

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Human Rights**



**Responses to Fiscal Year 2018-2019
Performance Oversight Questions**

**Mónica Palacio
Director**

Submission to

**Committee on Government Operations
Council of the District of Columbia
The Honorable Brandon T. Todd, Chairperson**

February 25, 2019

John A. Wilson Building
1350 Pennsylvania Ave. NW
Washington, DC 20004

**Office of Human Rights
FY18-19 Performance Oversight Questions
Committee on Government Operations
Councilmember Brandon Todd (Ward 4), Chair**

I. Agency Organization

1. Please provide a current **organizational chart** for the agency, arranged by division and subdivision, as of Feb. 1, 2019.
 - a. Show for each division and subdivision:
 1. The names and titles of all senior personnel.
 2. The titles of all positions
 3. The number of vacant, frozen, and filled positions in each division or subdivision (A-active, R-frozen, or V-vacant);

RESPONSE: Please see **Attachment 1**.

- b. Please provide an explanation of the roles and responsibilities of each division and subdivision, specifying any changes to these since the agency's last report to the committee.

RESPONSE:

Office of the Director – This division is the operational center of the agency. It has broad management of the day-to-day and long-term functional needs of the agency, and ensures the agency meets all performance outcomes. This division has two programs: Human Resources and Administrative Services.

Human Resources – This subdivision coordinates and performs various administrative and operations based activities on behalf of the agency Director. This subdivision manages and performs all human resources, payroll, and labor relations functions for the agency, and serves as the ADA coordinator for the agency. This subdivision manages the credit card and travel portfolio, customer service, and front desk operations.

Administrative Services – This subdivision is responsible for planning, developing, managing, and coordinating the administrative functions of the agency; as well as, assigned areas including administrative services, fiscal reporting and management, procurement and supply management, facility management, and information technology.

Enforcement – The primary function of OHR is to enforce the District of Columbia Human Rights Act, the District of Columbia Family and Medical Leave Act, and the District of Columbia Parental Leave Act. In addition to those local laws, OHR, being a Fair Employment Practice agency and a Fair Housing Assistance Program agency,

investigates and adjudicates complaints of discrimination filed under Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity Act), Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), the Americans with Disabilities Act, and the Age Discrimination in Employment Act. OHR has four subdivisions, each focused on fulfilling a specific aspect of its enforcement function:

- **Intake** – In FY17, OHR separated this subdivision Investigations. This division works to receive and process Intake Questionnaires (i.e., initial complaints) filed with OHR. This includes scheduling intake appointments, conducting intake, and, where appropriate, docketing cases.
- **Investigations** – This subdivision works to investigate docketed complaints through interviews, document requests, and site visits. This unit is responsible for recommending a determination based on the investigative findings.
- **Mediation** – This subdivision ensures individuals who believe they have experienced discrimination in the District receive mandatory mediation. The subdivision is responsible for scheduling and conducting mediation, and, where appropriate, closing cases.
- **Legislative and Compliance** – This subdivision works on EEO compliance, developing agency policy documents, and EEO trainings for the District of Columbia government employees.

Office of the General Counsel – This division provides legal advice and representation for the agency. This division advises the agency Director and other personnel regarding legal activity, and also provides legal sufficiency reviews for all final decisions and Orders issued by OHR.

Commission on Human Rights – The Commission is composed of public commissioners appointed by the Mayor and three full-time administrative law judges (ALJs). The Commission reviews certified cases where OHR, after an investigation, has found probable cause to believe discrimination may have occurred. The ALJs hold evidentiary hearings on the merits. An ALJ's finding is reviewed by a panel of three Commissioners before it is concluded as a final agency decision and issued to the parties.

Special Equity Programs – OHR proactively seeks to end discrimination in the District through educational campaigns and initiatives, and by identifying and investigating practices that may be discriminatory. In addition to its Returning Citizens Initiative, OHR oversees the following programmatic subdivisions:

- **Citywide Bullying Prevention Program** – This subdivision works to ensure compliance with the Youth Bullying Prevention Act of 2012, and aims to ensure schools, youth-serving agencies, and youth-serving government

grantees create and implement bullying prevention policies based on best practices.

- **Language Access Program** – This subdivision works to ensure compliance with the Language Access Act of 2004, and builds the capacity of District agencies to ensure they communicate with limited or non-English proficient customers in their preferred language. This subdivision also works closely with investigators when complaints are filed with OHR.

Communications and Community Engagement – This division addresses press inquiries, community inquiries, and develops awareness campaigns to educate the District about the laws OHR enforces. The division also conducts extensive outreach in the community and holds trainings.

- c. **Please provide a narrative explanation of any changes to the organizational chart made during FY18 or FY19, to date.**

RESPONSE: OHR's FTE count increased by two in FY19. The following two positions were added:

- Program Analyst (Street Harassment)
- Equal Opportunity Specialist (Investigator)

- d. **Note on the chart the date of the information.**

RESPONSE: See **Attachment 1.**

2. **Please attach in Excel a current chart of all positions at the agency, as of February 1, 2019, with the following information for each position:**

- Position number;**
- Position status (A-active, R-frozen, or V-vacant);**
- Job title;**
- Program and activity name and code as appear in the budget;**
- Office name, if different from activity code;**
- Employee's name, if the position is filled;**
- Grade level and step;**
- Salary;**
- Fringe benefits;**
- Type of appointment (e.g. career, excepted service, MSS);**
- Job status (i.e. continuing, term, or temporary);**
- Full-time, part-time, or WAE;**
- Seasonal or year-round;**
- Start date in the position (i.e. effective date); and**
- Start date in District government employment.**

RESPONSE: Please see **Attachment 2.**

3. Regarding FTEs and vacancies:

- a. Please provide, the total number of FTEs in the agency as of Feb. 1, 2019, the number of active (i.e. filled) FTEs, and the total number of vacant positions.

RESPONSE: As of Feb. 1, 2019, OHR had a total of 46 FTEs (40 filled positions, 5 vacancies, and 1 frozen position).

- b. Please list each vacant position's position number and provide: (1) the date on which it became vacant and (2) the step or status of the hiring process for the position as of Feb. 1, 2019.

