

**Office of Human Rights  
Performance Oversight  
FY23-24 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 current Organizational Chart for the agency.

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

Response:

In FY23, OHR modified its existing organizational structure to include an additional tier of senior management. The modification included the addition of four new senior leadership positions designated to oversee the expanding units, programs and functions within the agency. The new positions included: Chief Administrative Officer, Associate Director for Enforcement, Associate Director for Communications and Equity Programs, and Senior Advisor to the Director.

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. 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 OHR's Schedule A for the agency.

4. Please provide a list of vacant positions during FY 23 and FY 24, to date. Please note whether the position is currently filled, and length of time current vacancies have been open.

Response:

Please see attachment Q4 for a list of FY23 and FY24 vacancies.

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:

No employees were detailed to or from OHR in FY23 or FY24 to date.

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 the table below and attachments Q6 (a) – (d) for a copy of each collective bargaining agreement for the agency.

Collective Bargaining Agreement	Bargaining Unit	Duration	OHR Divisions	Bargaining Status
AFGE CBA - Compensation Unit 33 Lawyers	AFGE Local 1403 AFL-CIO	October 1, 2017 - September 30, 2023	Office of the General Counsel	No
AFGE CBA - Working Conditions Unit 33 Lawyers	AFGE Local 1403 AFL-CIO	October 1, 2017 - September 30, 2020	Office of the General Counsel	Yes
AFSCME CBA - Master Agreement Units 1 & 2	AFSCME Local 2401	Effective through September 30, 2010	Administrative Positions	Yes
AFSCME CBA - Compensation Agreement Units 1 & 2	AFSCME Local 2401	October 1, 2021 - September 30, 2025	Administrative Positions	No

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 23 and the first quarter of FY 24. Please detail any over- or under-spending and if the agency had any federal funds that lapsed.

Response:

Please see attachment Q7 for the agency’s Council-approved budget.

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:

The development and implementation of a new OHR Case Management System is currently the only open capital project. Please see below for amount budgeted,

actual dollars spent, and remaining balances. The project is on track and slated to be completed by end of quarter 3 of FY 2024.

Project	Project Description	Total Budget	Commitment	Obligation	Expenditure	Available Budget
100463	HM0.HM1CMC.OHR'S CASE MANAGEMENT	\$1,000,000.00	\$680,296.00	\$209,382.00	\$4,830.00	\$105,492.00

9. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY 23 or FY 24. 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 FY23 and FY24 budget submitted by the Mayor to Council reflect those efforts.

10. Please list, in chronological order, each reprogramming that impacted the agency in FY 23 and FY 24, 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.

Date	Request	Project	Fund	Award	Program	Account	Account Data	Rationale
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	100154-PERFORMANCE AND STRATEGIC MANAGEMENT	701100C-CONTINUING FULL TIME	\$(87,102)	This was a reduction to support the Mayor's supplemental budget.
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700071-INVESTIGATIONS	701100C-CONTINUING FULL TIME	\$(489,367)	
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700071-INVESTIGATIONS	701200C-CONTINUING FULL TIME - OTHERS	\$(407,118)	
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700071-INVESTIGATIONS	701400C-FRINGE BENEFITS - CURR PERSONNEL	\$(200,133)	
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700072-MEDIATION	701200C-CONTINUING FULL TIME - OTHERS	\$(87,281)	
Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700072-MEDIATION	713200C-CONTRACTUAL SERVICES - OTHER	\$(22,325)	

Q4	Reprogramming Adjustment 413	No Project	1010001-LOCAL FUNDS	No Award	700073-PUBLIC EDUCATION	713200C-CONTRACTUAL SERVICES - OTHER	\$(22,325)	
							\$(1,315,651)	

11. For FY 23 and FY 24, to date, please list all intra-District transfers to or from the agency.

Response:

Please see attachment Q11 for all intra-District transfers.

12. Please list each grant or sub-grant received by your agency in FY 23 and FY 24, 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.”

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 grant funding sources from the Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). OHR’s funding from HUD is a pay-for-service work share agreement under which OHR is reimbursed for each housing case it investigates. For budget purposes, this funding has been categorized as “grants.” 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 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 one FTE paid with funding from the EEOC grant.

14. For FY 23 and FY 24, 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:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program;
- e. Expenditures of funds, including the purpose of each expenditure; and
- f. The current fund balance.

Response: OHR does not have special purpose revenue funds.

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. As noted in OHR's responses for the last two years, the Language Access Act of 2014 remains an unfunded statute; 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. Although the law did not provide any funding to OHR in order to carry out these compilation and reporting requirements, OHR collected data starting in November 2023 and reached 100% agency compliance.

Listed below are additional laws that have been passed by Council that directly impact OHR, but for which there is not current funding in an appropriated budget:

- Prohibition of Marijuana Testing Act of 2021 or Cannabis Employment Protections Amendment Act of 2022 (B24-0109) 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 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.

- The Second Chance Amendment Act of 2022 (B24-0063), as relevant to OHR, prohibits criminal history providers from reporting criminal history information related to records that have been sealed, expunged, or set aside, authorizes OHR to adjudicate complaints, and provides penalties.

