

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF HUMAN RIGHTS**



**Fiscal Years 2022-2023
Performance Oversight Hearing Responses**

Committee on Public Works and Operations
Council of the District of Columbia
The Honorable Brianne Nadeau, Chairperson

OFFICE OF HUMAN RIGHTS
2023 PERFORMANCE OVERSIGHT – PRE-HEARING QUESTIONS

AGENCY ORGANIZATION

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.

Response:

Please see **Attachment Q1** for OHR’s FY23 organizational chart.

2. Please provide a narrative explanation of any changes made to the organizational chart during the previous year.

Response:

No changes were made to the organizational chart in FY22, with the exception of adding a new leadership position, which was the “Chief Administrative Officer.” In FY23, OHR has modified its existing organizational structure to include an additional tier of management. The modification includes the addition of four new senior leadership positions designated to oversee the different units within the agency. The new positions include Senior Advisor to the Director, Associate Director for Enforcement, Associate Director for Communication and Education, and Associate Director for Compliance and Equity Programs.

3. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please indicate if any position must be filled to comply with federal or local law.

Response:

Please see **Attachment Q3** for a current Schedule A for the agency.

4. Please provide a list of vacant positions during FY 22 and FY 23, to date. Please note whether the position is currently filled and length of time current vacancies have been open.

Response:

Vacant local and federal positions

Title	Status	Days Open
FY22		
Director	Filled	N/A
General Counsel	Filled	N/A
Deputy General Counsel	Filled	N/A
Attorney Advisor	Filled	N/A

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Attorney Advisor	Filled	N/A
Attorney Advisor	Filled	N/A
Attorney Advisor	Filled	N/A
Program Analyst (CSSP)	Filled	N/A
Training Specialist (CSSP)	Filled	N/A
Program Analyst (CSSP)	Filled	N/A
Training Specialist (CCE- Racial Equity)	Filled	N/A
Training Specialist (CCE)	Filled	N/A
Program Manager: Bullying Prevention Program	Filled	N/A
Supervisory Equal Opportunity Specialist (SWAT)	Filled	N/A
Lead Equal Opportunity Specialist (SWAT)	Filled	N/A
Equal Opportunity Specialist (SWAT)	Filled	N/A
Equal Opportunity Specialist (SWAT)	Filled	N/A
Equal Opportunity Specialist (SWAT)	Filled	N/A
Equal Opportunity Specialist (SWAT)	Filled	N/A
Equal Opportunity Specialist (Orange)	Filled	N/A
Equal Opportunity Specialist (Orange)	Filled	N/A
FY23		
Public Affairs Specialist	Hold Vacant: Internal Temp. Promotion	129
Clerk of the Office	New position; In process of classifying position	0
Legislative Affairs	New position; In process of classifying position	0
Human Resource Specialist	Pending Offer	62

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IT Specialist	New position; In process of classifying position	0
Data Analyst	New position; In process of classifying position; however OHR has a fellow working on data analysis	0
Associate Director (Enforcement)	New position; In process of classifying position	0
Associate Director (Compliance)	New position; In process of classifying position	0
Associate Director (Comms, Tech, Edu)	New position; In process of classifying position	0
EEO Compliance and Training Manager	Reclassifying position	0
Equal Opportunity Specialist (Orange)	Vacant	84
Attorney Advisor	Actively Recruiting; position posted	89
Program Support Assistant Operations (.50 FTE)	Frozen	123

Vacant Intra-District Positions

Title	Grade, Step, Series,	Status	Days Open
Training Specialist	CS-12	Frozen	N/A
Lead Equal Opportunity Special	CS-13	Frozen	N/A
Equal Opportunity Specialist	CS-12	Frozen	N/A
Equal Opportunity Specialist	CS-12	Frozen	N/A
Equal Opportunity Specialist	CS-12	Frozen	N/A

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5. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

Response:

One employee was detailed to OHR in FY22 (see chart below). No employees were detailed from OHR in FY22. No employees have been detailed to or from OHR in FY23, to date. See chart below.

Employee	Agency Detailed From	Detail Date Duration	Reason	Hire Date at OHR
Ben Case	Executive Office of the Mayor, Office of the General Counsel	December 2021-January 2022	Legal Support	January 2022

6. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and the anticipated date of completion of each agreement in bargaining.

Response:

Please see **Attachments Q6(a)-(b)** for copies of OHR's collective bargaining agreements.

AGENCY BUDGET AND SPENDING

7. Please provide a table showing your agency's Council-approved budget, revised budget (after reprogrammings, etc.), and actual spending, by program, activity, and funding source for FY 22 and the first quarter of FY 23. Please detail any over- or under-spending and if the agency had any federal funds that lapsed.

Response:

Please see **Attachment Q7**.

8. Please list all open capital projects and capital projects in the financial plan under the agency's purview, including the amount budgeted, actual dollars spent so far, any remaining balances, and the status of the project. In addition, please provide a description of any projects which are experiencing delays or which require additional funding.

Response:

Please see **Attachment Q8**.

9. FY22 and FY23, to date, OHR did not experience any overspending or under spending or lapsed in federal funds. Please provide a list of all budget enhancement requests (including

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capital improvement needs) for FY 22 or FY 23. For each, include a description of the need and the amount of funding requested.

Response:

OHR works with the Office of the City Administrator to develop its budget. The FY22 and FY23 budget submitted by the Mayor to Council reflect those efforts.

10. Please list, in chronological order, each reprogramming that impacted the agency in FY 22 and FY 23, to date, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, rationale, and reprogramming number.

Response:

Please see **Attachment Q10**.

11. For FY 22 and FY 23, to date, please list all intra-District transfers to or from the agency.

Response:

Please see **Attachment Q11**.

12. Please list each grant or sub-grant received by your agency in FY 22 and FY 23, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

Response:

OHR has not received any grants or sub-grants; however, OHR did receive payment from pay-for-service work share agreements it has in place with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, which for budget purposes, have been categorized as “grants.” Please see **Attachment Q12** for details.

13. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

Response:

OHR has two federal funding sources: the Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). For budget purposes, this funding has been categorized as “grants.” OHR’s funding from HUD is a pay-for-service work share agreement under which OHR is reimbursed for each housing case it investigates. There is .85 FTE paid with funding from the HUD Workshare Agreement. The Agreement is renewed each year and the funding will not expire if OHR continues to process and resolve housing discrimination cases, and the agency is reimbursed by HUD.

Likewise, OHR’s funding from EEOC is a pay-for-service work share agreement under which OHR is reimbursed for each employment case it investigates. The Agreement

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renews on a yearly basis and the funding will not expire if OHR continues to process and resolve employment discrimination cases, and the agency is reimbursed by EEOC. There is 1 FTE paid with funding from the EEOC grant.

14. For FY 22 and FY 23, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
- The revenue source name and code;
 - The source of funding;
 - A description of the program that generates the funds;
 - The amount of funds generated by each source or program;
 - Expenditures of funds, including the purpose of each expenditure; and
 - The current fund balance.

Response:

OHR does not have special purpose revenue funds maintained by, used by, or available for use by the agency.

15. Please list any statutory mandates that the agency lacks sufficient resources to fully implement, or implementation that is contingent on filling current vacancies.

Response:

Over the past fiscal year, OHR's statutory mandates have substantially grown without sufficient funding to fully implement. To that end, OHR highlights the following shortages:

- As noted in OHR's responses last year, the Language Access Act of 2014 remains a statute that was not fully funded when the Fiscal Impact Statement was created; however, OHR has been able to reassign available funding as needed to implement.
- In October 2022, the Sexual Harassment Data Collection and Reporting Act (B24-0215) was enacted, which requires District government agencies to collect data regarding the number of sexual harassment complaints that their employees raise as well as the outcomes of such complaints. The law also requires OHR to compile and submit an annual report to the Council and the Office of the Attorney General regarding the data collected. The law did not provide any funding to OHR in order to carry out these compilation and reporting requirements. OHR is required to start collecting data in November 2023, with its first report to Council due in December 2023.
- Additionally, two more laws were passed that directly impact OHR and for which there is not current funding in an appropriated budget:
 - Prohibition of Marijuana Testing Act of 2021 (now known as "Cannabis Employment Protections Amendment Act of 2022") (B24-0109), which prohibits employers from taking an adverse action against an employee or applicant for the recreational use of cannabis or the failure to pass an employer-required or requested cannabis drug test unless the position is

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designated as safety sensitive. OHR is the enforcing agency and individuals may bring alleged violations of this Act to OHR to be processed in expedited investigation process.