RESPONSE:

Vacant Positions

Posn Nbr	Title	Vacancy Date	Status
00087668	Compliance Review & Trng Ofcr.	8/28/18	Duties currently absorbed by internal Equal Opportunity Specialist position number 00094109. Position to be reclassified as an Equal Opportunity Specialist (Intake Officer) in FY19 and filled.
00047458	Program Support Assistant (Mediation)	11/7/18	Currently Interviewing
0007318	Equal Opportunity Specialist (11)	New Position in FY19 (created 1/03/19)	New FTE for FY19. Currently Interviewing Posted on 1/7/19 (Job ID: 5934)
00085349	Equal Opportunity Specialist (12)	9/14/18	Currently Interviewing
00097338	Program Analyst (Street Harassment)	10/01/18	Position filled on 2/4/19.
00097396	Supervisory Public Affairs Specialist	Frozen (on 1/29/19)	Position reclassification to a Grade 14.

4. What were/are the FY2017, FY2018, and FY2019 fringe benefit rates for the agency?

RESPONSE: The fringe benefit rates for the past three fiscal years are as follows:

- FY17 - 23.3%

- FY18 – 21.8%
- FY19 – 23.0%

5. Regarding term and temp employees:

- a. For *each* term employee included in the schedule A and filled in FY2018 or FY2019, please provide a brief narrative to specify why the hire was done on a term or basis and not on a continuing basis.**

RESPONSE:

Posn Number	Title	Hire Date	Justification
00097338	Program Analyst (Street Harassment)	2/4/19	Position funding secured for two years only.
00094524	Legal Assistant	11/13/18	Position funding secured for one year only.

- b. For *each* term employee employed during FY2018 or FY2019 whose hire date is before FY2015, please explain why the employee is term and has not been converted to a permanent employee.**

RESPONSE: OHR does not have any term employees hired prior to FY15 who are still in term status.

6. Please provide the following information on each contract worker who worked in your agency during FY2018 or FY2019:

- Contract worker’s name (i.e., John Smith);**
- Contracting company name;**
- Contract number;**
- Job title or position name;**
- Organizational unit (division, subdivision, or activity) assigned to;**
- Hourly rate; and**
- Name of project assigned to and type of work duties.**

RESPONSE: Please see **Attachment 3** in “Attachment 3-9” document.

7. Please complete the following charts about the residency of new hires in FY18 and FY19, to date. Provide residency information as reported on the first day of work for each employee, unless it is not available. If not available, please explain when and where the residency information is obtained for these employees.

DC Residency of Employees Hired in FY 2018

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>	<i>Percent of total who are District residents</i>
Continuing	--	--	--
Term	9	4	44%
Temporary	--	--	--
WAE	--	--	--

DC Residency of Employees Hired in FY 2019 to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>	<i>Percent of total who are District residents</i>
Continuing	--	--	--
Term	5	5	100%
Temporary	--	--	--
WAE	--	--	--

8. Please list each employee detailed to or from your agency during FY2018 or FY2019, to date. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the start date of the detail, and the employee's projected date of return.

RESPONSE: No employees were detailed to OHR during FY18 or FY19, to date

9. Please complete the following chart about travel expenses, arranged by employee for FY2018 and FY2019.

RESPONSE:

Travel FY2018 and FY2019, to date

Employee Name	Dates of travel	Place(s) travelled to	Total expenses (\$)	Explanation (airfare, meals, train ticket, subway fare)	Purpose of travel (e.g. conference name)
Nycole Morton	August 19 -20, 2018	Philadelphia, PA	\$602.32	Mileage, per diem, lodging, tolls.	FHAP Basic Intake Investigations Training
Nycole Morton	August 26 - 30, 2018	Cincinnati, OH	\$2447.21	Lodging, flight, per diem, ground	International Association of Human Rights Agencies Annual Conference

				transportation, baggage fees.	
Albert Santiago	June 26 - 28, 2019	San Antonio, Texas	\$1,387.60	Lodging, flight, per diem, ground transportation, baggage fees.	EEOC-FEPA National Annual Training Conference
Alexis Applegate	June 26- 28, 2018	San Antonio, Texas	\$1,535.51	Lodging, flight, per diem, ground transportation, baggage fees.	EEOC-FEPA National Annual Training Conference
Hnin Khaing	June 26- 28, 2018	San Antonio, Texas	\$1,163.60	Lodging, flight, per diem, ground transportation, baggage fees.	EEOC-FEPA National Annual Training Conference
Michael Andrews	December 6-7, 2018	Philadelphia, PA	\$360	Lodging, train, per diem, ground transportation.	HUD Region III Fair Housing Training
Alexis Applegate	December 6-7, 2018	Philadelphia, PA	\$544	Train, ground transportation, lodging, per diem.	HUD Region III Fair Housing Training
Linda Taylor	December 6-7, 2018	Philadelphia, PA	\$447	Train, lodging, per diem	HUD Region III Fair Housing Training
Fatima Mohammed	December 7, 2018	Philadelphia, PA	\$216	Train, per diem.	HUD Region III Fair Housing Training
Akita Smith-Evans	December 4-7, 2018	Philadelphia, PA	\$1098.06	Train, lodging, per diem, ground transportation.	HUD Region III Fair Housing Training
Ashlei Ferguson	December 4-6, 2018	Philadelphia, PA	\$759.11	Train, lodging, per diem, ground transportation.	HUD Region III Fair Housing Training

10. For FY2018 and FY2019, to date, please list for each employee separated from the agency, other than due to retirement:

- a. Employee name;**
- b. Job title;**
- c. Amount of separation pay, if relevant;**
- d. Number of weeks of pay, if relevant; and**
- e. The reason for the separation; specify it was due to resignation, probation, performance improvement, or discipline.**

RESPONSE: OHR finds that personnel records and related information are exempt from public disclosure because such disclosure may unnecessarily invade employee privacy interests. Notwithstanding that concern, OHR provides the below information:

FY18:

Job Title	Number of weeks of separation pay	Reason
Employee 1	8 weeks	Resignation
Employee 2	None	Resignation
Employee 3	None	Resignation
Employee 4	None	Resignation
Employee 5	None	Resignation
Employee 6	None	Resignation

FY19, through February 1, 2019:

Job Title	Number of weeks of separation pay	Reason
Employee 1	None	Resignation
Employee 2	None	Resignation

11. Please provide the Committee with a list of each employee who received bonuses or special award pay granted in FY2018 and FY2019, to date, and identify:

- a. Name of the employee;
- b. The amount received; and
- c. The reason for the bonus or special pay.