AGENCY OPERATIONS

16. Please describe new statutory mandates of the agency as of FY2024 and their current implementation status.

Response:

Legislation	Description	Implementation Status
<p><b>Domestic Worker Employment Rights Amendment Act of 2022 (B24-0712)</b></p>	<p>The DCHRA was amended to remove the “domestic servant” exception from the definition of employer.</p>	<p>Law is fully implemented. To date, OHR has:</p> <p>Drafted and published an external guidance document regarding the amendments.</p> <p>Conducted internal trainings for employees and the Commission on Human Rights on the amendment.</p> <p>Worked with community stakeholders to communicate information and share ideas.</p> <p>Partnered with DC DOES’ Office of Wage Hour Compliance and the National Domestic Workers Alliance to host a virtual workshop and share resources to the community.</p>
<p><b>Sexual Harassment Data Collection and Reporting Act (B24-0215)</b></p>	<p>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.</p>	<p>Law is fully implemented and OHR has finalized the report, which is currently undergoing review.</p> <p>Although the law did not provide any funding to OHR to carry out the mandates under the Act, OHR’s staff worked overtime to develop a streamlined reporting process for District government agencies to report the required information. Through the hard work and follow up of several OHR staff, OHR received a 100% reporting compliance.</p>
<p><b>Eviction Record Sealing Authority Amendment Act (B24-0096)</b></p>	<p>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</p>	<p>Law is fully implemented. To date, OHR has:</p> <p>Drafted and published three external guidance documents regarding source of</p>

	OHR complaint process for violations of the Act related to prospective tenant screening.	<p>income discrimination and the new protected trait.</p> <p>Conducted internal trainings for employees and the Commission on Human Rights on the new protected trait and source of income discrimination.</p> <p>Conducted internal trainings for intake and investigators regarding processing complaints related to allegations of violations of prospective tenant screenings</p> <p>Conducted external training for the public and legal professionals on the new protected trait and source of income discrimination.</p> <p>Developed an initial written complaint and intake questionnaire for allegations of violations of prospective tenant screening.</p> <p>Shared external guidance documents regarding source of income discrimination and the new protected trait at community events and OHR Office Hours held at the Mayor’s Office of Returning Citizen Affairs and DC Public Library locations.</p> <p>Highlighted act during press inquiries, notably during an interview with Team Rayceen.</p>
<b>Prohibition of Marijuana Testing Act of 2021 or Cannabis Employment Protections Amendment Act of 2022 (B24-0109)</b>	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 enforcing agency and individuals may bring alleged violations of this Act to OHR to be processed in expedited investigation process.	The law is unfunded, and funds have not been allocated in an approved budget or financial plan.
<b>Medical Necessity Restroom Access Act of 2021 (B24-0025)</b>	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 also the enforcement agency for this law, and individuals may bring alleged violations of the Act to OHR for investigation and resolution.	The law is unfunded, and funds have not been allocated in an approved budget or financial plan.



<b>The Second Chance Amendment Act of 2022 (B24-0063)</b>	As relevant to OHR, prohibits criminal history providers from reporting criminal history information related to records that have been sealed, expunged, or set aside, authorizes OHR to adjudicate complaints, and provides penalties.	The law is unfunded, and funds have not been allocated in an approved budget or financial plan.
---	---	---

17. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 23 and FY 24, 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.

Response:

<b>Report or Reporting Requirement</b>	<b>Statutory or Regulatory Authority</b>	<b>Requirement Deadline</b>	<b>Compliance Status</b>	<b>Most Recent Submission</b>
Office of Human Rights Annual Report	D.C. Human Rights Act, D.C. Code § 2-1403.01(g)(1)	Due annually	OHR anticipates submitting the FY22 Annual Report in FY24 Q3.	October 3, 2022
Language Access Annual Report	Regulations implementing the Language Access Act of 2004, 4 DCMR 1214.3	Due annually	OHR anticipates submitting the FY22 Language Access Report in FY24 Q3.	January 12, 2022
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; the next report is due on December 31, 2024.	July 9, 2021
Fair Criminal Records Screening Amendment Act Reporting	The Fair Criminal Records Screening Amendment Act, D.C. Code § 32-1345 (b)	Due annually	OHR reports FCRSA data in its Annual Report. OHR anticipates submitting the FY22 Annual Report in FY24 Q3.	October 3, 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	OHR reports FCRSHA data in its Annual Report. OHR anticipates submitting the FY22 Annual Report in FY24 Q3.	October 3, 2022



Human Rights Case Management Metrics	D.C. Human Rights Act, D.C. Code § 2-1403.01(g-1)(1)	Due quarterly.	OHR anticipates submitting the FY23 Q4 and FY24 Q1 reports by March 2024.	November 9, 2023
--------------------------------------	--	----------------	---	------------------

18. Please list and describe any regulations promulgated by the agency in FY 23 or FY 24, to date, and the status of each.

Response:

OHR did not issue any regulations in FY23 or FY24 to date.

19. Please explain any significant impacts on your agency of legislation passed at the federal or local level during FY 23 and FY 24, to date.

Response: See response to Question #16 regarding new laws added to OHR’s enforcement functions. OHR requires additional funding to continue implementing the Sexual Harassment Data Collection Act.

20. What are the agency’s top five priorities? Please explain how the agency expects to address these priorities in FY 24.

Response:

OHR’s top five priorities for FY24 are as follows:

- **Investing in People (Recruiting, Hiring and Retention):** OHR is expanding recruiting efforts and creating pipelines. OHR is creating tailored training materials for each unit of the agency. To promote retention, in FY24, OHR is executing on its FY23 plans to award incentive pay to high-performing qualified employees.
- **Case Processing Improvements:** Building on FY23 successes of bringing on board qualified employees, including senior managers, and subject matter experts such as Contractor IT Specialist and Contractor Data Analyst, OHR set performance plan-based case processing goals for each team and team members.
- **Increased Information Sharing:** Building on FY23 and FY24 successes to date, such as onboarding Contractor IT Specialist and Data Analyst, OHR will share more data and information related to case processing on its website by the end of the fiscal year.
- **Case Management System Improvement:** Building on FY23 success in onboarding Contractor IT Specialist, OHR is well underway in procuring a new case management system for both the Office of Human Rights and Commission on Human Rights. OHR anticipates that the new case management system will be completed by Q3.