- Medical Necessity Restroom Access Act of 2021 (B24-0025) provides an individual with an eligible medical condition (inflammatory bowel diseases or pregnancy) with the right to use a public or employee toilet facility at a retail establishment under certain limited conditions including if the individual presents an ID prepared by the Department of Health and signed by a physician, nurse practitioner, or a physician assistant. OHR is also the enforcement agency for this law, and individuals may bring alleged violations of the Act to OHR for investigation and resolution.

AGENCY OPERATIONS

16. Please describe new statutory mandates of the agency as of FY2023 and their current implementation status.

Response:

Legislation	Description	Implementation Status
Human Rights Enhancement Amendment Act of 2021 (B24-0229)	<p>The DC Human Rights Act (DCHRA) was amended to:</p> <ol style="list-style-type: none">1. Add homeless status as a protected trait across all enforcement areas;2. Clarify that independent contractors are covered by the definition of “employees” under the Act;3. Substantially redefine and expand the legal definition of what constitutes harassment under the Act and significantly enhance protections for individuals alleging harassment.	<p>OHR is actively implementing the new amendments. To date, OHR has:</p> <ul style="list-style-type: none">- Drafted and published two external guidance documents regarding the amendments;- Conducted internal trainings for employees and the Commission on Human Rights on the amendments;- Conducted external training for the public and legal professionals on the amendments. <p>In FY23, OHR will continue to work on revising regulations to be consistent with the new amendments</p>

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		as well as continue to conduct outreach and publish guidance and fact sheets on these amendments.
Sexual Harassment Data Collection and Reporting Act (B24-0215)	Requires District government agencies to collect data regarding the number of sexual harassment complaints that their employees raise as well as the outcomes of such complaints. The law also requires OHR to compile and submit an annual report to the Council and the Office of the Attorney General regarding the data collected. OHR will start collecting data in November 2023, with its first report to Council due in December 2023.	Although the law did not provide any funding to OHR to carry out its statutory mandates under the Act, OHR is actively working with DCHR and the Mayor's Office of Legal Counsel to develop a streamlined reporting structure for District government agencies. OHR is also drafting a template aggregate report to use when reporting the data to Council and OAG.
Eviction Record Sealing Authority Amendment Act (B24-0096)	As relevant to OHR, the Act added sealed eviction records as a protected trait in housing; it describes types of actions that may be considered unlawful source of income discrimination; and it provides an OHR complaint process for violations of the Act related to prospective tenant screening.	OHR is actively implementing the Act. To date, OHR has: <ul style="list-style-type: none">- Drafted and published two external guidance documents regarding source of income discrimination and the new protected trait.- Conducted internal trainings for employees and the Commission on Human Rights on the new protected trait and source of income discrimination.- Conducted external training for the public and legal professionals on the new protected trait and source of

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		<p>income discrimination.</p> <p>In FY23, OHR will work on developing a complaint process for filing a complaint, investigation, and resolution of allegations of violations under the Act related to prospective tenant screening.</p>
<p>Prohibition of Marijuana Testing Act of 2021 (now known as “Cannabis Employment Protections Amendment Act of 2022”) (B24-0109)</p>	<p>The law prohibits employers from taking an adverse action against an employee or applicant for the recreational use of cannabis or the failure to pass an employer-required or requested cannabis drug test unless the position is designated as safety sensitive. OHR is the enforcement agency and individuals may bring alleged violations of this Act to OHR to be processed in expedited investigation process.</p>	<p>The law is unfunded and funds have not been allocated in an approved budget or financial plan.</p>
<p>Medical Necessity Restroom Access Act of 2021 (B24-0025)</p>	<p>The law provides an individual with an eligible medical condition (inflammatory bowel diseases or pregnancy) with the right to use a public or employee toilet facility at a retail establishment under certain limited conditions including if the individual presents an ID prepared by the Department of Health and signed by a physician, nurse practitioner, or a physician assistant. OHR is the enforcement agency for this law, and individuals may bring alleged violations of the Act to OHR for investigation and resolution.</p>	<p>The law is unfunded and funds have not been allocated in an approved budget or financial plan.</p>

17. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 22 and FY 23, to date. For each requirement, please list the date the report was required and the date it was produced. If the agency did not produce the report on the mandated timeline, please explain why.

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Response:

Report or Reporting Requirement	Statutory or Regulatory Authority	Requirement Deadline	Compliance Status	Most Recent Submission
Office of Human Rights Annual Report	D.C. Human Rights Act, D.C. Code § 2– 1403.01(g)(1)	Due annually	In compliance; OHR publishes this report annually. The FY21 report was published in October 2022.	October 4, 2022
Language Access Annual Report	Regulations implementing the Language Access Act of 2004, 4 DCMR 1214.3	Due annually	In compliance; OHR publishes this report annually. The FY21 report should be published by February 15, 2023	Estimated February 2023
Biennial Youth Bullying Prevention Report	The Youth Bullying Prevention Act of 2012, D.C. Code § 2-1535.07	Due every two years on or before December 31.	In compliance; OHR publishes this report every two years.	Estimated Spring 2023
Fair Criminal Records Screening Amendment Act Reporting	The Fair Criminal Records Screening Amendment Act, D.C. Code § 32-1345 (b)	Due annually	In compliance; OHR reports FCRSA data in its Annual Report.	October 4, 2022
Fair Criminal Records Screening for Housing Act Reporting	D.C. Fair Criminal Record Screening for Housing Act, D.C. Code § 42-3541.06	Due annually	In compliance; Beginning December 31, 2018, on an annual basis, OHR reports FCRSHA data in its Annual Report.	October 4, 2022
Human Rights Case Management Metrics	D.C. Human Rights Act, D.C. Code § 2-1403.01(g-1)(1)	Due quarterly.	In compliance; OHR has submitted this quarterly report for Quarters 1-3 of FY22. The Quarter 4 report is due March 31, 2023.	January 19, 2023

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18. Please list and describe any regulations promulgated by the agency in FY 22 or FY 23, to date, and the status of each.

Response:

Rule	Description	Status
4 DCMR § 1700 Universal Paid Leave Act (OHR Regulations)	“Universal Paid Leave Act.” OHR promulgated rules for enforcing complaints other than claim determinations under D.C. Code § 32-541.08(e).	Finalized as of July 29, 2022.
4 DCMR § 408	“Procedure for Contested Cases.” OHR, in coordination with the Commission on Human Rights, revised section 408, “Representation,” in order to clarify OHR’s role in Commission cases consistent with the Human Rights Act.	Finalized as of June 17, 2022.
4 DCMR § 401	Certification of Complaint.” OHR in coordination with the Commission on Human Rights, revised section 401 in order to clarify that OHR does not represent the complainant in the matter before the hearing but represents the public interest.	Finalized as of September 16, 2022.

19. Please explain any significant impacts on your agency of legislation passed at the federal or local level during FY 22 and FY 23, to date.

