



FY 2014 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

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. The Commission on Human Rights is the adjudicatory body that decides private sector cases after OHR has found “probable cause” of discrimination.

PERFORMANCE PLAN DIVISIONS

- Office of Human Rights
- Office of Justice Programs²
- Commission on Human Rights

AGENCY WORKLOAD MEASURES

| Measure | FY 2011 Actual | FY 2012 Actual | FY 2013 YTD ³ |
|---|----------------|--------------------|--------------------------|
| Number of discrimination complaints received | NA | 1,064 ⁴ | 855 |
| Number of new docketed cases | 392 | 334 | 357 |
| Number of mediations | 332 | 297 | 305 |
| Number of discrimination complaints received by the Commission per year | 6 | 5 | 13 |

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

² For the purposes of the FY14 Performance Plan, the (2000) Office of Justice Program budget division is also included in the (1000) Office of Human Rights.

³ Data is current as of June 30, 2013.

⁴ 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.



Office of Human Rights (OHR)

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

INITIATIVE 1.1: Implement Fact-Finding Conference Methodology

OHR will implement an evidence-based investigation methodology, called fact-finding conferencing (FFC). A Fact-Finding Conference enables investigators to ascertain facts of cases approximately 1/3 faster than traditional investigation methods. This FFC practice is used primarily by investigations through the Federal Department of Housing and Urban Development (HUD) but may also be used for cases involving employment, education institution or public accommodation discrimination. OHR will implement the FFC initiative for approximately 10 percent of its cases and measure the average length of an FFC case compared to a traditional case. Should FFC cases result in a significantly faster resolution time without additional resource or staffing pressures, OHR will use FFC methodology for 75 percent of its cases in FY15. Completion Date: September, 2014.

INITIATIVE 2.1: Finalize the rollout and encourage more consistent use of a centralized internal database.

The Office of Human Rights has a large amount of data that is stored in multiple interfaces and platforms. In FY 2012, OHR designed a new database, QuickBase (“MATS” as termed within the OHR offices), which enabled the office to collect and analyze new elements of data of its caseload. Presently, OHR is still rolling out the MATS system with continued success. By the end of FY 2014, OHR aims to have each employee use the MATS system to help the agency better collect comprehensive data regarding the District’s human rights complaints. With more consistent use of the MATS database, OHR will more effectively determine service gaps (areas of the District with fewer complaints) and opportunities for more outreach (areas that receive the most complaints). Completion Date: September, 2014.

OBJECTIVE 2: Prevent discrimination by promoting awareness of and compliance with local and federal antidiscrimination laws through increased outreach and awareness activities. (One City Action Plan 3.1.5)

INITIATIVE 2.1: Improve government compliance with the Language Access Act by improving digital Language Access accessibility

In FY 2014, the Language Access (LA) team will undertake an ambitious city-wide initiative to ensure complete LA accessibility for all websites of DC Agencies with major public contact. To accomplish this initiative in FY14, OHR’s Language Access team will work with the Office of the Chief Technology Officer and each individual covered agency to ensure all of the agency’s vital documents have been translated and are available online, in each of the six most spoken languages in addition to English (Spanish, Thai, French, Vietnamese, Mandarin, Amharic). Completion Date: September, 2014.



INITIATIVE 2.2: Amplify innovative outreach efforts to increase housing case load based on race, national origin and source of income by 20%.

In FY 2014, OHR will partner with the national nonprofit organizations the Equal Rights Center and National Community Reinvestment Coalition, and local advocacy organization Housing Counseling Services, to increase outreach and awareness of fair housing rights and issues in housing discrimination at the local level. Through HUD's discretionary "Fair Housing Incentive Program (FHIP) / Fair Housing Assistance Program (FHAP) Partnership Grant," OHR will conduct at least 45 in-person trainings to tenant advocacy organizations across the city, informing them of integral fair housing policies and anti-discrimination rights of their tenant members. Through this new outreach strategy, OHR hopes to increase its housing complaint docket by 20%, mostly through race and national origin complaints. Completion Date: September, 2014.

INITIATIVE 2.3: Launch an immigrant rights campaign.

In September 2013, OHR will launch an immigrant rights campaign that aims to raise awareness among the general population about the importance of immigrants to DC, and to inform immigrants that discrimination based on national origin is illegal. Each campaign ad will feature an immigrant who lives in DC and contain a brief quote from them, along with text that says "I'm an immigrant and I contribute to DC." The campaign will appear at Metro stops, on the side of buses, inside buses, and in newspapers throughout the District. Ads will also be created for non-English radio stations with immigrant audiences. OHR expects the campaign to gain media attention and to increase the number of national origin discrimination cases filed with the office. Completion Date: September, 2014.

INITIATIVE 2.4: Establish the District's Bullying Prevention Program.