- **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 case processing, 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 completed each month by the enforcement unit, legal unit and hearing units;
13. Cases with the hearing officers (Administrative Law Judges) and cases pending with the Commission on Human Rights tribunals;
14. Number of active EEO Counselors and Officers in the District;
15. Number of Language Access inquiries received; and
16. Number of Language Access cases resolved.

22. Please provide a copy of the agency’s FY 23 performance plan, if one was prepared. Please explain which performance plan objectives were completed in FY 23. If they were not completed, please provide an explanation.

Response:

Please see attachment Q22 for the agency’s FY23 Performance Plan.

23. Please provide a copy of your agency’s FY 24 performance plan as submitted to the Office of the City Administrator, if one was prepared.

Response:

Please see attachment Q23 which summarizes the agency’s FY24 Performance Plan.

24. Please describe any new initiatives or programs that the agency implemented in FY 23 and FY 24, 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 FY23 and FY24, to date, OHR is working on investing in people and systems to rebuild a sustainable OHR, all the while working to reduce the number of aged cases, implement new laws, and improve overall agency infrastructure and organization. To this end, OHR's initiatives include the following:

- **Initiative #1 - Agency Reorganization**
  - o OHR's previous organizational structure was flatlined and lacked career growth opportunities. In FY23, OHR completed its reorganization plan and filled several management and support positions to the agency. OHR onboarded its new Associate Director of Communications, Associate Director of Enforcement, Senior Advisor, and HR Specialist. OHR also promoted internal employees, to include the HR Manager to Chief Administrative Officer, and Mediator to Mediation Manager. OHR also onboarded Contractor IT Specialist as well as a Data Analyst. All of these changes will allow OHR to have better management oversight, provide necessary supports to staff, and allow career growth.
- **Initiative #2 – Case Management System**
  - o In FY23 and FY24, OHR onboarded a Contractor IT Specialist to update the agency's case management systems and a Contractor Data Analyst to assist with improving OHR's publication of reports and information sharing with the public. OHR is on track to complete its case management system updates by Q3 of the year.
- **Initiative #3 – Personnel Growth and Retention**
  - o 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 awards committee to review and authorize incentive awards.
- **Initiative #4 – Creating Pipelines and Diversifying Recruitment**
  - o To create a better pipeline of qualified staffing and to improve the diversity of its recruits, OHR established new relationships with all local law schools and paralegal schools. This has resulted in diversified law clerks as well as staff.
- **Initiative #5 – Issuance of Office Memorandum**
  - o OHR worked diligently on improving internal agency processes and procedures in FY23, and implemented several office memorandum, including the process for contacting represented parties, establishing procedures for unresponsive complainants, and procedures for handling

bankruptcy of respondents. OHR also refined its internal procedures related to OGC case assignment, processing, and filing. Additionally, in FY23, OHR has worked to bring more clarity to the public about the investigation process. In FY23, OHR developed a notification form that is provided to potential complainants in employment cases regarding the election of remedy rule outlined in D.C. Code § 2– 1403.16(a). The notification form is prominently posted on OHR’s website next to the employment intake questionnaire and is also individually provided to complainants on three separate occasions: with the initial scheduling notice, with the draft charge for complainants’ signature, and with the investigator introduction email if the case fails mediation and goes to investigation. The notification form has also been translated into Spanish.

- **Initiative #6 – Focused Office of the General Counsel**

- o Building on the fully staffed expanded Office of the General Counsel in FY22, despite at times being short-staffed in FY23, OGC focused on case processing and reviewed almost 120 Letters of Determination for legal sufficiency and drafted more than 200 other core work documents.

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

25. Please provide the Committee with:
- a. 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 23 and FY 24, to date;
  - b. A list of travel expenses, arranged by employee for FY 23 and FY 24, to date, including justification for travel;
  - c. A list of total workers’ compensation payments paid in FY 23 and FY 24, to date, including the number of employees who received workers’ compensation payments, in what amounts, and for what reasons.

Response:

OHR has not owned or leased any vehicles in FY23 or FY24, to date. We participate in the Fleet Share program offered by DPW. Please see table below showing travel expenses by employee for FY23 and FY24, to date, including justification for travel. OHR did not incur workers’ compensation payments paid in FY23 and FY24, to date.

Employee Name	Justification/Purpose for Travel	Travel Expense
Charles Thornton, Special Assistant, Returning Citizens Program	Pan Africa Citizens United for Rehabilitation of Errants Conference, Nairobi, Kenya	\$1,805.55
Motoko Aizawa, Chairman of the Commission on Human Rights	Human Rights Cities Leadership Summit, Atlanta, Georgia	\$802.74

Akita Evans, Enforcement Unit Supervisor	2023 Fair Housing Leadership Conference, Denver, Colorado	\$1,163.27
Andrea Goplerud, General Counsel	EEOC Fair Employment Practices Agencies (FEPA) 2023 Conference, Baltimore, MD	\$160.98
Juliette Niehuss, Deputy General Counsel	EEOC Fair Employment Practices Agencies (FEPA) 2023 Conference, Baltimore, MD	\$160.98
Hnin Khaing, Agency Director	EEOC Fair Employment Practices Agencies (FEPA) 2023 Conference, Baltimore, MD	\$233.83
Stirling Phillips, Alternative Dispute Resolution Unit Supervisor	National Employment Lawyers Association (NELA) Conference, Chicago, Illinois	\$978.84
Erika Pierson, Chief Judge, Commission on Human Rights	National Employment Lawyers Association (NELA) Conference, Chicago, Illinois	\$1,164.95
Ayanna Lee, Chief Administrative Officer (Human Resources & Agency Operations)	Society for Human Resource Management (SHRM) Annual Conference, Detroit, Michigan	\$1,781.24
Alexis Applegate, Senior Attorney Advisor, Office of the General	Massachusetts Commission Against Discrimination Conference, Boston, Massachusetts,	\$781.73
Hnin Khaing, Agency Director	Massachusetts Commission Against Discrimination Conference, Boston, Massachusetts,	\$781.73

26. For FY 23 and FY 24, to date, what was the total agency cost for mobile communications and devices, including equipment and service plans?