RESPONSE:

Name	Title	FY 18 Bonus	FY 19 Bonus	Reason
Isha Plynton	Attorney Advisor	\$1,702.68	TBD	Per CBA
Thomas Deal	Attorney Advisor	\$2,024.82	TBD	Per CBA

12. Please complete the following table regarding overtime.

Program Name	Activity Name	# employees who worked OT		# of OT hours worked		Amount of overtime pay		Provide a narrative explanation of why overtime was required and explain any increase in overtime hours from FY17-18 of more than 10%
		FY17	FY18	FY17	FY18	FY17	FY18	

Agency Total								

RESPONSE: No OHR employee worked overtime during the periods requested.

13. Please provide a list of employees and the number of overtime hours each employee worked in FY17, FY18, and FY19 as of Feb. 1, 2019.

RESPONSE: No OHR employee worked overtime during the periods requested.

14. Please provide the name of each employee who has been placed on administrative leave in FY2018 and FY2019, to date. In addition, for each employee identified, please provide:

- a. Employee's job title;
- b. Position number;
- c. A brief description of the reason they were placed on leave;
- d. The start date of administrative leave;
- e. Actual or expected date of return;
- f. if they did not or will not return, whether it was at the employer's or the employee's option; and
- g. What portion, if any, of the leave period was paid.

RESPONSE: OHR finds that personnel records and related information are exempt from public disclosure because such disclosure may unnecessarily invade employee privacy interests. Notwithstanding those concerns, OHR provides the below information:

FY2018:

Title	Reason	Leave Start Date	End Date	Return from leave	Paid/Non-paid
Employee 1	Pending termination as MSS (at-will) employee, per District Personnel Manual, Ch. 38, § 3813.1	May 4, 2018	May 19, 2018	Employee did not return from leave.	Paid

FY19, through February 1, 2019:

Title	Reason	Leave Start Date	End Date	Return from leave	Paid/Non-paid
Employee 1	Pending review of the employee's performance and conduct of operations.	January 24, 2019	February 28, 2019	Currently on leave	Paid

15. Please provide a list of each collective bargaining agreement (CBA) that is currently in effect for agency employees.

- a. Include the effective date of the CBA and its expiration date.**
- b. Include the bargaining unit (name and local number), divisions or offices in which covered employees work, and the number of employees covered by each CBA.**

RESPONSE:

Collective Bargaining Agreement	Bargaining Unit	Duration	OHR Divisions	Number of Employees
AFGE Collective Bargaining Agreement for Compensation Unit 33 Lawyers	AFGE Local 1403 AFL-CIO	October 1, 2017 to September 30, 2020	Office of the General Counsel	Three
AFSCME Master Agreement and Compensation Units 1 and 2 Agreement	AFSCME Local 2401	October 1, 2017 to September 30, 2021	Administrative Positions	Five

16. Please list in chronological order any grievances filed by labor unions against the agency or any member of agency management in FY18 or FY19, to date, broken down by source. Include on the chronological list any earlier grievance that is still pending in any forum.

For each grievance:

- a. Provide the union name and local number, a brief description of the matter, and the current status.**
- b. Describe the response to each complaint or grievance and any change to agency policies or procedures as a result.**
- c. For any complaint or grievance that was resolved in FY18 or FY19, to date, describe the resolution or outcome.**

RESPONSE: OHR did not receive any grievances filed by labor unions against the agency or any member of agency management in FY18 or FY19, to date.

17. Please list in chronological order, any additional employee grievances or complaints that the agency received in FY18 and FY19, to date, broken down by source (i.e., complainant). Include on the chronological list any earlier grievance that is still pending in any forum. For each grievance or complaint:

- a. Provide a brief description of the matter and the current status.**
- b. Describe the response to the complaint or grievance and any changes to agency policies or procedures as a result.**
- c. For any complaint or grievance that was resolved in FY18 or FY19, to date, describe the resolution or outcome.**

RESPONSE: OHR did not receive any employee complaints/grievances against it in FY18 and FY19, to date. OHR had one FY17 complaint/grievance which was resolved in March 2018.

18. Sexual harassment

- a. In FY18 and FY19, to date, how has the agency complied with Mayor’s Order 2017-313 section V regarding sexual harassment?**

RESPONSE: OHR has a strict sexual harassment policy and is therefore in compliance with Mayor’s Order 2017-313. As required by the Mayor’s Order, OHR disseminated the Order to all employees and posted a notice setting forth the District’s policy prohibiting sexual harassment in a noticeable and conspicuous location accessible and used by a substantial number of OHR employees.

All allegations are reviewed and investigated internally in a confidential and neutral manner. If a matter presents a conflict of interest for the agency or for the parties, the matter will be referred to a sister agency for review and investigation. Upon initial review of the matter, OHR will, if appropriate, take steps to ensure that the alleged harassment has ceased. These steps include, but are not limited to, placing employees on paid administrative leave, modifying seating arrangements, or adjusting reporting structure. Once an investigation is complete, the appropriate personnel action will be taken, as necessary. If an employee alleges sexual harassment or misconduct by a third-party or customer, OHR undertakes the same investigative steps and ensures that appropriate action is immediately taken to safeguard its employees from such conduct, including barring the harasser where allegations are substantiated.

- b. Please identify the employee appointed as the agency Sexual Harassment Officer by name and position title.**

RESPONSE: Ayanna Lee, Human Resource Manager.

- c. How many alleged incidents were reported to the Sexual Harassment Officer per year in FY18 and FY19, to date?**

RESPONSE: OHR’s Sexual Harassment Officer did not receive any reports of alleged incidents in FY18 and FY19, to date.

II. Budget and Expenditures

19. Budget

- a. Please provide a table showing your agency’s Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for fiscal years 2017, 2018, and the first quarter of 2019. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).**

RESPONSE: Please see **Attachment 4** in “Attachment 3-9” document.

