



## FY 2013 PERFORMANCE PLAN Office of Human Rights<sup>1</sup>

### 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 WORKLOAD MEASURES

Measure	FY 2010 Actual	FY 2011 Actual	FY 2012 YTD
Number of discrimination complaints received	NA	NA	1,064 <sup>2</sup>
Number of new docketed cases	463	392	334
Number of mediations	388	332	297
Number of discrimination complaints received by the Commission per year	6	6	5

**OBJECTIVE 1: Improve the effectiveness of the agency’s enforcement and functions by shortening response times and strengthening quality controls for all internal programs, including investigations, mediations, and Language Access compliance.**

**INITIATIVE 1.1: Ensure top-tier investigation performance, as measured both by quality of case investigations and quantity and efficiency of output, by maintaining backlog below 25 cases and receiving at least 90% high quality investigation scores.**

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

<sup>1</sup> This Performance Plan includes the Office of Human Rights and the Commission on Human Rights.

<sup>2</sup> OHR began collecting this data on April 2, 2012. Between April 2 – September 10, 2012 there were 450 complaints received. We infer that there would have been approximately 1,064 complaints received in FY12 based on this trend.



for backlogged cases is currently 180 days, a response time by an additional one month, compared to 2011. The only exception to this initiative will be backlogged 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 FY13, OHR will maintain the backlog below cases and will aim to keep it at zero.

In 2012, OHR created a new case review rubric, which set very high standards for defining “quality” of a case investigation. Random case reviews are conducted quarterly by EEO-trained experts. In FY13, OHR will use “areas in need of improvement” as shown by trends in the case reviews as the areas on which the investigations team will focus their efforts in continual improvement.

This initiative will ensure that, in the 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. Completion date: September 30, 2013.

**INITIATIVE 1.2: Ensure highest quality mediation program to increase case closure and maintain high settlement rate.**

Aside from increasing numbers of scheduled mediations per week, the Mediation Program will revamp its volunteer mediator program by providing orientation and training for certified mediators to bolster the Office’s roster of mediators. The Mediation Program will recruit volunteer mediators using OHR’s social media tools, and contacts with the D.C. Bar.

Our mediation team currently has a 40% settlement rate – 15 percentage points higher than the OHR’s national counterpart, the EEOC. The newly revamped OHR Volunteer Mediator Program will train certified mediators, thereby increasing both the availability and quality of mediation. With this added initiative, the mediation team should aim to maintain the 40% settlement rate. Completion Date: September 30, 2013.

**INITIATIVE 1.3: Improve government compliance with the Language Access Act by improving data collection and analysis methods.**

In FY13, OHR will implement a new and improved rating methodology which includes statistical analysis of agency performance as well as more narrative and descriptive information regarding successes and failings regarding compliance. Agency performance will be rated based on work completed during FY13 as compared to agency goals outlined in annual plans, OHR interactions with agencies such as complaints, corrective actions, cooperation during mediation of cases, cooperation on fast-track resolution of cases and training, as well as secret shopper field testing scores.

In FY13, OHR will ensure that 95% of covered entities adopt a language access policy that provides a blueprint for how agency personnel in public contact positions (including managers) provide information and services to LEP/NEP customers. OHR will also receive a “very good” rating on all instructor-led language access training which will be



delivered to 90% of all senior managers at covered entities and at least 50% of personnel in public contact positions.<sup>3</sup> Completion Date: September 30, 2013.

**OBJECTIVE 2: Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through increased outreach and awareness activities, including drafting the District-wide Anti-Bullying Policy (One City Action 3.1.5).**

**INITIATIVE 2.1: Amplify innovative outreach efforts to increase housing case load by 20%.**

The DC OHR utilizes innovative outreach for multiple ends. The awareness and outreach campaigns that OHR has designed in FY12 work to both spread awareness about DC residents', visitors' and employees' rights, and also to eradicate discrimination from happening in the first place, by encouraging individuals to file discrimination complaints with the Office. In FY13, OHR will continue the outreach efforts it initiated in FY 2012, including an ambitious city-wide campaign focused on Fair Housing and housing discrimination.

In FY13 specifically, the Office will narrowly focus on increasing filings of housing discrimination complaints. Through targeted city-wide outreach to tenant associations, establishment of OHR-founded "Ward Working Groups" and partnerships with housing associations, the Office expects a 20% increase in housing discrimination cases. Completion Date: September 30, 2013.