Response:

In FY23 the total agency cost for mobile communications and devices, including equipment and service plans was \$33,156.33. In FY24, to date, the total agency cost for mobile communications and devices, including equipment and service plans is \$8,432.47.

27. Please list in descending order the top 25 overtime earners in your agency in FY 23 and FY 24, 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:

Please see the chart below for a list of employees that received overtime payments in FY23. In FY24 to date, no OHR employees received or earned overtime pay.

Employee Name	# of Hours	Pay Begin Date	Pay End Date	Check Date	Amount
Hedgpeth, Courtney	8	03/26/23	04/08/23	04/18/23	212.48

28. For FY 23 and FY 24, 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:

Please see attachment Q28 for a list of bonuses and special pay granted in FY23 and FY24 to date.

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 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 FY23 and FY24 training opportunities for OHR employees.

Subject of the Training	Name of Training Organization/Trainer	Date	Number of Employees Trained
Public Speaking	Toast Masters	October 2022	1
Your Money's No Good Here: Source of Income Discrimination Housing	American Bar Association	October 2022	2
Fireside Chat: The Future of Government Ethics	BEGA	October 2022	1
Legal Ethics for Government Attorneys	BEGA	October 2022	1
Fundamentals of Fair Housing	NFHTA	October 2022	2
Language Access and Language Justice	PLI	October 2022	1
Fundamentals of Fair Housing – Intake	NFHA	November 2022	1

Ethics	NELI	December 2022	2
Employment Law Webinar	National Employment Law Institute (NELI)	November 2022	7
Finding the Law of the District	Office of the Attorney General	February 2023	3
Rulemaking 101	Office of the Attorney General	March 2023	2
Introduction to Appropriations Law	Office of the Attorney General	March 2023	1
Fair Housing	Practicing Law Institute	March 2023	1
Understanding Employment Law 2023	PLI	March 2023	2
How to Structure a Winning Argument	Office of the Attorney General	April 2023	4
Because of Sex and Bostock	PLI	April 2023	3
ADA and FMLA Update	National Employment Law Institute	April 2023	1
A Frank Conversation: A Primer on D.C. Council Process and Legislation	Office of the Attorney General	May 2023	4
Diversity and Inclusion in Law Practice 2023	PLI	May 2023	1
Remote Depositions	PLI	June 2023	1
Discovery	PLI	June 2023	1



Litigating Fair Housing Cases	NFHTA	June 2023	1
D.C. Springtime Ethics Hour	Practicing Law Institute	June 2023	2
Employment Discrimination and Litigation 2023	PLI	June 2023	1
FOIA: Nuts and Bolts	OAH	June 2023	3
FOIA: Effectively Managing	OAH	June 2023	2
National Employment Conference	National Employment Lawyer Association	June 2023	1
Giving Presentations Training	David K. Fram	June 2023	5
Legal Training	Equal Employment Opportunity Commission	June 2023	1
Subsidized Housing Basics	PLI	July 2023	1
ADA Workshop	National Employment Law Institute	July 2023	3
Supreme Court Update	Practicing Law Institute	July 2023	2
Municipal Law Institute	PLI	July 2023	2
Writing for Litigators	PLI	July 2023	2
Ethics for Municipal Lawyers	Practicing Law Institute	July 2023	4

Supreme Court Institute: Fundamental Rights – Speech, Religion, and Voting	PLI	August 2023	1
Working with Client with Disabilities: Professional Obligations and Ethics	Practicing Law Institute	August 2023	1
Mediation Training	Meditation for Lawyers <sup>SM</sup>	September 2023	3
ADA FMLA Compliance Update Webinar	National Employment Law Institute (NELI)	February 2023	1
Annual Conference	Society for Human Resources Management	May 2023	1
<b>Training Opportunities for Employees FY24, to date</b>			
Ethics Update	BEGA	October 2023	3
Investigation Trends	BEGA	October 2023	1
Legal Sufficiency Review	MOLC	October 2023	2
Overview of Recent OMA and FOIA Advisory Opinions and Advice	OAH	October 2023	1
Legal Ethics for Government Attorneys	BEGA/DC Bar	October 2023	5
The Intersection of DEI and Ethics	BEGA	October 2023	1
Local Ethics Authorities	BEGA	October 2023	1
Cross Examination Skills	OAG	November 2023	2

Opening Statements	OAG	November 2023	2
Direct Examinations	OAG	November 2023	3
Finding the Law of the District of Columbia	OAG	November 2023	1
Employment Law Webinar Conference	National Employment Law Institute (NELI)	November 2023	1
IDEA and School Advocacy	PLI	December 2023	1
Closing Argument	OAG	December 2023	1
Hatch Act	BEGA	January 2023	2
Introduction to Legislative Drafting	OAG	January 2023	3

30. For FY 23 and FY 24, 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 Q30 for purchase card spending.

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 accordance with the district-wide remote work policy, OHR allowed its employees 2 days of remote work per week in FY23 and FY24 to date. Effective, March 10, 2024, OHR will shift to 1 day per week of remote work, in-line with DPM Issuance I-2024-1.