- b. Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for fiscal years 2018 and 2019 for each program and activity code.**

RESPONSE: Please see **Attachment 4** “Attachment 3-9” document.

- c. In FY2018 or FY2019, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.**

RESPONSE: OHR did not have any federal funds that lapsed in FY18 or FY19, to date.

20. Please provide the following information for all intra-District memoranda of understanding (MOUs) for FY2018 and FY2019 to date, *including anticipated MOUs or MOAs* for the remainder of FY2019.

- a. Attach copies of all intra-district MOUs, omitting any routine overhead or logistical expenses such as IT services, security, or mail.**

RESPONSE: Please see **Attachment 5** in “Attachment 3-9” document.

- b. For each MOU, including anticipated MOUs, provide a table with the following details:**

- i. Buyer agency name**
- ii. Seller agency name**
- iii. Program and activity codes and names in the seller agency’s budget**
- iv. Program and activity codes and names in the buyer agency’s budget**
- v. Original funding source (i.e. local, federal, SPR)**
- vi. Service period**
- vii. Description of MOU services, including name of project or initiative**
- viii. Total MOU amount, including any modifications**
- ix. Whether a letter of intent was executed for FY2018 or FY2019 and if so, on what date; and**
- x. The date funds were transferred to the receiving agency.**

RESPONSE: Please see **Attachment 6** in “Attachment 3-9” document.

21. Please provide the following information for all intra-District memoranda of agreement (MOAs) for FY2018 and FY2019 to date, *including anticipated MOAs* for the remainder of FY2019.

RESPONSE: In FY18 and FY19, to date, OHR did not have any intra-district MOAs. OHR does not have any anticipated MOAs for the remainder of FY19.

- a. Attach copies of all intra-district MOAs, other than those for overhead or logistical services, such as routine IT services or security.**

RESPONSE: N/A

- b. For each MOU, including anticipated MOUs, provide a table with the following details:**
- xi. Names of agencies party to the MOA**
 - xii. Service period**
 - xiii. Description of MOA services or purpose, including name of project or initiative**

RESPONSE: N/A

- 22. Please provide the following information for each reprogramming of funds into and out of the agency for FY2018 and FY2019, to date, including anticipated inter-agency reprogrammings for the remainder of FY2019.**

RESPONSE: OHR did not have any local reprogramming of funds into and out of the agency for FY18 and FY19, to date. OHR does not have any anticipated inter-agency reprogramming for the remainder of FY19.

- a. Please *attach copies* of the reprogramming documents, including the Agency Fiscal Officer's request memo and the attached reprogramming chart.**

RESPONSE: N/A.

- b. For each reprogramming, including anticipated reprogrammings, provide a chart with the following information:**
- 1. The sending agency name;**
 - 2. The receiving agency name;**
 - 3. The date (actual or expected);**
 - 4. The dollar amount (actual or expected);**
 - 5. The originating funding source (i.e. local, federal, SPR);**
 - 6. The program, activity, and CSG codes for the originating funds;**
 - 7. The program, activity, and CSG codes for the received funds; and**
 - 8. A detailed rationale for the reprogramming.**

RESPONSE: N/A.

- 23. Please list, in chronological order, every reprogramming within your agency during FY2018 and FY2019, to date, as well as any anticipated intra-agency reprogrammings.**
- a. Please *attach copies* of any reprogramming documents.**

RESPONSE: Please see **Attachment 7** in "Attachment 3-9" document.

- b. For each reprogramming, including anticipated reprogrammings, provide a chart with the following information:**

1. The date (actual or expected);
2. The dollar amount (actual or expected);
3. The funding source (i.e. local, federal, SPR);
4. The program, activity, and CSG codes for the originating funds;
5. The program, activity, and CSG codes for the received funds; and
6. A detailed rationale for the reprogramming.

RESPONSE: Please see **Attachment 8** in “Attachment 3-9” document.

24. For FY18 and FY19, 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 fund code;
 - b. A description of the program that generates the funds;
 - c. The revenue funds generated annually by each source or program;
 - d. An itemized list of each expenditure showing the recipient (if an outside vendor) and specific purpose; and
 - e. The fund balance at the end of FY18, the current fund balance as of Feb. 1, 2019, and the expected balance at the end of FY19.

RESPONSE: OHR did not maintain, use, or have available for use any special purpose revenue funds in FY18 and FY19, to date.

25. Please list all capital projects in the financial plan and provide an update on all capital projects under the agency’s purview, including projects that are managed or overseen by another agency or entity.
- a. Please provide for each project begun, in progress, or concluded in FY2017, FY2018, and FY2019, to date all of the following information:
 1. A description of the project
 2. The amount budgeted
 3. Actual dollars spent
 4. Any remaining balances
 5. Start date
 6. Actual or expected completion date
 7. Current status of the project
 8. Note if the project is experiencing delays or requires additional funding
 9. Describe whether the capital project had or will have an impact on the operating budget of the agency; if so, please provide an accounting of such impact, including any dollar amount or number of FTEs needed.

RESPONSE: OHR did not engage in any capital projects in FY17, FY18, and FY19, to date.

- b. Provide a status report, including description and estimated budget amount for any new (not yet started) capital projects planned for FY2019, FY2020, FY2021, FY2022, or FY2023.

RESPONSE: OHR does not have any planned capital projects.

26. Please attach all budget enhancement requests submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for previous fiscal years of FY2017 and FY2018.

RESPONSE: OHR works with the Mayor's Office of Budget and Performance Management and our assigned Deputy Mayor to develop our budget. The FY17 and FY18 agency budgets submitted as part of the Mayor's budget submissions reflect those efforts.

27. Please list each grant or sub-grant, including multi-year grants and federal grants, received by your agency in FY2018 and FY2019, to date. List the following:

- a. Source;
- b. Purpose;
- c. Time period covered by the grant;
- d. Dollar amount received;
- e. Amount expended;
- f. How the grant funds are allocated if it is a multi-year grant; and

RESPONSE: Please see **Attachment 9** in "Attachment 3-9" document.

- g. How many FTEs are dependent on each grant's funding, and if the grant is set to expire, what plans, if any, are in place to continue funding the FTEs.