OHR originated the Mayor's Bullying Prevention Action Plan and accompanying Task Force, which created a comprehensive Bullying Prevention Model Policy, to be adopted by agencies and educational institutions pursuant to the Youth Bullying Prevention Act. In FY 2014, OHR will continue its leadership in citywide bullying prevention through the establishment of the newly created Bullying Prevention Program. The Director of the Bullying Prevention Program will be responsible to: ensure youth-serving agencies' and educational institutions' adhere to deadlines to submit their individual bullying prevention policies; promulgate rules for agencies' adherence to the Youth Bullying Prevention Act; vet and recommend to the Mayor the approval of agency bullying prevention policies; and serve as staff to the Mayor's Bullying Prevention Task Force. Completion Date: September, 2014.



KEY PERFORMANCE INDICATORS – Office of Human Rights

| Measure | FY 2012 Actual | FY 2012 Target | FY 2013 YTD ⁵ | FY 2014 Projection | FY 2015 Projection | FY 2016 Projection |
|--|----------------|----------------|--------------------------|--------------------|--------------------|--------------------|
| Average cost per mediation ^{6/7} | NA | NA | \$744.66 ⁸ | \$594.75 | \$495.62 | \$495.62 |
| Average cost per Language Access training ⁹ | NA | NA | \$1,514.83 ¹⁰ | \$1,116.61 | \$1,075.58 | \$932.14 |
| Median case review score ¹¹ | 90% | 92% | 94.46% | 95% | 96% | 96% |
| Average percent of backlogged cases at any point in time (private and public sector) ¹² | 7.2% | 8% | 6.92% | 4% | 0% | 0% |
| Percent of OHR complainants satisfied with the agency’s customer service | 92% | 95% | 95.92% | 95% | 95% | 95% |
| Percent of mediations that lead to settlement agreements | 40% | 40% | 46.23% | 44% | 44% | 45% |
| Percent of District agencies with “very good” score on new Language Access compliance rating | NA | 70 | NA | 75% | 80% | 85% |

Commission on Human Rights

⁵ Data is current as of June 30, 2013.

⁶ In FY13, with two FTE mediators (Stewart & Phelan) and 5 stipend mediators, OHR averages 8-9 mediations per week, or 33 mediations per month. With an additional .75 FTE Mediator, OHR can increase its mediations calendar to 40 per month, or a projection of 480 for FY14. In FY15, OHR expects to increase mediations to 48 per month, or a goal of 756 mediations. In FY16, OHR expects to maintain this goal.

⁷ Performance Measures for Human Rights Commissions Executive Session on Human Rights Commissions and Criminal Justice Kennedy School of Government, Harvard University August 2007 Benchmarks - Many commissions have contracts with the Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD) to investigate complaints of suspected employment and housing discrimination. The EEOC pays \$580 per case as of 2008 but limits payment according to the size of an agency’s inventory and the age of those cases.

⁸ Cost calculation: $((.625 * \text{salary of Mediation team } (\$159,429)) + \$15,000 \text{ (Mediation stipend)}) / 326 \text{ mediations in FY13 to date} = \535.06 .

⁹ In FY13, with two FTE LA Program Staff (Director and Analyst), OHR conducted 33 trainings.

¹⁰ Cost calculation: $(\text{Fixed costs of salary} + \text{training prep} = \$41,730) + (\text{Variable costs} = \$8,249 = \text{hourly trainings}) / \text{number of trainings (YTD=33)} = \$1,514.83$.

¹¹ The industry standard is 93%, based on the Equal Opportunity Commission’s 2010 Performance Accountability Report.

¹² 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.



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

INITIATIVE 1.1: Increase awareness of Commission adjudication process to litigants in order to speed rate of adjudications.

In order to facilitate the goal of completing the adjudication of cases within 16 months, the Commission will design, circulate to all litigants and post on our website a Litigation Manual that will summarize the basic procedures for handling a case before the Commission and thereby speeding the ultimate resolution of the case from 16 months to 15 months.

It should be noted, that in handling a case, an Administrative Law Judge is in continuous contact with the attorneys for the parties: monitoring compliance with discovery requests; issuing subpoenas; monitor submission of and ruling on motions; analyzing and ruling on dispositive motions; encouraging settlement, etc. Accordingly, the Litigation Manual is not a one-time interaction with the litigants. Rather, it is an additional initiative in support of the on-going process of case management throughout the life of the litigation. Completion Date: September, 2014.

KEY PERFORMANCE INDICATORS – Commission on Human Rights

| Measure | FY 2012 Actual | FY 2012 Target | FY 2013 YTD¹³ | FY 2014 Projection | FY 2015 Projection | FY2016 Projection |
|--|-----------------------|-----------------------|---------------------------------|---------------------------|---------------------------|--------------------------|
| Percent reduction in the total inventory of cases adjudicated at the Commission. ¹⁴ | 50% | 50% | 92.31% | 85% | 90% | 95% |
| Percent adherence to operational efficiency targets, based on diagnostic analysis (cases docketed/suggested # of cases docketed) | NA | 95% | 81.03% | 95% | 98% | 98% |
| Number of months, on average, that is used as a guideline for completion of Commission cases | 16 | 15 | 16 | 15 | 15 | 15 |

¹³ Data is current as of June 30, 2013.

¹⁴ Captures percentage decrease in FY13, or, as of October 1, 2013.