Response:

Legislation	Description	Impact
Human Rights Case Management Metrics (D.C. Act 24-159 § 3041)	OHR shall report quarterly to the Council as to the volume and age of cases.	OHR and its management and enforcement teams were required to allocate significant amount of time to collect and prepare data for quarterly reporting.
Care of LGBTQ Seniors and Seniors with HIV Amendment Act of 2020 (B23-0037)	This law made it unlawful for long-term care facilities to discriminate against individuals because of actual or perceived sexual orientation, gender identity or expression, or HIV status. Additionally, it required OHR to certify trainers as well as develop a notice poster.	OHR has expended resources to: 1) Create “train the trainer” presentations, the first of which will be in mid-February 2023

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		<ul style="list-style-type: none">2) Produce training materials and notices3) Conduct 6 outreach activities4) Work closely with the Department of Aging and Community Living as well as with other D.C. agencies and representatives from the business community to discuss and roll out implementation of the Act
Tipped Wage Workers Fairness Amendment Act of 2018 (“TWWFA”) (B23-0913)	The law amended the DCHRA and requires employers in the District of Columbia who hire employees earning tips as wages to provide sexual harassment training to all employees, managers, owners, or operators of that organization. OHR enforces the training and reporting requirements.	<p>In FY22 and FY23 to date, OHR has spent significant time implementing the requirements under the TWWFA. Specifically, OHR has expended resources to:</p> <ul style="list-style-type: none">- Hire program staff;- Conduct two “train the trainer” presentations that has resulted in over 30 certified trainers- Produce written guidance, training materials, and several outreach documents- Attend 7 outreach events- Work with and meet regularly with the Tipped Wage Workers Sexual Harassment Preventing Working Group and numerous other implementing D.C. agencies
Human Rights Enhancement Amendment Act of 2021 (B24-0229)	<p>The DCHRA was amended to:</p> <ul style="list-style-type: none">1. Add homeless status as a protected trait across all enforcement areas;2. Clarify that independent contractors are covered by the	<p>OHR has expended resources to:</p> <ul style="list-style-type: none">- Draft and publish two external guidance documents regarding source of income discrimination and the new protected trait.

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	definition of “employees” under the Act; 3. Substantially redefine and expand the legal definition of what constitutes harassment under the Act and significantly enhance protections for individuals alleging harassment.	<ul style="list-style-type: none">- Conduct internal trainings for employees and the Commission on Human Rights on the new protected trait and source of income discrimination.- Conduct external training for the public and legal professionals on the new protected trait and source of income discrimination.
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20. What are the agency’s top five priorities? Please explain how the agency expects to address these priorities in FY 23.

Response:

OHR’s top five priorities for FY23 are as follows:

- **Case Processing Improvements:** OHR is working on improving its case processing timelines by implementing a multi-pronged solution:
 - o First, OHR is dedicating personnel to approach case resolution by establishing specific teams to address each of these three types of cases:
 - Cases that are backlogged as of the start of the fiscal year
 - Non-backlogged cases
 - New cases
 - o Second, OHR is re-examining its case processing procedures for more efficient review of claims.
 - o Third, establishing a fully working case management system to assist with case processing and data analysis
 - o Fourth: increased training and guidance for staff
- **Investing in People (Recruiting, Hiring and Retention):** As OHR grows, its leadership team is working on bringing more accountability, clear responsibility areas, hierarchy, and structure to the agency by reorganizing the senior leadership structure, assessing current staffing levels, and forecasting future staffing level needs, creating additional support positions as needed. Coupled with this, OHR is working on establishing incentive awards for personnel, including career growth and other employee recognition programs.
- **Case Management System:** OHR is working with the Office of the Chief Technology Officer (OCTO), hiring an IT Specialist to assist with managing this project to improve OHR’s case management system, to include a working system for the hearing unit, as well as other data-driven units within OHR.

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- **Agency Operation Supports Improvement:** As OHR doubles in both size and workload, it requires an appropriate level of staffing for the agency's operational needs, including budget and finance, administrative services, human resources, and records management. At present, OHR only has two managers who handle these areas plus more. OHR is planning to expand its administrative support staff to take on all the additional work that its expanding FTE count and workload require.
- **Space—New Home for OHR:** OHR is growing out of its current spaces and is working closely with the Department of General Services (DGS) to identify a new location that can house OHR's current staffing levels and accommodate future growth.

21. What are the metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Response:

OHR uses agency performance plans and goals established in employee performance plans to evaluate its operations, particularly with respect to backlog reduction, establishment of new programs, and expanding outreach. Presently, OHR monitors the following data points on a monthly basis by tracking the number of:

1. Intake Questionnaires (Inquiries);
2. Intakes conducted;
3. Cases processed at intake;
4. New docketed cases;
5. Intake appointments scheduled and completed;
6. Mediations scheduled;
7. Cases resolved through mediation;
8. Cases closed via settlement agreements;
9. Cases under investigation;
10. Cases under legal review;
11. Letters of Determination issued;
12. Cases with the hearing officers (Administrative Law Judges) and cases pending with the Commission on Human Rights tribunals;
13. Number of active EEO Counselors and Officers in the District;
14. Number of Language Access inquiries received; and
15. Number of Language Access cases resolved.

22. Please provide a copy of the agency's FY 22 performance plan, if one was prepared. Please explain which performance plan objectives were completed in FY 22. If they were not completed, please provide an explanation.

Response:

Please see **Attachment Q22** for OHR's FY22 Performance Plan. In FY22, OHR met all its performance goals, except for one. Highlights of completed goals:

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- OHR exceeded goal in scheduling intakes within 30 days (89%, goal was 75%, up is better)
- OHR also met goal in reducing aged cases before the Commission (16%, goal was 20%, down is better)
- Unmet goal:
 - Percent of cases with letters of determination submitted to Manager for review within 180 days of assignment
 - Explanation: The agency was building out new and additional staff for its investigation unit which required existing staff to provide trainings, which slowed down the progress for this goal. Additionally, the agency's focus was on clearing out older cases in FY22, which again detracted from this goal of completing investigations within 180 days in every new case. It should be noted that despite the added challenges in FY22, the agency's success rate on this goal is higher than years past. Moreover, the agency met its internal goal of completing investigation in 50% of the backlogged cases and doubling its case processing rate by the end of Quarter 4.

23. Please provide a copy of your agency's FY 23 performance plan as submitted to the Office of the City Administrator, if one was prepared.

Response:

Please see **Attachment Q23** for OHR's FY23 Performance Plan.

24. Please describe any new initiatives or programs that the agency implemented in FY 22 and FY 23, to date, to improve the operations of the agency. Please describe any funding utilized for each initiative or program and the results, or expected results, of each initiative.

Response:

In FY22 and FY23, to date, OHR is working on investing in people and systems in order to rebuild a sustainable OHR, all the while working to reduce backlog, implement new laws, and improve overall agency infrastructure and organization. To this end, OHR's initiatives include the following:

- **Initiative #1 - Agency Reorganization & Growth**

- Enforcement Unit: In FY22, OHR completed restructuring the Enforcement Unit into four units, each headed by a highly skilled manager with substantial EEO experience.
- SWAT Team: While OHR filled out the third enforcement unit in FY22, it also successfully created a separate backlog team (known as the SWAT team) to assist with closing those cases. This team was fully established by July of 2022.
- Agency Legal Unit: OHR hired four attorneys, filled the General Counsel vacancy, and created and filled the Deputy General Counsel position. As a result of these additions, OHR's case processing rate doubled in Q4.

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- o Agency Leadership Restructure: In FY22, OHR completed its reorganization plan to add several management and support positions to the agency. In FY23, OHR is working on filling those positions. OHR onboarded its new Senior Advisor in January and is close to filling the vacant HR position to allow the former HR Manager to fulfill her new functions as Chief Administrative Officer.
- **Initiative #2 – Case Production Goals**
 - o In FY22, case resolution goals were developed for each of the enforcement managers, alternative dispute resolution (ADR) manager and General Counsel, and all met established goals.
- **Initiative #3 – Agency Process and Procedures**
 - o In FY22 and to date in FY23, as OHR grows, OHR's leadership team is working on improving agency process and procedures. In FY22, OHR implemented several office memoranda, including the process for engaging in contractual relationships with vendors. OHR is working to bring more clarity and structure to other processes.
- **Initiative #4 – Personnel Growth and Retention**
 - o In order to nurture career growth for personnel and increase retention, OHR worked on implementing programs to recognize staff for their achievements and to provide a career path at OHR and within the District of Columbia government. This effort includes establishment of an Incentive Award Committee, which OHR will be establishing in FY23. OHR also invested in teambuilding by holding a staff retreat for managers in FY22. OHR is working on an all-staff retreat in FY23.