RESPONSE: OHR has pay-for-service work share agreements with HUD and EEOC which, for budget purposes, have been categorized as "grants." In FY18, 0.85 FTE was funded by HUD grant number 81HHGA and 1.50 FTEs were funded by EEOC grant number 81EJGA. In FY19, 0.85 FTE was funded by HUD grant number 91HHGA and 1.50 FTEs were funded by EEOC grant number 91EJGA. The terms of both HUD and EEOC grant funding are primarily contingent upon the number of housing and employment discrimination cases resolved by OHR that meet the quality assurance criteria of both HUD and EEOC. Neither grant is set to expire. They are automatically renewed toward the end of each fiscal year as reimbursable funds. There are no FTEs for the NIJ Sub-Grant.

28. Please list each contract, procurement, and lease leveraged in FY2018 and FY2019 as of Feb. 1, 2019, with a value amount of \$10,000 or more. "Leveraged" includes any contract, procurement, or lease used by the agency as a new procurement, contract extension, or contract option year execution. This also includes direct payments, if applicable.

- a. For each contract, procurement, or lease leveraged, please attach a table *in Excel* with all of the following information. Each item below is a column title for the spreadsheet:

- a. Contract Number;
- b. Contractor/Vendor Name;

- c. **Contract administrator name and job title;**
- d. **Contracting Officer name;**
- e. **Solicitation method (e.g., competitive bid via GSA or DCSS, sole source, task order against other agency's contract);**
- f. **Contract type (e.g., HCA, BPA, Sole Source, single/exempt from competition award, etc.);**
- g. **Specific description of contractual goods and/or services;**
- h. **Names of any subcontractors;**
- i. **State whether contract is performance-based and list the specific metrics used to determine payment;**
- j. **List contract's required deliverables and the current status of each deliverable (e.g. whether each deliverable was delivered, in progress, not delivered in part, not delivered in full by the deadline);**
- k. **State Yes or No, as to whether contract fully met all requirements;**
- l. **Period of performance;**
- m. **Current year of contract (e.g. Base Year, Option Year 1, etc.);**
- n. **Division, activity, Index, and PCA codes within agency's budget;**
- o. **Funding source (e.g. federal, local, SPR);**
- p. **Maximum or total contract or procurement value in FY2018, per contract, and for Human Care Agreements, aggregated by vendor for all task orders under each HCA;**
- q. **Actual expenditures in FY2018 for each contract;**
- r. **Maximum or total contract or procurement value in FY2019, and for Human Care Agreements, aggregated by vendor; and**
- s. **Actual expenditures in FY2019 for each contract, to date.**

RESPONSE: Please see Attachment 10.

29. Were any complaints filed with the Contract Appeals Board in FY2018 or 2019 to date, against or involving your agency or any employee of the agency? If so, please state the following:

- a. **Case number**
- b. **Name of complainant**
- c. **Date of complaint**
- d. **Description of complaint**
- e. **Status of complaint**

RESPONSE: There were no complaints filed with the Contract Appeals Board in FY18 or FY19, to date, against or involving OHR or any employee of OHR.

30. Please create a table in Excel with the following information on each grant awarded by your agency during FY2017, FY2018, and FY2019 (year-to-date).

- a. **For each grant, please create a table in Excel and include the following information. Each item below is the title of a column in the spreadsheet:**
 - 1. **Grant/Program Title;**
 - 2. **Grant/Program Number;**

3. Program Manager or grant administrator name and job title;
4. Solicitation method (e.g. competitive RFA or sole source);
5. Grantee Names;
6. Names of all applicants;
7. Description of goods and/or services;
8. State whether grant is performance-based and list the specific metrics used to determine payment;
9. Names of any sub-grantees;
10. Period of performance (e.g. May 31 to April 30);
11. Current year of grant (e.g. Base Year, Option Year 1, etc.);
12. Division, activity, Index, and PCA codes within agency's budget;
13. Funding source (e.g. federal, local, SPR);
14. For each grantee under each grant, the maximum or total grant amount in FY2018;
15. For each grantee, actual expenditures in FY2018;
16. For each grantee, maximum or total grant amount in FY2019; and
17. For each grantee, actual expenditures in FY2019.

RESPONSE: OHR did not award any grants in FY17, FY18, and FY19, to date.

31. Regarding purchase cards and credit cards:

- a. How many agency employees are authorized to use purchase or credit cards?

RESPONSE: In FY18, one employee was authorized to use the OHR purchase card. In FY19, to date, two employees are authorized to use the OHR purchase card.

- b. Please complete the following table with information on all credit card, p-card, or purchase card purchases and expenditures for FY2018 and 2019, to date. Alternatively, you may attach monthly statements with this same information; however, please name the ultimate vendor and specific purpose of the purchase for any transaction with an indirect payment service like PayPal.

RESPONSE: Please see **Attachment 11** in "Attachment 11-13" document.

III. Agency performance, evaluation, and disputes

32. Please list all lawsuits that name the agency, a division, or an employee of the agency (alleged to be related to the employee's work) as a party, which are pending or which concluded in FY2018 or FY2019, to date.

- a. Provide the case name, court where claim was filed, case docket number, current status of case, and a description of all causes of action, counts, and/or allegations in the filed complaint.**

RESPONSE: Please see **Attachment 12** in "Attachment 11-13" document.

- b. Attach a copy of each complaint and any response filed by the agency or its legal representative.**

RESPONSE: Please see **Attachment 13** in "Attachment 11-13" document.

33. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY2017, FY2018 or FY2019, to date, including any covered by D.C. Code § 2-402(a)(3), which requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or results from an incident within the last two years. For each, provide

- a. The parties' names;**
- b. The date the settlement was entered into;**
- c. The amount of the settlement;**
- d. If related to litigation, the case name, court where claim was filed, case docket number, and a description of the case; and**
- e. If unrelated to litigation, please describe the underlying claim, liability, or reason for the settlement (e.g., sexual harassment claim).**

RESPONSE: OHR did not enter into any settlement agreements in FY17, FY18, or FY19, to date.

34. Please list in chronological order all complaints or grievances filed with an external entity, such as the Inspector General, against the agency regarding services provided by the agency in FY2018 or FY2019, to date, broken down by source. Include on the chronological list any earlier grievance that is still pending in any forum.