<https://edpm.dc.gov/issuances/compressed-flexible-and-telework-schedules-jan2024/>

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.

33. Please list and provide a copy of all memoranda of understanding ("MOU") entered into by your agency during FY 23 and FY 24, 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 attachment Q33(a)-(f) for a copy of the agency's MOUs.

34. Please list each contract, procurement, and lease entered into or extended by your agency during FY 23 and FY 24, 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;
- 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 Q34 for a list each contract, procurement, and lease entered into or extended by the agency during FY23 and FY24, 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 adjusted expendable budget for CBEs is \$335,511.42. Thus far, OHR has spent \$47,644.44 on CBES which is 7% of the expendable budget.

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:

Other than petitions for review or appeals of OHR's administrative decisions, there are currently no 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 23 or FY 24, 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.).

Response:

OHR has not entered into any settlements in FY23 or FY24 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 a 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 DC 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 23 and FY 24, 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 23 or FY 24, to date.

Response:

On March 15, 2023, OHR was notified of a complaint filed with the EEOC by a current employee. The complaint is pending.

41. Please provide the number of FOIA requests for FY 23, and FY 24, 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.

Response:

Total FOIA Requests Received During FY	Requests Pending at the Start of the FY	Granted	Partially Granted	Denied	Other*	Pending at End of FY or Period
<b>Fiscal Year 2023 (10/1/2022-09/30/2023)</b>						
76	14	8	34	29	13	6
<b>Fiscal Year 2024 (10/1/2023-1/12/2024)</b>						
15	6	0	6	7	3	5

<b>Average Response Time</b>	FY23 = 5.91 days FY24 to date = 9.02 days
<b>Estimate number of FTEs required to process request**</b>	2
<b>Estimated number of hours spent (per year)**</b>	600
<b>Cost of Compliance**</b>	Est. \$36,000 per year

\*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 then has one primary FOIA Officer. For a time in FY23, OHR additionally had one alternative FOIA Officer, which greatly assisted with the voluminous work. Both the FOIA Officer and the alternative FOIA Officer are housed within the Office of the General Counsel, and they are tasked with producing the final Agency response and records for production. OHR does not keep track of the “hours spent.” The hours only reflect an estimated number of hours spent by the FOIA Officers, OHR Custodian of Records, and attorneys in the Office of the General Counsel responding to FOIA requests. Similarly, the cost of compliance is calculated based on the approximate number of hours spent by the FOIA Officer and their salary.

42. Please identify all electronic databases maintained by your agency, including the following:

- a. A detailed description of the information tracked within each system;

- b. The age of the system and any substantial upgrades that were made in FY 23 or FY 24, to date, or that are planned for the system;
- c. Whether the public is currently granted access to all or part of each system; and
- d. Whether the public could be granted access to all or part of each system.

**Response:**

<b>DCRT</b>	
a. DB Description	DCRT is OHR’s primary electronic case management system (CMS) developed by OCTO and is based in a MS SQL Relational Database. DCRT is used to track cases and progress, provide deadline reminders, analyze data regarding cases filed, and run reports necessary to comply with various statutory requirements.
b. System Age / Upgrades	Launched in Fiscal Q4-2021 with no significant upgrades to-date. OHR is planning to replace DCRT with a currently active OCP selection process in FY24.
c. Current Public Access	Public access is currently not granted to any part of the system.
d. Possible Public Access	As part of the new CMS, OHR is planning to provide a public access Portal.

<b>Synergy Case System</b>	
a. DB Description	The Synergy Case system is an electronic case management system (CSM) developed by a company called Synergy. The Synergy system is used by the hearing examiners (ALJs) to track each case that is certified for a public hearing along with the status of each case.
b. System Age / Upgrades	Launched in Fiscal Year 2017 with no significant upgrades to-date. OHR is planning to replace the Synergy CMS with a currently active OCP selection process in FY24.
c. Current Public Access	Currently, the public has access through electronic filing on the system.
d. Possible Public Access	The public access is currently limited to filing, but they could have other access to the docket and related records in the future.

<b>Tipped Wage Documents and Certifications Portal</b>	
a. DB Description	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.



b. DB Age / Upgrades	Launched in Fiscal Q3-2021 with no significant upgrades to-date
c. Current Public Access	The 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. Possible Public Access	The public will not be granted access.

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 23 and FY 24, to date.

Response:

OHR is not aware of any investigations, audits, or reports being conducted on the agency or any employee of the agency in FY23 or FY24 to date.

44. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 23 and FY 24, to date. Please submit a digital copy to the Committee of any study, research paper, report, or analysis that is complete.

Response:

*FY22 Language Access Program Annual Compliance Review*

**Author:** OHR

**Status:** Under Review

**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 FY22. 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 to over 1,515 District employees, contractors, and grantees across District agencies via virtual training platforms.

*Youth Bullying Prevention in the District of Columbia: School Year 2020-2021 & 2022-2023 Report*

**Author:** OHR through contract with Child Trends

**Status:** Due December 31, 2024

**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.

*Source of Income Protection in the District*

**Author:** OHR through a contract with the Equal Rights Center

**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 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
- Equality Chamber of Commerce
- National Domestic Workers Alliance
- Community Partnership for the Prevention of Homelessness

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 FY23 Quarter 1, and 2 reports. The Quarter 3 and 4 reports are under review and should be submitted by the end of February.

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 Q47 for the most recent annual report.

48. How many complaints of unlawful discrimination were received by the Office in FY 23 and FY 24, to date? How many are currently pending? Please breakdown each number by:

- The alleged basis of the unlawful discrimination (race, color, religion, etc.);
- The form of alleged unlawful discrimination (employment, housing, educational institutions, etc.); and
- 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 1547 complaints of unlawful discrimination in FY23 and FY24. 987 cases are pending.