All of the foregoing require both personal and non-personal funding.

25. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY 22 and FY 23, to date;
- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned as well as a description of all vehicle accidents involving the agency's vehicles in FY 22 and FY 23, to date;
- c. A list of travel expenses, arranged by employee for FY 22 and FY 23, to date, including justification for travel;
- d. A list of total workers' compensation payments paid in FY 22 and FY 23, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

Response:

(a.) Please see **Attachment Q25(a)**.

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- (b.) OHR does not have any assigned vehicles owned or leased.
(c.) OHR did not incur any travel expenses for any employees for FY22 and FY23, to date.
(d.) In FY22 and FY23, to date none of OHR’s employees received workers’ compensation payments.

26. For FY 22 and FY 23, to date, what was the total agency cost for mobile communications and devices, including equipment and service plans?

Response:

In FY22, the total agency cost for mobile communications and devices, including equipment and service plans, was \$27,117.81. In FY23, to date, the total agency cost for mobile communications and devices, including equipment and service plans is \$6,810.38 (Please see details in the table below.)

Cost Incurred	Vendor	Invoice Payment Total
2022	Verizon Wireless	\$ 14,917.61
	AT&T	\$ 12,200.20
	FY Total	\$ 27,117.81
2023, to date	Verizon Wireless	\$ 3,630.00
	AT&T	\$ 3,180.38
	FY Total	\$ 6,810.38

27. Please list in descending order the top 25 overtime earners in your agency in FY 21 and FY 22, to date, if applicable. For each state the employee’s name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

Response:

OHR assumes the question intends to ask about FY22 and FY23, to date. For FY22 and FY23 to date, no OHR employees received or earned overtime pay.

28. For FY 22 and FY 23, to date, please provide a list of employee bonuses, special pay granted, or separation pay issued, that identifies the employee receiving the bonus, special pay, or separation pay, the amount received, and the reason for the bonus, special pay, or separation pay.

Response:

In FY22 and FY23, to date, no employees have received bonuses, special pay, or separation pay.

29. Please provide a list of any training or continuing education opportunities made available to agency employees. For each training or continuing education program, please provide

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the subject of the training, the names of the trainers, and the number of agency employees that were trained.

Response:

Please see table below for FY22 training opportunities for OHR employees

FY22 Training Opportunities:

Subject of the Training	Name of Training Organization/Trainer	Number of Employees Trained
Negotiation Training	PROGRAM ON NEGOTIATION	3
Fair Housing Law and Practice	PRACTICING LAW INSTITUTE	2
Ed2Go Beginning Writer's Workshop	CENGAGE LEARNING, INC	1
National Employment Law Institute -COVID employment issues	NATIONAL EMPLOYMENT LA	2
Toast Masters – Public Speaking	TOASTMASTERS RENEW WEB	1
Writing Well Webinar	DC BAR	1
Toastmaster Training	TOASTMASTERS RENEW WEB	1
DC Bar Legal Training	DC BAR	3
Mid-Year Employment Law Conference - Ethics in Labor and Employment Law	NATIONAL EMPLOYMENT LAW	7
EEOC Training for New Investigators	EEOC MISCELLANEOUS COLLEGE	4
One Day Advance EEOC Manager Training for EOS-Manager (SWAT)	EEOC MISCELLANEOUS COLLEGE	1
Mediation Ethics Training	Maryland State Board Association	2

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Virtual EEOC EXCEL Conference for Mediators	EEOC MISCELLANEOUS COLLEGE	2
Training course for judges "Taking the Bench"	NATIONAL JUDICIAL COLLEGE	1

FY23, to date, Training Opportunities

Subject of the Training	Name of Training Organization/Trainer	Number of Employees Trained
National Employment Legal Institute Training	NATIONAL EMPLOYMENT LAW	8
Toast Masters- Public Speaking	TOAST MASTERS	1

30. For FY 22 and FY 23, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Response:

Please see **Attachment 30** for a list of OHR purchase card spending in FY22 and FY23, to date.

31. Please describe the Department's remote work policies, when they were last updated, and how they differ from policies and practices prior to the COVID-19 pandemic.

Response:

In line with District-wide remote work policy, OHR allows its employees two days of remote work per week, contingent upon qualifying criteria. OHR complies with DCHR Issuance I-2022-20¹, which was last updated on November 15, 2022.

32. Please update the Committee on the status of finding and setting up a new office space to consolidate OHR's workforce into one location. What is the projected timeline for build-out and completion?

Response:

OHR continues to work closely with the Department of General Services (DGS) to identify a consolidated workspace for OHR's entire staff. DGS has identified a potential short-term option for OHR; however, based on OHR's growth and particular needs, the space will not accommodate OHR long term. OHR continues to engage DGS for a more permanent solution.

¹ <https://edpm.dc.gov/issuances/compressed-flexible-and-telework-schedules/>

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33. Please list and provide a copy of all memoranda of understanding (“MOU”) entered into by your agency during FY 22 and FY 23, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Response:

Please see **Attachments 33(a)-(d)** for MOUs entered by OHR during FY22 and FY23, to date. Also, see below a table summary of MOUs.

Buyer Agency	Seller Agency	Description	Date Entered	Termination Date	Amount
FY23 MOUs, to date					
OHR	Office of Human Resources (DCHR)	Two interns from the DCHR District Leadership Program (DLP)	October 11, 2022	May 26, 2023	\$19,445.90
OHR	Mayor’s Office of the Deaf, DeafBlind and Hard of Hearing (ODDHH)	Sign Language Interpretation Services (SLI)	October 1, 2022	September 30, 2023	\$4,752
FY22 MOUs					
OHR	Office of the Chief Technology Officer (OCTO)	Maintenance of OHR Case Management System - DCRT	June 21, 2022	September 30, 2022	\$16,908
Department of Employment Services (DOES)	OHR	To implement key provisions of the Universal Paid Leave Act (UPLA)	October 1, 2021	September 30, 2022	\$1,868,227

34. Please list each contract, procurement, and lease entered into or extended by your agency during FY 22 and FY 23, to date. For each contract, please provide the following information where applicable:

- a. The name of the contracting party;
- b. The nature of the contract, including the end product or service;
- c. The dollar amount of the contract, including amount budgeted and amount actually spent;
- d. The term of the contract;
- e. Whether the contract was competitively bid;

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- f. The name of the agency's contract monitor and the results of any monitoring activity; and
- g. The funding source.

Response:

Please see **Attachment 34** for a list of OHR's contracts and procurements entered or extended during FY 22 and FY 23, to date. OHR did not enter any lease in FY22 and FY23, to date.

35. What is your agency's current adjusted expendable budget for CBE compliance purposes? How much has been spent with SBEs or CBEs? What percent of the agency's current adjusted expendable budget has been spent with SBEs or CBEs?

Response:

OHR's current FY23 expendable budget for CBE compliance purposes is \$606,113.48. Thus far, OHR has spent \$30,515.94 with CBEs. The percent of agency current adjusted expendable budget spent with CBEs is 19%.

36. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

Response:

There is currently one potentially pending lawsuit that names three OHR employees in their official capacity as parties:

- *Josh Calkins v. [Individually Named OHR employees]*: A complaint was filed on January 11, 2023, in the Superior Court's Small Claims and Conciliation Branch division. The complaint alleges that the named OHR employees engaged in civil negligence in handling the plaintiff's case at OHR. Currently, the complaint has not yet been properly served, and there is an initial hearing that OAG is aware of in May 2023. If the complaint is ever properly served, OHR expects to prevail.

Other than petitions for review or appeals of OHR's administrative decisions, there are currently no other pending lawsuits that name OHR as a party.

37. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 22 or FY 23, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

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Response:

OHR has not entered into any settlements in FY22 or FY23, to date.

38. Is OHR currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including the number of agreements and the department(s) within OHR associated with each agreement.

Response:

OHR is not currently a party to any active non-disclosure agreements.

39. Does OHR require non-disclosure agreements for any employees or contractors?

Response:

OHR does not require non-disclosure agreement for employees or contractors. Due to the confidential nature of OHR's complaint and investigation work, employees must agree to maintain the confidentiality of any information obtained or accessed during the time they are employed by OHR, except when such information is required by law or legal process. Confidential information for purposes of this agreement includes complainant information, respondent information, contact information for the parties (including email addresses), sensitive or personal information produced by the parties, any information made available from OHR forms, and any information provided by OHR or gathered during the course of conducting a Tester Project. The confidentiality agreement also requires employees to comply with the D.C. Code of Conduct as defined in section 101 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, 68 DCMR, Chapter 18, and Chapter 18, Section 1811 (Post-Employment Conflict of Interest) of the D.C. Personnel Regulations.

40. Please list the administrative complaints or grievances that the agency received in FY 22 and FY 23, to date, broken down by source. Please describe any changes to the agency policies or procedures that have resulted from complaints or grievances that were resolved in FY 22 or FY 23, to date.

Response:

OHR received no administrative complaints or grievances against the agency in FY22 or FY23, to date.

41. Please provide the number of FOIA requests for FY 22, and FY 23, to date, that were submitted to your agency. Include the number granted, partially granted, denied and pending. In addition, please provide the average response time, the estimate number of FTEs required to process requests, the estimated number of hours spend responding to these requests, and the cost of compliance.

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Response:

Total FOIA Requests Received	Granted	Partially Granted	Denied	Pending*	Other**
FY22					
57	6	30	14	3	4
FY23 as of 1/26/2023					
17	4	12	9	1	5

Average Response Time (days)	FY22 = 10.48 FY23 to date = 4.33
Estimate number of FTEs required to process request***	2
Estimated number of hours spent (per year)****	480-540
Cost of Compliance****	Est. \$27,129 - \$30,520 per year

*OHR had three requests pending as open and 10 requests in a “clock stopped” status as of September 30, 2022. The Agency has one request pending as open and one request in a “clock stopped” status as of January 26, 2023. Requests are in “clock stopped” status when OHR is awaiting a response to a request for clarification from the requestor and are not considered pending again until the necessary information is received from the requester.

**FOIA requests can be closed for “other reasons,” including, but not limited to, when the Agency found no responsive records, the request was duplicative of another request, and/or the requestor withdrew the request.

***Each FOIA request requires that an OHR staff member, the Custodian of Records, prepare the potential responsive record for submission to the Agency’s FOIA Officer. OHR has one primary FOIA Officer and one alternate FOIA Officer, both housed within the Office of the General Counsel, who produce the final Agency response and records for production. OHR does not keep track of the actual hours spent on each request. The hours only reflect an estimated number of hours spent by the FOIA Officers. Similarly, the cost of compliance is calculated based on the approximate number of hours spent by the FOIA Officers and their salaries.

42. Please identify all electronic databases maintained by your agency, including the following:
- A detailed description of the information tracked within each system;
 - The age of the system and any substantial upgrades that were made in FY 22 or FY 23, to date, or that are planned for the system;
 - Whether the public is currently granted access to all or part of each system; and
 - Whether the public could be granted access to all or part of each system.

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Response:

Electronic databases maintained by OHR include the following:

DC Rights Tracker (DCRT)

- (a) DCRT is OHR's electronic case management system . This system was launched in Quarter 4 of FY21 and included designing and importing data from MATS to DCRT. The DCRT was supposed to be a more efficient system than MATS and permit individuals to be assigned to cases, track progress of each case, provide deadline reminders, analyze data regarding cases filed, and run reports necessary to comply with various statutory requirements.
- (b) As OHR began utilizing the system fully in FY22, a number of deficiencies were identified and it was discovered that several design specifications for DCRT had not fully launched, including the ability to generate reports. OHR has been and continues to work closely with the software developers at OCTO to address these concerns and once OHR hires its IT Specialist, it is expected that these issues will be successfully resolved by the end of Quarter 3 or early Quarter 4 of FY23.
- (c) The general public does not have access to DCRT to date.
- (d) OHR is planning on developing a public access portal.

Tipped Wage Documents and Certification Portal

- (a) The Tipped Wage Documents and Certifications Portal is a Quickbase online platform designed to ensure compliance with the Tipped Wage Worker Fairness Amendment Act of 2018. The portal collects sexual harassment policies from businesses, to confirm that employees have received a copy of the sexual harassment policies and collect reports on the number of sexual harassment claims made by employees to management.
- (b) The system was launched in September 2021, and to date, no upgrades have been scheduled.
- (c) The general public does not have access to the portal. Businesses, however, do have access to the portal and use it to submit documentation and certifications to comply with the law.
- (d) The general public will not be granted access.

Hearing Case Management System (Synergy)

- (a) This is an electronic case management system used by the hearing examiners (ALJs). It tracks each case that is certified for a public hearing along with the status of each case.
- (b) The ALJs have been using the system since approximately 2017. In FY21, OHR moved the server from the vendor to OCTO; OHR has been meeting with the vendor to make additional upgrades, as the system is not fully tailored to the needs of the agency.
- (c) Currently, the public has access through electronic filing on the system
- (d) The public access is currently limited to filing, but they could have other access to the docket and related records in the future.

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43. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 22 and FY 23, to date.

Response:

Aside from confidential internal agency investigations into certain personnel matters, OHR is not aware of any investigations, audits, or reports being conducting on the agency or any employee of the agency in FY22 or FY23, to date.

44. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 22 and FY 23, to date. Please submit a digital copy to the Committee of any study, research paper, report, or analysis that is complete.

Response:

[*FY21 District of Columbia Office of Human Rights Annual Report*](#)

Author: OHR **Status:** Released October 4, 2022

Purpose: D.C. Code § 2–1403.01(g)(1) requires that this report be delivered annually to the Council from the Mayor “as to the progress with regard to the enforcement of this chapter, and any other activity related to the field of human rights deemed valuable to the Council in the pursuit of its responsibilities.” This report outlines the work of OHR in FY21, highlighting the agency’s accomplishments and compliance. In FY21, OHR processed a total of 1,059 initial inquiries of discrimination, docketed 331 cases of discrimination, issued 303 decisions, resolved 185 cases that resulted in approximately \$2.6 million in monetary settlements to complainants, prosecuted nine cases after probable cause findings, and closed nine more cases through its evidentiary hearing process. The report also details OHR’s commitment to justice, equity, diversity, and inclusion through community engagement, public education, partnerships, and equity programs designed to remove barriers. These social equity programs include: the Language Access Program, the Youth Bullying Prevention Program, the Fair Chance Support Program, and the Creating Safer Spaces Program.

FY21 Language Access Program Annual Compliance Review

Author: OHR **Status:** In Design

Purpose: The Language Access Act of 2004 (4 DCMR § 1214.3) requires the OHR Director to prepare an annual Language Access Report and deliver it to the Mayor, the Office of the City Administrator, the Language Access Coalition, and the Consultative Agencies on the deficiencies found, progress made, and overall compliance with the Act for each covered entity. The report highlights the work of OHR’s Language Access Program as well as providing language access compliance scorecards for 38 agencies with major public contact and the progressive implementation for 23 covered entities during FY21. Key highlights in the report include 38 District agencies collectively reporting over 278,528 encounters with low-English proficiency/no English proficiency (LEP/NEP) individuals who spoke 98 different languages and translating nearly 5,000 vital documents into Spanish, Amharic, French, Chinese, and many other languages spoken by their customers. Additionally, the Program provided 88 language access compliance trainings

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to over 1,515 District employees, contractors, and grantees across District agencies via virtual training platforms.