- a. For each grievance or complaint, give a brief description of the matter as well as the current status.**
- b. Please describe any changes to agency policies or procedures that have resulted from complaints or grievances received.**
- c. For any such complaints or grievances that were resolved in FY2018 or FY2019, to date, describe the resolution.**

RESPONSE: No complaints or grievances were filed with an external entity in FY18 or FY19, to date.

35. Please provide the following information on any investigations, audits, or reports on the agency or any employee of the agency. Include any routine or ad hoc monitoring, site reviews, desk audits, or other reviews or audits by federal agencies, the District Inspector General, the DC Auditor, or *any other* local or federal governmental entity.

a. Please list and describe any ongoing investigations, audits, or reports that involve the agency or any employee of the agency.

RESPONSE: There have been no investigations, audits, or reports requested on the OHR or any OHR employee.

b. Please list and describe any investigations, audits, or reports involving the agency or an employee that were completed during FY2018 and FY2019, to date. *Attach copies of any such document.*

RESPONSE: There were no investigations, audits, or reports involving OHR or an OHR employee that were completed during FY18 or FY19, to date.

36. Please provide a copy of the agency's FY2018 performance accountability report.

a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY18 and which were not.

RESPONSE: Please see **Attachment 14** in "Attachment 14-19" document. In FY18, OHR met the following Strategic Initiatives:

- The Mayor's Youth Bullying Prevention Program launched a new initiative focusing on youth social media activities and developed evidence based strategies for teaching kids how to be safe when accessing social media.
- The Commission on Human Rights (COHR) began utilizing a newly developed internal case tracking system to ensure consistent timely determination of motions and resolution of cases.
- Better managed the flow of increased volume of intakes and individual customer inquiries by separating the intake team from Investigation Unit, and creating a new Intake Unit to be managed by an Intake Manager who ensured consistent timely processing of new cases and improved processing systems, including centralization of digitized case file documents.
- As part of OHR's ongoing effort to increase enforcement, OHR established a LA-specific case processing procedure for investigation.
- OHR continued to provide targeted technical assistance and support to newly-appointed Language Access Point of Contacts and covered entities, and continued assisting agencies in recruiting bilingual staff.
- OHR continued to train Human Rights Liaisons from organizations providing direct services to the Limited English Proficiency and No English Proficiency (LEP/NEP) populations to identify and report language access violations their customers encounter. OHR continued to partner with the Mayor's Offices on African, Asian Pacific Islander, and Latino Affairs, as well as the DC Language Access Coalition to conduct "Know Your Rights" trainings to diverse LEP/NEP populations.

- OHR tracked and reported on noncompliant agencies and agencies against which Language Access complaints have been filed via the Mayor's dashboard. Additionally, OHR updated its Language Access Compliance Database to capture more compliance details and electronically track corrective actions.
- To assist the public with compliance, OHR published four guidance documents with each focusing on specific areas of the law. OHR also updated its internal legal templates to ensure consistent legal comprehension within all units.
- OHR improved its file retrieval mechanism to improve FOIA response time.
- OHR increased unit oversight to improve scheduling control and to ensure all mediation activities occurred in a timely manner in accordance with OHR Standard Operating Procedures for Case Processing.
- OHR continued to provide trainings for businesses; worked with DSLBD and DCRA to ensure businesses had access to information on the laws OHR enforces; OHR continued to recruit and train direct service providers from various communities to become HRLs; and developed a referral list of training providers.
- OHR conducted outreach regarding new laws OHR is enforcing, including the Fair Credit and Fair Criminal. OHR also continued to attend BID (Business Improvement District) meetings in order to provide information on new laws to the business community.

In FY18, OHR did not meet the following Strategic Initiatives:

- In FY18, the Mayor's Youth Bullying Prevention Task Force, via Certification and Advisory Board (CAB), continued to work to evaluate schools in the National Institute of Justice pilot designed to address school climate and youth bullying prevention. The process entailed schools conducting climate surveys, and based on survey results, proposing an evidence-based framework that supports youth bullying prevention programs. If the proposal was selected, the school would have received funding from the National Institute of Justice to implement the proposed program. The CAB will also collect and vet local resources and supports that school, DC agencies and local non-profits can access to support training and programming around violence prevention and safety. This Strategic Objective was not met completely because it is part of an on-going 4 year initiative.
- In FY18, the COHR wanted to implement and use the electronic case management system developed in FY17. This Strategic Objective was not met because rollout and training was delayed due to staff transition.
- In FY18, OHR wanted to issue at least four publications and explore conducting a second resume testing project. This Strategic Objective was almost met. OHR issued only three publications: (1) Language Access Report; (2) Annual Report; and (3) OHR Newsletter.
- In FY18, OHR wanted to expand the reach of its EEO trainings by adding a new Train-the-Trainer workshop to the EEO Training Program. The workshop would have allowed agencies to designate OHR-certified EEO Trainers to train all agency employees after successfully completing OHR's Train-the-Trainer workshop. This Strategic Objective was not met because OHR was not able to hold a Train the Trainer session in FY18 due to staff transition.

In FY18, OHR met the following KPIs:

- 80 percent of docketed cases at OHR scheduled for mediation within 45 days;
- 20 percent of COHR cases pending over 15 months;
- 80 percent of COHR cases with scheduling orders issued within 30 days;
- 80 percent of EEO Counselors and Officers Satisfied with Training;
- 80 percent of covered entities with major public contact monitored and assessed for compliance with Language Access Act;
- 90 percent of language access cases receive initial intervention within 30 days; and
- 80 percent of informal intervention provided in bullying cases within 30 days of reporting.