(a) Alleged basis of unlawful discrimination:

Protected Traits	Initial Questionnaires/ Inquiries Received*
NULL**	177
Age	259
Color	209
Credit Information	14
Disability	444
DVSOS	43
Family Responsibilities	143
Familial Status	31
Gender Identity	87

Genetic Information	19
Homeless Status	2
Marital Status	41
Matriculation	23
National Origin	136
Personal Appearance	195
Political Affiliation	34
Place of Residence or Business	33
Race	495
Religion	62
Retaliation	601
Sex	291
Sexual Orientation	128
Source of Income	144
Status as a Victim of an Intrafamily Offense	5
<p><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></p> <p><i>** NULL refers to inquiries/cases, no protected trait was checked – this may be the case in non-DCHRA cases such as DCFMLA or FCRSA cases, for example, where no protected traits apply.</i></p>	

(b) Form of unlawful discrimination

Enforcement Area	Number of Cases
Public Accommodation	164
Employment	1000
Governmental Services	3
Youth Bullying Prevention Act	2
Language Access	16
Educational Institution	39
Housing	313
Other	10

(c) Legislation under which the claim primarily arose

Statute Name	Number of Cases
DCFMLA	8
UPL	2
FCRSHA	2
NULL**	1356
Human Rights Act (HRA)	161
PPWFA	2

Language Access	1
FCRSA (Fair Criminal Records Screening Amendment Act)	12
Youth Bullying Prevention Act (YBPA)	3

49. How many complaints were dismissed due to lack of jurisdiction in FY 23 and FY 24, to date?

Response:

OHR dismissed 4 cases in full for lack of jurisdiction after a Motion to Dismiss (MTD) and 1 MTD was partially granted in that some of the claims were dismissed for lack of jurisdiction, and some were not.

50. How many cases were closed by conciliation agreements in FY 23 and FY 24, to date?

Response:

OHR closed/settled 11 conciliation cases in FY23, and 0 cases closed/settled to date in FY24.

51. Of the cases closed in FY 23 and FY 24, to date, how many were closed within one year of having been docketed? Within two years? Within three years?

Response:

One year – FY23: 144; FY24: 10  
Two years – FY23: 56; FY24: 9  
Three years – FY23: 44; FY24: 3

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 23 and FY 24 to date.

Response:

OHR worked to make necessary updates to DCRT but at present, OHR is procuring a new system that is tailored for case management. To this end, OHR onboarded a Contractor IT Specialist in FY23 to assist with system evaluation and procurement steps. OHR expects the product to be tested and launched by the end of Quarter 3.

53. Please describe any new practices or materials that the Office adopted in FY 23 or FY 24 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 developed a notification form that is provided to potential complainants in employment cases regarding the election of remedy rule outlined in D.C. Code §

2– 1403.16(a). The notification form is prominently posted on OHR’s website next to the employment intake questionnaire and is also individually provided to complainants on three separate occasions: with the initial scheduling notice, with the draft charge for complainants’ signature, and with the investigator introduction email if the case fails mediation and goes to investigation. The notification form has also been translated into Spanish.

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 24.

Response:

As in years past, OHR made recruitment a top priority in FY23 and in FY24 to date. OHR filled 17 vacancies in FY23 and has filled 6 vacancies in FY24 to date. OHR expects to maintain this hiring trend through the end of the fiscal year and is on track to fill all its current vacancies.

Similar to nationwide trends, 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. Additional challenges such as lack of competitive compensation and hard-to-fill positions present additional recruitment challenges.

To address these challenges, OHR onboarded a new Human Resource Specialist in FY23 to assist with the agency’s growing human resource needs. OHR also increased its recruitment efforts by expanding its recruitment networks to attract more qualified applicants and participating in DC government-sponsored job fairs. Finally, OHR has created more career ladder and growth opportunities for its existing staff to promote staff retention.

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. 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, works 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 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:

OHR, with the assistance of a contracting vendor, completed its field tests. OHR is currently in review of these results.

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:

This project was completed but in the process of finalizing the report.

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. This strategy is directly attributed to the reduction in the backlog of OHR aged cases.

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).

Response:

OHR has conducted "train the trainer" presentations, produced training materials and notices, conducted 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 23 or FY 24, 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:

There is one open DI for FY23-24:

- a. Employment DI – race-based and retaliation;
- b. Employment DI – through witness statements in an existing OHR case;
- c. Employment DI – issued extensive Request for Information to Respondent;
- d. Employment DI – currently on hold pending resolution of related case in front of the Commission; and
- e. Employment DI – none yet.

61. Have any District agencies or private parties failed to cooperate with Director's Inquiries in FY 23 or FY 24, to date?

Response:

No.

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 23 and FY 24, 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 23 and FY 24 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 (including the three measures marked "N/A" for all such agencies in the FY 20 report)?