Qualified and Transgender II

Author: OHR **Status:** In Progress

Purpose: OHR will produce a second transgender and nonbinary employment discrimination testing project as a follow-up to the 2015 report *Qualified and Transgender*. The report will include: resume testing conducted in 2018 comparing the responses of District employers from various industries to applicants with indications they are cisgender or transgender/nonbinary; public survey results from 2020 on employment search, hiring, and workplace experiences of transgender and nonbinary individuals in the District; qualitative data from four focus groups held in 2021; and recommendations on how the District can improve and support employers in hiring qualified transgender and nonbinary applicants.

Youth Bullying Prevention in the District of Columbia: School Year 2020-2021 & 2021-2022 Report

Author: OHR through contract with Child Trends

Status: First draft from Child Trends completed

Purpose: D.C. Code § 2-1535.07 requires the Mayor to review the programs, activities, services, and policies established as a result of the Act. OHR and Child Trends released their fourth biennial report on: (1) the progress of the programs, activities, services, and policies established under the Act; (2) the current status of youth bullying incidents in the District; and (3) recommendations for continued implementation of the Act.

Industry Standard Study

Author: OHR through contract with Bayne

Status: OHR has received information collected by Bayne and is working on drafting a report for publication

Purpose: The goal of the study was to review OHR's existing standard operating procedures as it pertains to case processing and compare it against those of similar agencies in other jurisdictions, , and then identify best practices, determine whether there is an established industry standard for case processing and make recommendations for improvement.

Source of Income Protection in the District

Author: OHR through a contract with the Equal Rights Center

Status: Second round of testing to begin on February 6, 2023

Purpose: The goal of this study is to conduct comprehensive testing in the housing market to uncover Source of Income (SOI) discrimination by District of Columbia housing providers. The study is testing whether housing providers in the District comply with fair

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housing laws under the D.C. Human Rights Act (DCHRA), which prohibits discrimination in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities because of a protected trait (SOI is a protected trait). The questions in the second round of testing (first round completed at the end of FY21) will be expanded to reflect the newly passed Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022 (ERSFRA) and the enhanced protections under the DCHRA by ERSFRA.

45. Please list any task forces, committees, advisory boards, or membership organizations in which the agency participates.

Response:

- Violence Prevention and Response Team (VPART)
- DC Commission on Human Rights
- Executive Committee of the DC Language Access Coalition
- Interagency Council on Homelessness (ICH)
- ICH Racial Equity & Inclusion Workgroup
- Tipped Wage Workers Coordinating Council
- Tipped Wage Workers Sexual Harassment Prevention Working Group
- Tenant Barriers Working Group
- International Association of Official Human Rights Agencies
- National Association of Administrative Law Judges
- The National Association of Women Judges
- Advisory Neighborhood Commissions
- Mayor's Office of LGBTQ Affairs Service Coordinators & Liaisons Group
- Public Safety and Justice (PSJ) Equity Council
- Department of Corrections Transgender Advisory Committee
- National Association for the Advancement of Returning Citizens (NAARC) Board
- The National Council for Formally Incarcerated and Incarcerated Women and Girls
- Criminal Justice Coordinating Council Principles Meeting
- Criminal Justice Coordinating Council Reentry Steering Committee
- DC Reentry Task Force
- Re -Think Justice DC Coalition

46. What are the Office's plans and timeline for achieving robust compliance with the Office of Human Rights Case Management Metrics Amendment Act of 2021, DC Code § 2–1403.01(g-1)? Please provide the expected completion date for the first report.

Response:

OHR has submitted each of its quarterly reports for FY22. The Quarter 1 report for FY23 is due on March 31, 2023, and OHR expects to make a timely submission.

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47. Please provide the most recent annual report on the operation of the Office prepared pursuant to D.C. Code § 2-1403.01(g)(1).

Response:

Please see **Attachment 47**.

48. How many complaints of unlawful discrimination were received by the Office in FY 22 and FY 23, to date? How many are currently pending? Please breakdown each number by:

- a. The alleged basis of the unlawful discrimination (race, color, religion, etc.);
- b. The form of alleged unlawful discrimination (employment, housing, educational institutions, etc.); and
- c. The legislation under which the claim primarily arose (District of Columbia Human Rights Act, District of Columbia Family and Medical Leave Act, District of Columbia Language Access, Title VII, etc.).

Response:

OHR received 1,385 inquiries in FY22 and FY23, to date, and 399 cases were docketed in FY22 and FY23, to date. Currently OHR has 836 pending docketed cases.

- a. The alleged basis of the unlawful discrimination (race, color, religion, etc.) Please see **Table 2**, below.
- b. The form of alleged unlawful discrimination (employment, housing, educational institutions, etc.) Please see **Table 1**, below.
- c. OHR is working with OCTO to gather this information and will provide a supplemental response at a later date.

Table 1: The Number of Initial Questionnaires Received in FY22 Only (by Area of Alleged Discriminatory Action)	
Enforcement Area	Number of Questionnaires
Employment	763
Housing	175
Educational Institution	27
Public Accommodation	133
Language Access	8
Director's Inquiry	3

Table 2: Protected Characteristics and Categories of Alleged Discrimination*	
Protected Characteristics	Initial Questionnaires/ Inquiries Received (FY22 Only)

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Race	314
Color	125
Religion	164
National Origin	74
Sex	195
Age	175
Marital Status	18
Personal Appearance	142
Sexual Orientation	82
Gender Identity or Expression	52
Family Responsibilities	116
Political Affiliation	32
Disability	286
Matriculation	29
Familial Status	22
Genetic Information	20
Source of Income	67
Place of residence or Business	12
Status as a Victim of an Intrafamily Offense	0
Credit Information	3
Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking	19
<i>*Please note that an inquiry can claim multiple protected characteristics/categories of alleged discrimination, which will be different from the total number of inquiries OHR has (e.g., a single inquiry could cite three traits).</i>	

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49. How many complaints were dismissed due to lack of jurisdiction in FY 22 and FY 23, to date?

Response:

OHR dismissed 618 inquiries in FY22 – this includes dismissals due to lack of jurisdiction and dismissals because complainant was unresponsive or withdrew.².

50. How many cases were closed by conciliation agreements in FY 22 and FY 23, to date?

Response:

In FY22, 15 cases were closed by a conciliation agreement. In FY23-to date, five cases have been closed by a conciliation agreement.

51. Of the cases closed in FY 22 and FY 23, to date, how many were closed within one year of having been docketed? Within two years? Within three years?

Response:

OHR needs additional time to gather this information and will provide a supplemental response at a later date.

52. Please provide an update on the ongoing implementation of the DCRT case management system, including estimated completion dates for any remaining implementation steps. To the extent possible, please quantify any achievements that were directly attributable to this initiative in FY 22 and FY 23 to date.

Response:

DCRT was launched in June/July of 2021 and was in its nascent stages when OHR began FY22. OHR has been working with OCTO on a number of necessary updates; however, OHR requires an IT Specialist to manage this project. OHR is currently working in collaboration with OCTO and other vendors to see what the most effective path for OHR's robust case management system the most effective path for OHR's robust case management system would be.

53. Please describe any new practices or materials that the Office adopted in FY 22 or FY 23 to date for alerting potential claimants to the election of remedies rule, D.C. Code § 2–1403.16(a), which denies parties the opportunity to move their matters to court following a letter of determination from OHR.

Response:

OHR has recently developed a notification form that will be provided to potential claimants regarding the election of remedy rule outlined in D.C. Code § 2–1403.16(a). This notification form will be provided to all potential claimants when they file their initial

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written complaint. OHR is making final updates and revisions to the form and will release it within the Second Quarter of FY23.

54. The Office's FTE allocations increased in each of the last several years, most dramatically in the FY 21 budget, and filling newly created vacancies was a high priority as of last year's performance oversight hearing. Please describe any ongoing challenges with recruitment and strategies for addressing these challenges in FY 23.