In FY18, OHR did not meet the following KPIs:

- 80 percent of OHR cases certified to the Commission on Human Rights within 60 days. The ability to meet this target is often prevented for reasons outside of OHR's control, including the respondent filing a reconsideration request, the parties seeking to reschedule mandatory consideration conciliation, the parties requesting additional time to reach settlement after conciliation, the 30-day timeframe in which OHR has to assist a pro se claimant in obtaining an attorney prior to certifying case to the Commission, and the time it takes to translate a letter of determination to the primary language of the claimant.
- 80 percent of assigned cases at OHR with letters of determination within 160 days. OHR had a vacancy in the Investigations Manager from May 2018 through August 2018. During this time, OHR restructured the unit into teams, which briefly increased production and efficiency (48.2 percent in the third quarter). The fourth quarter's closure rate decreased, which was likely a result of transitioning the new Investigations Manager into OHR. We expect that this number will begin to increase in FY19 with a case management system which will enable the Investigation Manager to better track and move cases forward.
- 80 percent of inquiries filed with OHR scheduled for intake interview within 30 days. OHR had a vacancy in the Intake Supervisor role in the first three quarters, and, as a result, struggled with this KPI; however, OHR hired and trained a new Intake Supervisor late in the third quarter, who has been diligently working to ensure we meet or exceed this measure. OHR saw improvements during the fourth quarter, where the scheduling rate was 60.5 percent, compared to 44.1 percent in the third quarter, 23.6 percent in the second quarter, and 34.3 percent in the first quarter.
- 80 percent of dispositive motions at the COHR resolved within 60 days of filing. This KPI has been difficult to achieve due to the briefing/hearing schedule that follows an initial filing of a dispositive motion, resulting in the Commission not receiving complete arguments from both parties until shortly before or after the 60 day mark.
- 80 percent of participants that rated the Business Training Series events as "good" or "excellent" in post-training survey. Due to staff turnover and change in unit leadership, there was an oversight in the collection of surveys at the conclusion of the training series. As a result, surveys were not consistently collected to track this measure.

- 80 percent of Human Rights Liaisons that rated the all-day training as “good” or “excellent” in post-training survey. Due to staff turnover and change in unit leadership, there was an oversight in the collection of surveys at the conclusion of the training series. As a result, surveys were not consistently collected to track this measure.
- 80 percent of participants that rated “Know Your Rights” presentations as “good” or “excellent” in post-training survey. Due to staff turnover and change in unit leadership, there was an oversight in the collection of surveys at the conclusion of the training series. As a result, surveys were not consistently collected to track this measure.

- b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget.**
- 1. If they were not on time or within budget, please provide an explanation.**
 - 2. For any objective not met or completed, please provide an explanation.**

RESPONSE: All Strategic Initiatives and KPIs that were met were met by the end of FY18. Please see the response to Question 36(a) for explanations of why specific Strategic Initiatives and KPIs were not met by the end of FY18.

37. Regarding your agency’s FY2019 performance plan:

- a. Please provide a copy of your agency’s FY2019 performance plan as submitted to the Office of the City Administrator.**

RESPONSE: Please see **Attachment 15** in “Attachment 14-19” document.

- b. Discuss any changes to any outcome measurements in FY2018 or FY2019, including the outcomes to be measured or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.**

RESPONSE: In FY18, OHR had one new outcome measurement: Percent of EEOC cases resolved at the agency. Because it was a new goal in FY19, there was no target. For FY19, the target for the outcome measurement is 80 percent. OHR did not have any other changes to outcome measurements in FY18 or FY19.

38. Regarding FOIA requests for FY2018 and FY2019, to date, submitted to your agency:

- a. For each year, provide the total number of FOIA requests received.**

RESPONSE:

- FY 18: 118
- FY 19, to date (through February 7, 2019): 44

- b. For each year, specify the number of requests granted, partially granted, denied, or pending.**

RESPONSE:

1. FY 18

Granted	Partially granted	Denied	Pending	Other*
4	60	39	0	16

*Neither granted nor denied because the requestor did not respond to OHR's request for additional information to respond to FOIA request.

2. FY 19, to date (through February 7, 2019)

Granted	Partially granted	Denied	Pending
0	22	12	10

- c. For each year, specify the number of requests for which the agency identified no responsive documents or records.**

RESPONSE:

- FY 18: 4
- FY 19, to date: 0

- d. For each year, specify how many of the total requests were responded to within 15 business days.**

RESPONSE:

- FY 18: 96
- FY 19, to date: 23

- e. the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.**

RESPONSE:

- Approximately three FTEs are required to process FOIA requests: one FOIA officer and two administrative staff who retrieve and scan case files.
- In FY18, OHR spent a total of 237 hours to process FOIA requests.
- In FY18, the total dollar amount expended by OHR for processing FOIA requests was \$11,455.20.

- f. Did the agency file a report of FOIA disclosure activities with the Secretary of the District of Columbia in FY2018? Please provide a copy of that report as an attachment.**

RESPONSE: Yes, please see **Attachment 16** in "Attachment 14-19" document.

- g. Please attach copies of all FOIA requests received and all responses provided in FY2018 and FY2019. Alternatively, if this information is hosted online, please provide the Committee the url and, if necessary, a login to the relevant website.**

RESPONSE: In general, OHR receives FOIA requests seeking the case file for complaints filed with OHR. Pursuant to the D.C. Human Rights Act (D.C. Code §§ 2-1402.52 and 2-1401.02(16)), complaints filed with OHR are confidential, and are to be made available only to the parties. Therefore, OHR is unable to disclose all of its FOIA requests and responses as they contain identities of parties and personal identifying information.

While OHR is statutorily prohibited from disclosing information pertaining to its cases, OHR has attached a representative sample (see **Attachment 17** in “Attachment 14-19” document) of its responses granting and denying FOIA requests. Please note that OHR has redacted any names or information that may be used to identify the parties in the case. The responses represent the following requests:

- FOIA_001 – 002: Agency response denying FOIA request from media, not a party to the case.
- FOIA_003 – 004: Agency response denying FOIA request when Respondent seeking inquiry file.
- FOIA_005 – 006: Agency response when cannot locate response documents.
- FOIA_007 – 008: Agency response when file no longer in OHR possession.
- FOIA_009 – 010: Agency response granting file request.
- FOIA_011 – 012: Agency response denying request to a non-party.
- FOIA_013 – 014: Agency response denying request when matter is still pending before OHR.

Further, OHR has attached FOIA requests and responses where the requestor was not seeking information about a case filed with OHR.

- h. Please explain why your agency does not post all FOIA requests and responses on the DC Government FOIA Reading Room, at <https://foia-dc.gov/App/ReadingRoom.aspx>.**

RESPONSE: As stated in response to Question 38(g), OHR is prohibited from posting its FOIA requests and responses online, as they contain information about complaints filed with OHR, which are confidential.