Response:

- a. The language access program has not identified the financial resources to hire an expert in the language assessment field to develop a standardized language screening assessment for bilingual candidates. OHR had to refocus on a critical language access accessibility tool that can address the needs for language accessibility over the phone due to findings from the field testing in 2022. Therefore, as of April 2023, the Office of Human Rights (OHR) requires all District covered entities provide multilingual access to their telephone systems to serve constituents who are Limited English Proficient/Non-English Proficient (LEP/NEP). Pursuant to the Language Access Act (D.C Code § 2-1932(a)) and its implementing regulations (4 DCMR § 1205.5), “[e]ach covered entity shall provide oral language services to LEP/NEP individuals who seek to access or participate in the services, programs, or activities offered by the covered entity. To help comply with this requirement and provide more inclusive customer service, OHR has determined that a covered entity's use of multilingual automated messaging systems, also known as multilingual phone trees, is a baseline policy and procedure, required by the Act. This requirement applies to Covered entities with major public contact, and in FY 24, OHR will extend the requirement to covered entities with non-major public contact.
- b. In FY 23, the LAP held one Roundtable discussion on September 7, 2023. Forty-two (42) language access coordinators and point of contacts participated in the Roundtable discussion. Among the agencies that participated were: DBH, DOC, DCHR, OIG, HSEMA, DOB, DCHBX, DPW, DFS, OCTFME, ABCA, DFHV, OLA, OCFO, CIC, DGS EOM, DDS, UDC, DMV, DOH, DCPS, DISB, CFSA, OSSE, OAG, DEMS, DPR, MOLLA, DCPC, DHCD, PSC, DLCP, DOEE, MPD.
- c. The Language Access Roundtable topic was the LA listening lab outcomes and community feedback on accessing language access in government agencies and funded entities. In the Roundtable discussion, the LAP shared the community members’ feedback, comments concerns and experience on accessing language services in DC government. The LAC and LAPOCs participated in the Polly poll in Teams. The Polly questions in the roundtable discussion were similar to the questions asked in the LL session. The goal of the Roundtable discussion was that the LACs and LAPOCs review, update, upgrade the current LA policies, protocols and practices in their agencies. Among of the recommendations that were derived from the discussion was that LA training have to be complemented with agencies’ cultural and customer service trainings. Also, the issues of language accessibility by phone for agencies that have an automated message or phone tree that is only in English is a barrier. Therefore, OHR has recommended that the agencies enhance their phone accessibility through the implementation of a multilingual automated phone tree or message. In the second quarter of FY24, OHR will start to monitor the implementation of the multilingual phone tree for Covered Entities with Major Public Contact that currently has a phone tree in English.

d. In FY23, OHR conducted a signage audit to all the 39 Covered Entities with Major Public Contact. The audit started in the Spring of 2023 and concluded in the Summer of 2023. With the signage audit information, OHR is now able to grade agencies in the signage rubric. For the other two measures marked N/A, those are for field testing findings, not all agencies undergo field testing. In FY23, OHR tested 20 agencies and 61 subdivisions that includes agencies service centers, and funded entities. The tested agencies underwent in-person and telephone testing. The overall grade/score possible for the 20 agencies that underwent testing is 14 and for the agencies that were not tested, it is 12.

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:

OHR released *Words Matter: A Guide to Inclusive Language around Racial and Ethnic Identity* in April of last year. There are three more guides that are planned for FY24 on Sexual Orientation, Gender Identity & Expression, and Disability.

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

Response:

During FY23, OHR's Safer Spaces Unit delivered Train the Trainer (TOT) sessions. All sessions were offered online to facilitate a greater number of participants. Following the TOT trainees had the opportunity to prepare and present their own developed materials based on OHR's training and receive feedback from our team and their peers.

65. Please provide an update on street harassment prevention and response and the Office's plans for this area in FY 24.

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. There are no current plans for work in this area in FY24.

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 April.

67. Section 4063(b)(2) of the Universal Paid Leave Amendment Act of 2021 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 23 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 FY23, all five FTE positions were filled. These FTEs are assigned to the SWAT (Special Work Assignment Team) whose focus was to complete investigation of aged cases. With this funding, the SWAT unit was able to complete investigations of 51 cases out of its 68 cases (75% completion). OHR has also processed approximately 14 UPL cases and conducted several trainings (approximate 4 per year), in addition to planning additional outreach and education on UPL cases at OHR.

68. How many cases did the Office dismiss due to the exclusion of “domestic servants” from the definition of “employer” in FY 23 and FY 24 to date? If a precise count is not readily available, an informed estimate is fine.

Response:

OHR started tracking the data in Q1 of FY24 and will provide a supplemental response at the end of Q2.

69. Please describe any plans for new methods of outreach in FY 24, including any geographic, cultural, professional, or other communities with which the Office intends to establish new connections.

Response:

In FY24, OHR aims to solidify our commitment to educating and empowering residents through diverse outreach methods. OHR will build on our existing partnerships with DC government agencies to curate tailored educational resources and host workshops on new and existing laws at high-traffic locations like community centers and libraries east of the river, through virtual workshops to increase accessibility to those who cannot attend in person, and planned events hosted by constituent outreach offices and community stakeholders to reach targeted audiences like young professionals and immigrant communities.

OHR is also forging new relationships with business groups, advocacy organizations, and professional associations to introduce our resources and host workshops on eliminating discrimination, increasing equal opportunity, and protecting human rights for all residents and visitors. For instance, we are partnering with the local Chamber of Commerce to host workshops on preventing workplace discrimination and with immigrant support groups to develop language-

accessible online modules on legal rights awareness. Through these strategic partnerships and diverse outreach channels, we are reaching a wider audience and creating a more informed and inclusive District of Columbia.

70. Please describe in detail the Office's efforts to improve dialogue with local human rights law practitioners in FY 23 and FY 24 to date.

Response:

In FY23 and FY24, OHR has prioritized its connection with local human rights law practitioners through monthly community-based organization meetings. These open forums encourage open dialogue and exchange between OHR leadership and representatives from diverse community-based organizations (CBOs) to provide valuable insights for addressing concerns from the community, curating educational resources, promoting targeted outreach, and hosting informative workshops.

Through such collaboration with CBOs, OHR was able to streamline the submission of complaints by agreeing that legal representatives may submit complaints on clients' behalf to ensure accessibility to protections, develop educational resources about Domestic Workers' Rights, and invite CBOs to training workshops to facilitate peer support networks and advocacy efforts.