Response:

In FY22, OHR increased its recruitment efforts due to the increase in FTE's allocated to the agency. In FY22, OHR filled 20 new positions at the agency. In FY23, to date, OHR has made five offers of employment that have been accepted and anticipates filling the remainder of the vacancies by the end of the fiscal year.

Similar to the nationwide trend, OHR has experienced hiring challenges due to changes in the job market stemming from the Covid-19 pandemic, such as lack of permanent remote work. In addition, in some instances, lack of competitive compensation and qualified candidates continue to present challenges.

To address these challenges, OHR has worked in close partnership with DCHR to make the hiring process more efficient. In addition, in FY23, OHR has added an additional Human Resource Specialist position to assist with the agency's growing human resource needs. Additionally, OHR has increased its recruitment efforts by expanding its recruitment networks to attract more qualified applicants and participating in DC government-sponsored job fairs. Finally, OHR is creating career ladders and growth opportunities within its organizational restructure so that OHR can retain more employees and avoid losing institutional knowledge.

55. Please describe the Office's process for ensuring that new developments in the laws you enforce (e.g., judicial interpretations of the Human Rights Act) are identified swiftly and communicated to all relevant Office staff at a level of detail sufficient to inform their work.

Response:

First, as new laws are being legislated, OHR's Director and General Counsel share details of legislative developments in OHR's monthly meetings with all staff. Copies of the bills are typically shared. As legislation becomes law, OHR's legal team works expeditiously to train staff on new laws at OHR's staff meetings as well as conducts mini-trainings on the new laws for OHR staff. In addition, OHR's enforcement teams have dedicated assigned attorneys, who provide case-by-case guidance as needed and provide responses to questions pertaining to any new laws. Finally, OHR's legal team, together with the communication and outreach team, work to publish guidance materials to educate the public about any new law and those materials are incorporated into OHR's subsequent training programs. As to judicial interpretation of the law, OHR's legal team provides legal

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updates to staff during all staff meetings and conducts mini-trainings as developments occur. And, again, the assigned attorneys are available to answer questions from the enforcement team regarding specific issues.

56. What are the findings of OHR’s fair housing testing, first funded in FY21? Has the Office provided the results of these tests to the Office of the Attorney General or any other agency?

Response:

The fair housing testing contract was executed on July 21, 2021, and testing began on August 1, 2021. The contractor conducted 50 matched-pair email tests and 50 single-sided phone tests to housing providers in D.C. to learn about their availability and if they accepted vouchers as a source of income for rent. The results of the phone testing affirmed that 70% of the housing providers explicitly accept vouchers as a source of income for rent. The remaining 30% were not conclusive, as respondents were unsure if they accepted vouchers. The results of the email matched- pair affirmed that 40% of the housing providers explicitly accepted voucher as a source of income for rent, 34% were nonresponsive, and the remaining 26% were not conclusive, as respondents were unsure if they accepted vouchers. The results of the tests have not been provided yet to the Office of Attorney General or any other agency, as OHR is waiting on the second round of testing to digest the information and write a report using results from both rounds of testing. The questions in the second round of testing (starting on February 6, 2023) will be expanded to reflect the newly passed Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022 (ERSFRA) and the enhanced protections under the DCHRA by ERSFRA.

57. Please provide an update on the Office’s Industry Standard Study funded through the one-time FY 22 budget enhancement of “\$100,000 to support an independent assessment of case review timelines.”

Response:

In FY22, OHR worked closely with a contractor by the name of Bayne to complete the study. OHR is now in the phase of completing the report and expects to publish the report by middle of Quarter 3 in FY23.

58. Please provide an update on the Office’s use of the one-time FY 22 budget enhancement of “\$100,000 to support case backlog reduction initiatives.” To the extent possible, please quantify any significant achievements that are directly attributable to this enhancement.

Response:

The one-time enhancement of \$100,000 in FY22 was used to support the case backlog reduction initiative by hiring experienced attorney contractors to process the relatively aged and complex cases that had more than two bases for discrimination.

59. Please provide an update on the Office’s implementation of the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020 (funded as of FY 22).

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Response:

OHR has created “train the trainer” presentations, the first of which will be in mid-February 2023, produced training materials and notices, conducted six outreach activities, and worked closely with the Department of Aging and Community Living as well as with other D.C. agencies and representatives from the business community to discuss and roll out implementation of the Act.

60. Please briefly summarize any Director’s Inquiries that the Office handled during FY 22 or FY 23, to date, including:
- a. The form of potential discrimination that the Director’s Inquiry sought to explore;
 - b. How the Office became aware of the concern(s) that prompted the Director’s Inquiry;
 - c. A brief summary of the activities the Office undertook in furtherance of the Director’s Inquiry;
 - d. The status of the Director’s Inquiry; and
 - e. Any recommendations developed or corrective action plans implemented as a result of the Director’s Inquiry.

Response:

OHR currently has one pending employment Director’s Inquiry which the agency is actively pursuing.

61. Have any District agencies or private parties failed to cooperate with Director’s Inquiries in FY 22 or FY 23, to date?

Response:

Not that OHR is aware of at this time.

62. Regarding the Language Access Program (LAP):

- a. In your response to the Committee’s written pre-hearing performance oversight question #60d last year, the Office identified a need for a “standardized language screening assessment for bilingual candidates” and started a search for an expert to support the development of this assessment. Has the office completed its development work on this assessment? If so, when does the Office expect to deploy the assessment?
- b. Have the Language Access Roundtables resumed? If so, please list the dates of all such roundtables that took place in FY 22 and FY 23, to date, and please specify (or estimate) how many agencies were represented at each roundtable.
- c. Please briefly describe any new recommendations that emerged from Language Access Roundtables in FY 22 and FY 23 to date, as well as the implementation status of each.
- d. Has the LAP resumed a level of activity that will allow it to grade covered entities with major public contact on all 14 language access compliance measures

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(including the three measures marked “N/A” for all such agencies in the FY 20 report)?

Response:

(a) The LAP developed a preliminary assessment to screen language skills for applicants who identified as bilingual (speak another language besides English). This draft assessment includes a set of questions that were developed in collaboration with the Mayor’s ethnic constituency offices. This screening test will not replace established language proficiency tests like the American Council of Teaching Foreign Language (ACTFL) or vendors that have approved linguistic standards by institutions like the Inter-Agency Language Roundtable. In addition to this, the LAP is prioritizing the development of multilingual phone trees and monitoring of agencies’ websites’ multilingual accessibility.

(b) The Language Access Roundtables have finished, since these events were created as a result of the need for streamlined communication during the public health emergency. The discussions were centered around COVID-19 responses, and the initiative was driven by Language Access Coordinators (LACs) to dedicate additional time to meet beyond the mandatory bi-monthly LAC meetings to address LA topics that were critical to the public health emergency. However, the LAP is hopeful about re-engaging in the roundtables in FY23.

(c) In FY 20-21, multilingual telephone tree, bilingual staff hiring, and funded entities language access compliance emerged as key issues and have resulted in resource development. Currently, the LAP has developed an updated multilingual website guide and a draft of a multilingual phone tree that is under review by OCTO. These two guides include the procedures to establish multilingual accessibility for covered entities with major public contact. The LAP expects to finalize and distribute the multilingual telephone tree guide before the end of FY23. The DC Grantee/Contractor Language Access Implementation Guide was developed and widely distributed to all covered entities for distribution to their funded entities in August 2022.

(d) Yes, the LAP has re-engaged in both types of field testing: in-person and by telephone. Details of field testing in FY22

- The total number of tests conducted was 236 tests.
- Number of in person tests: 83
- Number of telephone tests: 153
- The number of languages in which tests were conducted: 7 (Amharic, Arabic, French, Korean, Mandarin, Spanish, and Vietnamese)
- 11 agencies and 25 subdivisions, including funded entities, were tested in person.

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- 16 agencies and 45 subdivisions, including funding entities, were tested by telephone.

63. The Office’s FY 22 performance plan contemplates development of “multi-use, educational resource guides” in furtherance of racial equity. Please provide an update on this initiative, including any positive effects observed and estimated completion dates for any remaining steps.