**INITIATIVE 2.2: Pilot original policy initiatives in the city involving human rights issues. (One City Action 3.1.5).**

A unique advancement that OHR undertook in FY12 was its reshaping as a reactive, case-processing agency to a proactive agency that possessed a clear voice in shaping human rights policy in the District. Specifically, in FY12, OHR was at the forefront of two significant human rights policy initiatives in the District: the origination of the Mayor's Anti-Bullying City-Wide Action Plan, and the establishment of a city-wide Fair Housing Task Force, which will roll out a series of recommendations to the Mayor's Office regarding best practices in eliminating impediments to fair housing in the district. In FY 13, OHR will continue its leadership in both of these realms, including working with the Mayor's Bullying Prevention Task Force to draft the District-wide Anti-Bullying Policy. The OHR will also work with local and national nonprofit organizations to undertake a new policy initiative focused on Human Trafficking in the District. Completion Date: September 30, 2013.

**OBJECTIVE 3: Ensure most effective operational administration through establishing targeted throughput measures for optimal efficiency.**

**INITIATIVE 3.1: New use of data/analytics.**

The Office of Human Rights occupies a large amount of data, stored in multiple interfaces and platforms. In FY12, OHR initiated a new database, QuickBase ("MATS")

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<sup>3</sup> Not all personnel in public contact positions will be required to take the training in FY13.



as termed within the OHR offices), which enables the office to collect and analyze data of its caseload. However, the Office still relies on several diverse platforms (QuickBase, Teapots, IMS, Excel, I:// drive) for basic data analysis. In order to perform the most effective internal OHR policy decisions and ensure more efficient and expert analysis of discrimination and filing trends, it is necessary for OHR to discover a more synchronous use of the data. The OHR looks forward to developing a system that works with the data systems more effectively.

This will enable the OHR to most effectively tailor policy initiatives to those issues with the greatest need, as demonstrated by internal data analysis. Completion Date: September 30, 2013.

**INITIATIVE 3.2: Diagnostic analysis of throughput measures.**

DC OHR relies on its efficient and high quality discrimination complaint processing, investigation and mediation procedure to continually ensure the highest quality service provision to DC residents. Currently, on average, the OHR performs 60 intake appointments per month, and accepts approximately 30 new docketed cases per month. While the office operates on a six-month timeline to conclude each individual case, with six investigators, two full time mediators and two attorneys, this caseload keeps the OHR at its maximum capacity.

In FY13, the OHR plans to undergo a unique diagnostic analysis to ensure its case processing is at optimal efficiency levels. Through benchmarking analysis against other comparable jurisdictions and human rights agencies and analysis of efficiency gaps and bottlenecks, OHR will be able to establish evidence-based operational/throughput targets and optimal efficiency metrics. Deliverables will include: 1) Review other jurisdictions by January 31, 2013 date; 2) Complete diagnostic analysis by June 2013; and 3) Publish results and recommendations by September 2013. Completion Date: September 30, 2013.

**KEY PERFORMANCE INDICATORS**

Measure	FY 2011 Actual	FY 2012 Target	FY 2012 YTD	FY 2013 Projection	FY 2014 Projection	FY 2015 Projection
Median case review score <sup>4</sup>	90%	85%	90%	92%	95%	96%
Average percent of backlogged cases at any point in time (private and public sector) <sup>5</sup>	12.5%	10%	7.2%	8%	4%	0%

<sup>4</sup> The industry standard is 93%, based on the Equal Opportunity Commission’s 2010 Performance Accountability Report.

<sup>5</sup> In FY13, this measure was converted from a raw number to a percentage. This methodology is more accurate and a better way to manage performance based on industry standards. The industry standard is 46% for private sector and 30% for public sector appeals, based on the Equal Opportunity Commission’s 2010 Performance Accountability Report.



<b>Measure</b>	<b>FY 2011 Actual</b>	<b>FY 2012 Target</b>	<b>FY 2012 YTD</b>	<b>FY 2013 Projection</b>	<b>FY 2014 Projection</b>	<b>FY 2015 Projection</b>
Percent of OHR complainants satisfied with the agency's customer service	92%	92%	92%	95%	95%	95%
Percent of mediations that lead to settlement agreements	32%	40%	40%	40%	42%	44%
Percent reduction in the total inventory of cases adjudicated at the Commission as of October 1, 2013	NA	50%	50%	80%	85%	90%
Percent of agencies who participated in Language Access (LA) or Equal Employment Opportunity Commission (EEOC) training with higher rates of LA or EEOC knowledge two months after training	NA	NA	NA	80%	85%	90%
Percent of District agencies with "very good" score on new Language Access compliance rating	NA	NA	NA	70%	75%	80%
Percent adherence to operational efficiency targets, based on diagnostic analysis (cases docketed/suggested # of cases docketed)	NA	NA	NA	95%	95%	98%
Percent of peer survey respondents (law firms, partner organizations) with "very good" impression of OHR	NA	NA	NA	85%	90%	95%
Number of months, on average, that is used as a guideline for completion of Commission cases	18	16	16	15	15	15