Moving forward, OHR plans to expand outreach, gather more profound feedback, and refine our strategies to build an even more robust, inclusive human rights community in the District of Columbia.

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 FY22 budget that has not been mentioned elsewhere in the responses.

Response:

Please see attachment Q71.

72. What has the agency done to reduce agency energy use in FY 2022? Did the agency's energy use increase or decrease in FY 2022? Please identify how much energy use increased or decreased in terms of kWh and therms, and what percentage increase/decrease that is compared to FY 2017.

Response:

The energy use in FY22, like the previous fiscal years, was measured for the entire building, and not by agency. To reduce the energy use for the entire building, DGS installed LED lights and sensors so that all lights turn off after a few minutes when no motion is detected.

## SEXUAL HARASSMENT

73. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees.

Response:

Once the agency's sexual harassment officer ("SHO") is notified of a complaint, the SHO will inform OHR's General Counsel, and the General Counsel will report the incident to the Mayor's Office of Legal Counsel ("MOLC"). The SHO also notifies the alleged harasser of the reported behavior and the SHO investigates the claim. The agency will issue a finding no later than sixty (60) days with a copy to MOLC.

74. List and describe any allegations received by the agency in FY 2023 and FY 2024, to date, and whether and how those allegations were resolved.

Response:

OHR did not receive any allegations of Sexual Harassment in FY23 or FY24, to date.

75. Has DOEE identified a primary and alternate sexual harassment officer ("SHO") as required by Mayor's Order 2023-131 ("Sexual Harassment Order")? If no, why not? If yes, please provide the names of the primary and alternate SHOs.

Response:

OHR has designated a primary and alternate sexual harassment officer.

Primary: Ayanna Lee, Chief Administrative Officer.

Alternate: Alexandria Guzman, Human Resources Specialist.

76. Has DOEE received any requests from staff in an otherwise prohibited dating, romantic, or sexual relationship for a waiver of provisions of the Sexual Harassment Order? What was the resolution of each request? If a waiver has been granted, are there limitations on the scope of the waiver?

Response:

OHR has not received requests for waivers.

## RACIAL EQUITY

77. The District defines racial equity as "the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents." What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

Response:

OHR has made progress towards racial equity by expanding its presence east of the river through partnerships with Constituent outreach offices, such as the Mayor's Office of Returning Citizen's Affairs, and CBOs to attend events and host office hours at high-traffic locations like community centers and DC Public Libraries as well as through virtual workshops to increase accessibility to those who cannot attend in person. The agency will continue to target our outreach efforts and resources to communities East of the River, which are predominantly Black and underserved.

Additionally, OHR continues to publish educational resources, such as our *Words Matter: A Guide to Inclusive Language to Racial and Ethnic Identity*, to promote the usage of inclusive language more regularly in conversations about race, ethnicity, and racial and ethnic equity in the workplace and in our communities. The goal is to raise awareness, guide learning, and encourage language that centers on inclusion by being mindful of the voices and experiences of people who have been historically marginalized. As OHR continues to expand our partnership with the Mayor's Office of Racial Equity in support of the REACH Act, the office is developing a racial equity training that highlights the subtle ways the system limits opportunities based on race and/or skin color.

78. In the past year, what are two ways that your agency has addressed racial inequities internally or through the services you provide? What additional resources would help your agency reduce traditional burdens felt by Black, Latine, Indigenous, and other communities of color in FY25 and beyond?

Response:

Through the publication of OHR's *Words Matter: A Guide to Inclusive Language to Racial and Ethnic Identity*, the agency has applied and encouraged the usage of inclusive language more regularly in our trainings and external communications about race, ethnicity, and racial and ethnic equity.

As part of OHR's ongoing commitment to fostering diversity, equity, and inclusion within our agency, OHR diversified its recruiting efforts by attending job fairs east of the river as well as creating pipelines to a career with OHR by expanding its outreach to all law schools in the region. OHR also worked with the Mayor's Office of Returning Citizens for its recruitment outreach. Finally, we conduct regular staff meetings focusing on diversity awareness, cultural competence, and inclusion. For example, the agency dedicated time during our all-staff meeting in February to celebrate African American Heritage Month and detailed noteworthy individuals and moments highlighting the District.

In FY24, OHR is partnering with the Mayor's Office of Racial Equity in the 3rd Racial Equity cohort to further collaborate on how to provide leadership, guidance, and technical assistance to District agencies on racial equity to improve the quality of life for Washingtonians.



79. Consider one area where your agency collects race information. How does your department use this data to inform decision-making?

Response:

As part of its case processing, OHR collects information related to the number of D.C. Human Rights Act complaints it receives that allege race discrimination. OHR investigates these race-based complaints to make a determination whether there is probable cause to believe that there is a violation of the HRA. OHR has also used information it receives to work with the EEOC to strengthen its enforcement. Finally, OHR uses the information in its educational efforts.

80. How are communities of color engaged or consulted when your agency considers changes to programs or services? Provide one specific example from the past year.

Response:

OHR has consulted the Mayor's Office of Racial Equity and the Mayor's Constituent offices, such as the Mayor's Office on Asian and Pacific Islander Affairs, and the Mayor's Office on African American Strategic Engagement to receive concerns and feedback from the community on the language and development of OHR's *Words Matter: A Guide to Inclusive Language to Racial and Ethnic Identity*. OHR has also worked with the NAACP to discuss strengthening efforts to educate about housing discrimination. Finally, OHR hosts quarterly meetings with community organizations, including organizations of color, to discuss OHR's progress updates and concerns from the community.