Response:

In FY22, OHR worked with the newly formed Mayor’s Office on Racial Equity to provide input on its initiatives, one of which included a pilot training for District government managers. Additionally, OHR created and developed a new guidance product known as “Inclusive Language Guide” to encourage thoughtful word choice when communicating with others. OHR’s *Inclusive Language Guides* is a proactive education campaign aimed at interrupting prejudice and discrimination, with an emphasis on using inclusive language. It includes the development and staggered release of inclusive language guides around the “Big 8” social identities of race, ethnicity, gender identity and expression, sexual orientation, disability, religion, class/socioeconomic status, and age.

64. Please provide an update on the tipped wage worker sexual harassment training program.

Response:

OHR has conducted two “train the trainer” presentations that has resulted in over 40 certified trainers; produced written guidance, training materials, and several outreach documents; attended seven outreach events; and worked with and meets regularly with the Tipped Wage Workers Sexual Harassment Preventing Working Group and numerous other implementing D.C. agencies.

65. Please provide an update on street harassment prevention and response and the Office’s plans for this area in FY 23.

Response:

Street Harassment Prevention Act of 2017 (SHPA), D.C. Code § 7-2421 et seq. sunsetted on September 30, 2020. Consequently, OHR has not receive funding for the program since FY20 ended. Nonetheless, OHR continued to support prevention work to include: continuing a partnership with Hollaback! and L’Oreal Paris on their Stand Up Against Street Harassment campaign and launching a homegrown, self-paced online training for DC government employees. The 15-20 minute, interactive training covers SHPA, the definition of street harassment, local statistics gathered in the 2019 data collection, information on bystander intervention, and two scenarios that feature DC government positions. The training launched on PeopleSoft (course code: OHRSH) in April 2022 and the FY23 plan is to promote the training to District employees.

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66. In your responses to the Committee’s written pre-hearing performance oversight questions #40 and #65 last year, the Office indicated that a follow-up to the “Qualified and Transgender” report was in the works. Please provide an update, including estimated completion date.

Response:

The “Qualified and Transgender 2.0” report is currently in its final editing process by OHR; once it is approved and designed, OHR hopes to publish the report in May or June 2023 for Pride months. Along with publishing the report, OHR plans to launch a small digital social media campaign that highlights findings from the report.

67. Section 4063(b)(2) of the Universal Paid Leave Amendment Act of 20213 provided temporary authorization for up to 5 FTEs at OHR funded from the Universal Paid Leave Implementation Fund to work on matters other than paid leave enforcement. Please provide an update on OHR’s uses of the Fund during FY 22 to date (including a breakdown of uses related and unrelated to paid leave enforcement) and plans for the Fund for the remainder of the fiscal year.

Response:

In FY22, OHR filled four vacant positions using flexible Universal Paid Leave Implementations Funds. These FTEs are assigned to the SWAT (Special Work Assignment Team) whose focus is on closing backlogged cases. These positions include: a Supervisory Equal Opportunity Specialist, a Lead Equal Opportunity Specialist, and three grade 11 Equal Opportunity Specialists. In FY23, to date, OHR has filled one vacant position using flexible Universal Paid Leave Implementations Funds, also assigned to the SWAT Team. This reaches the five FTE limit. The last position is a grade 11 Equal Opportunity Specialist. Currently, OHR has only has UPL case, so the agency is unable to make use of the remaining UPL funding consisting of five FTEs.

68. How many cases did the Office dismiss due to the exclusion of “domestic servants” from the definition of “employer” in FY 22 and FY 23 to date? If a precise count is not readily available, an informed estimate is fine.

Response:

OHR needs additional time to gather this information and will provide a supplemental response at a later date.

69. Please describe any plans for new methods of outreach in FY 23, including any geographic, cultural, professional, or other communities with which the Office intends to establish new connections.

Response:

OHR has several exciting new methods of outreach in FY23, which include:

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- 1) **Monthly Office Hours:** Held at locations of existing, engaged constituents (e.g., Mayor’s Office on Returning Citizen Affairs) as well as public offerings (i.e., MLK Library). OHR staff at these three-hour sessions will provide information about OHR and the complaint process, answer any questions, and potentially help community members fill out intake forms.
- 2) **Quarterly Open Houses:** Open to the public, but with targeted invitations as well. These two-hour events during weekdays follow the format of a lunch-and-learn: food is provided, OHR staff presents on the agency and the new laws of FY23, and attendees can ask questions during the presentation or during informal mingling with OHR staff.
- 3) **Digital Campaign on the 23 Protected Traits in 2023:** Projected to run for 30 weeks during the second half of FY23. Weekly “Protected Trait Tuesday” posts on all our social media platforms that detail the designated trait and provide information in English as well as the top six non-English languages used in the District. The newly designed icons for each protected trait will also be displayed in our trainings, on our website, at outreach events with pull-up banners, and more.
- 4) **Language Access Bus Ad Campaign:** Projected to run for four weeks in April, Language Access Month. The ad will emphasize language access rights in DC and what to do if one’s rights are violated. There will be nine bus shelters and 400 interior bus ads with the campaign. The bus ad will also link to a webpage that informs the public about a Listening Lab on language access in early May 2023.
- 5) **Inclusive Language Guides:** A proactive education campaign aimed at interrupting prejudice and discrimination, with an emphasis on using inclusive language. It includes the development and staggered release of inclusive language guides around the “Big 8” social identities of race, ethnicity, gender identity and expression, sexual orientation, disability, religion, class/socioeconomic status, and age.

We are focusing our outreach with engaging housing providers, businesses, and the general public on the new laws in FY23 - with a particular emphasis on the new protected traits, the expanded definition of a hostile work environment, and the additional elements to source of income discrimination. Additionally, we are focusing on disability: increasing the accessibility of our materials and our knowledge on disability issues as well as engaging with the community more. And lastly, we are in the process of redoing our agency logo, revamping our intake forms with standardized language, and reorganizing our website to increase intuitive useability, accessibility, and accuracy of content.

70. Please describe in detail the Office’s efforts to improve dialogue with local human rights law practitioners in FY 22 and FY 23 to date.

Response:

In FY22, OHR implemented a number of measures to improve the dialogue with local human rights law practitioners. One of these measures includes OHR establishing a quarterly meeting with local practitioners. Other measures include working with bar

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associations and meeting with organizations such as the NAACP. In December 2022, OHR launched its first open house since before COVID to invite the legal community to learn more about OHR and new laws being enforced by OHR. OHR also met with legal practitioners from the Metropolitan Washington Restaurant Association.

71. Please describe any other progress the Office has made on the policy recommendations set forth on pages 93-95 of the Committee’s report on the FY 22 budget that has not been mentioned elsewhere in the responses.

Response:

Please see **Attachment Q71**.

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Appendix

Attachment List

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OHR FY22-23 POH Pre-Hearing Question Responses

Attachment List

No.	Attachment	Description
1	Q1	FY23 Organizational Chart
3	Q3	Schedule A for the agency
6(a)	Q6(a)	CBA – AFGE (Attorneys)
6(b)	Q6(b)	CBA – Comp Units 1 & 2
7	Q7	FY22 Approved Budget
8	Q8	FY22 Capital Projects
10	Q10	FY22 Reprogramming
11	Q11	Intra-District Transfers
12	Q12	Federal Grants
22	Q22	FY22 Performance Plan
23	Q23	FY23 Performance Plan
25(a)	Q25(a)	FY22-23 Employee Cellphone List
30	Q30	Purchase Card Expenditures for FY22-FY23
33(a)	Q33(a)	FY23 DCHR MOU
33(b)	Q33(b)	FY22 OCTO MOU
33(c)	Q33(c)	FY23 SLI MOU
33(d)	Q33(d)	FY22 DOES MOU
34	Q34	Contracts and Procurement
47	Q47	Annual Report
71	Q71	FY22 Policy Recommendations Updates