backlogged

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



housing cases, which will remain at 90 days after being docketed. The backlog is computed every Friday and cases become aged every week. During the course of FY 2012, OHR will maintain the backlog below 30 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 violations.

INITIATIVE 1.2: Increase enforcement actions brought forth by OHR and establish a discrimination “hotline”.

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 private 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 2011 an investigator was assigned to these types of inquires after OHR received several tips from the community alleging discrimination on the bases of disability and gender identity. The total number of inquires conducted in FY2011 was 56. In FY 2012 OHR will continue to assign special investigators to “Director’s Inquiries” and will increase these types of investigations. In addition, the Office will launch a discrimination hotline with a dedicated line staffed by bilingual staff to process these inquiries. The OHR website will also include a page for the public to enter allegations of discrimination. Through these efforts, OHR will take a more proactive approach to combat and eradicate discrimination in the District.

INITIATIVE 1.3: Complete the process of updating human rights-related issuances, regulations, and procedures.

In FY 2010 and FY 2011, 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 2011. By September 30, 2012, 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 and strategically target OHR training on vital legal compliance requirements.

OHR provides both mandatory and by-request training to DC government departments and independent agencies, as well as private businesses. OHR has provided training year after year, free of charge, because it contributes to the overall mission of eradicating discrimination in the District. OHR will continue to receive and process, through its



website, requests for training. However, OHR plans to strategically select in FY2012 training areas that represent the most concerning issues OHR confronts as part of its regulatory, compliance monitoring, and enforcement duties. For example, OHR will strategically train all Equal Employment Opportunity (EEO) Counselors and Officers throughout District government so that in turn, those individuals effectively execute the responsibilities of any and all EEO programs throughout District government. In addition, OHR will strategically provide training through the Department of Human Resources' Workforce Development Administration (WDA) on areas such as Diversity, EEO, language access, and Family and Medical Leave (FMLA) rights. By utilizing WDA, agencies and departments requesting training by OHR will have an alternate, centrally administered, and free option to offer to their employees. Finally, OHR will strategically offer training on language access rights and requirements to "covered" agencies that face a large number of problems and deteriorating compliance ratings.

INITIATIVE 2.2: Expand citywide diversity, cultural sensitivity, and EEO training.

In FY 2009, OHR created and launched an "Online Learning" program (i.e. E-learning) 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%, and even more in FY 2011. In FY 2012, OHR will continue to improve and expand its courseware offered online, and will explore ways to pay for and design a new cultural sensitivity training that will be made available to all users of OHR's E-Learning program. By the end of FY 2012, a minimum of 3,000 additional users will participate in E-Learning.

INITIATIVE 2.3: Expand social media strategy.

OHR has started FY 2012 with a newly designed website – www.ohr.dc.gov. In FY2012, OHR will undertake to develop a broad social media strategy. It is imperative that OHR effectively communicates the agency's mission and activities to District residents, employees and visitors. Social media, including social networking sites such as Facebook, Twitter, and other types of web based media outlets, have become central and vital components of government communication strategies. It is for this reason that OHR will pilot a broad-based and multi-year plan involving social media outlets, including the creation of an internal social media team to ensure the successful implementation of the plan. The team will ensure OHR's social media sites are continually updated and provide relevant and useful information to constituents. An external communications consulting group will assist the team in the initial stages and implementation of the plan. OHR will work to ensure at least two social media sites are fully operative and updated at least bi-monthly, within one fiscal year.

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 field testing program by increasing the volume and type of tests (i.e. phone, face-to-face). In FY 2012 the agency will work to ensure at least 70% of the covered entities with major public contact (34 District agencies in total) implement language access e-learning within their workforce. Additionally, the Language Access Program will make modifications to the foreign language field testing program to target those agencies with most LEP/NEP contact, and increase by at least 20% the number of tests performed for those agencies.

INITIATIVE 3.2: Expand partnerships with immigrant groups and other government entities

In FY 2012, OHR will establish new partnerships with community based-organizations and legal assistance groups to disseminate no less than 5,000 language access “Know your Rights” cards and other critical information that educates LEP/NEP residents about their language access rights 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 ethnic media, online advertisement, and newspapers. With this revamped campaign, OHR plans to reach an excess of 20,000 new immigrant LEPs and NEPs in the District, and make them fully aware of their rights under the law.

INITIATIVE 3.3: Change and improve the methods used by OHR to conduct Language Access public investigations and rate District government for compliance

In FY 2012, OHR will revamp the procedures under which language access public complaints are investigated. The goal is to expedite resolution of cases and ensure that charging parties receive prompt, effective, and language specific services from District government. OHR plans to reduce by 30% the time it currently takes (6 months) for a language access investigation to be complete. Additionally, the Language Access Program will change the formula used to rate agencies and departments “covered” under the Act for compliance with the legal and programmatic requirements. We aim to focus on agencies with past problems (i.e. corrective actions after a violation to the law has been found), as well as agencies with the largest encounters of Limited English and Non-English customers. The goal is to define and utilize optimal measures of compliance for this program.



FY 2012 KEY PERFORMANCE INDICATORS

Measure	FY10 Actual	FY11 Actual	FY12 Proposed	FY13 Projection	FY14 Projection
Percent of case reviews with “very good” or higher score	90%	90%	92%	95%	96%
Number of backlogged cases at any point in time	69	49	30	10	0
Percent of newly filed cases processed within 48 hours of receipt on a business day	100%	100%	100%	100%	100%
Percent of OHR complainants satisfied with the agency’s intake process (measured by post-intake customer satisfaction surveys)	85%	92%	92%	95%	95%
Percent of mediations that lead to settlement agreements	30%	32%	35%	40%	40%
Percent reduction in the total inventory of cases adjudicated at the Commission as of January 1, 2012. (9 out of 12 cases)	80%	NA	75%	80%	85%
Percent reduction in the inventory involving District government employees adjudicated by a Commission Administrative Law Judge as of January 1, 2012. (5 out of 5 cases)	NA	NA	100%	100%	100%
Percent of recommendations for decision on all appeals filed to the Commission under the Criminal Background Check for the Protection of Children Act	NA	NA	75%	80%	85%
Number of months, on average, that is used as a guideline for completion of Commission cases.	NA	18 months	18 months	15 months (85% of cases) 18 months (15% of cases)	15 months (100% of cases)
Percent of training attendees that respond “very good” or better after completion of training	N/A (new measure)	N/A (new measure)	85%	90%	95%
Percent of District “covered” agencies launching Language Access E-Learning Programs	50%	Available upon request	70%	75%	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	95%	90%	100%	100%	100%
Percent of respondents that answer “very thorough” or better regarding the efficacy of our LA training	N/A (new measure)	N/A (new measure)	90%	95%	95%