- 39. Please provide a list of all studies, research papers, reports, and analyses, including consultants’ reports, that the agency prepared or contracted for during FY2018 and FY2019, to date.**

- a. For each study, paper, report, or analysis, please include:**
- 1. Report name;**
 - 2. Author, whether the agency or an outside party;**

3. **Contract number or grant name if the report was produced by a contractor or grantee;**
4. **Status, including actual or expected completion date;**
5. **Purpose;**
6. **Reference to the relevant grant or contract (name or number) in your responses above; and**
7. **Source of funding (program and activity codes) if not included in responses above**

RESPONSE:

FY2018:

OHR Highlights of Fiscal Year 2017

Author: OHR Staff

Contract/Grant Number: PO582221

Status: Published September 11, 2018

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.” OHR’s annual report provided data on the number and types of cases filed, mediation settlements, and the programmatic work of the office during FY17. This report included information regarding the Fair Criminal Records Screening Amendment Act.

Source of funding: Federal

FY17 Language Access Program Annual Compliance Review

Author: OHR Staff

Contract/Grant Number: PO581322

Status: Published July 11, 2018

Purpose: The Language Access Act of 2004 (4 DCMR § 1203.2) 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 highlighted the work of OHR’s Language Access Program during FY17 and provided language access compliance scorecards for 38 agencies with major public contact and the progressive implementation for 23 covered entities.

Source of funding: Local; Program: Equal Justice Program; Program Cost Accounting: 20700; Activity Code: 2000

FY2019, to date:

Youth Bullying Prevention in the District of Columbia: School Year 2017-2018 Report

Author: OHR Staff and Child Trends

Contract/Grant Number: PO572235

Status: Pending Approval; Expected publication date February 21, 2019

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 will release the 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 funding: Local; Program: Equal Justice Program; Program Cost Accounting: 20700; Activity Code: 2000

The District of Columbia Fair Criminal Record Screening Amendment Act of 2014: A Report on the Work and Enforcement by the DC Office of Human Rights

Author: OHR Staff

Contract/Grant Number: N/A

Status: Pending Approval; Expected publication date March 25, 2019

Purpose: D.C. Code § 32-1345 (b) requires OHR to report FCRSA data annually beginning December 17, 2015. Since 2015, OHR has reported this data in its Annual Report. In 2016, OHR reported required information to the Office of the District of Columbia Auditor for its report. In FY17, OHR began working on a comprehensive FCRSA report that covers detailed information of the law's implementation from its effective date through December 2018.

Source of funding: N/A

OHR Highlights of Fiscal Year 2018

Author: OHR Staff

Contract/Grant Number: CW31149; PO575430

Status: In draft

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." OHR's annual report will provide data on the number and types of cases filed, mediation settlements, and the programmatic work of the office during FY18. This report includes information regarding the Fair Criminal Records Screening Amendment Act.

Source of funding: Federal and Local – Program: Equal Justice Program; Program Cost Accounting: 20700; Activity Code: 2000

FY18 Language Access Program Annual Compliance Review

Author: OHR Staff and Winta Teferi (contractor)

Contract/Grant Number: PO598424

Status: In draft

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 will highlight the work of OHR’s Language Access Program during FY18 and provide language access compliance scorecards for 38 agencies with major public contact and the progressive implementation for 23 covered entities.

Source of funding: Local; Program: Equal Justice Program; Program Cost Accounting: 20700; Activity Code: 2000

Qualified and Transgender II (working title)

Author: OHR Staff

Contract/Grant Number: TBD

Status: In draft

Purpose: OHR will produce a second resume testing project as a follow-up to the 2015 report *Qualified and Transgender*, to assess whether District employers respond any differently to resumes from applicants perceived as transgender compared with resumes of applicants perceived as cisgender.

Source of funding: TBD

b. Please attach a copy of the study, research paper, report, or analysis is complete.

RESPONSE: Please see **Attachment 18** in “Attachment 14-19” document.

40. In narrative form, please explain what the Centers for Medicare and Medicaid Services (CMS) require the agency to maintain and report under applicable laws and regulations.

RESPONSE: CMS does not require OHR to maintain nor report anything under applicable laws and regulations.

41. If the Director of CMS has requested the agency to report, please explain the status of any such reports

RESPONSE: The Director of CMS has not requested any reports from OHR in FY18 or FY19, to date.

<i>Report Name</i>	<i>Frequency (e.g. annual)</i>	<i>Statutory or regulatory citation</i>	<i>Submission dates</i>	<i>Reason for any report not submitted</i>

a. For each report in the table above,

- 1. Fill in the column to provide all date(s) of submission for any report submitted in FY2018 or FY2019, to date.**
- 2. Fill the in the column to explain why any report not was submitted.**

- b. Please list any additional reports or reporting which do not appear in the table above that are currently required of the agency by federal law, the District of Columbia Code, or municipal regulations. For each, include:
1. The statutory code or regulatory citation;
 2. Title or description of the requirement;
 3. Any report deadlines;
 4. Most recent submission date; and
 5. A description of whether the agency has complied with the reporting and deadline requirements. If not, why not?
- c. For any report not previously submitted to the Committee, please attach a copy.

42. Please provide a list of any in-service training or continuing education provided to agency employees, including those conducted by outside organizations.

- a. For each additional training or continuing education program conducted, please provide:
1. the subject of the training;
 2. the name(s) and professional affiliation(s) of the trainers;
 3. the length (in hours or days) of the training; and
 4. the number of agency employees in attendance.

RESPONSE:

Subject	Host	Duration	Number of Participants
FY18			
HUD Region III Fair Housing Training	Housing & Urban Development	2 days	6
EEOC-FEPA National Annual Training Conference	Equal Employment Opportunity Commission	3 days	3
FHAP Basic Intake Investigations Training	Equal Employment Opportunity Commission	1 day	1
"FAPAC 2018 National Leadership Training Program"	Federal Asian Pacific American Council	4 days	1
Evidence for Administrative Hearing Professionals: Evaluation of Admissible Evidence Using Real-Fact Scenarios	American Bar Association	1 day	4
Public Sector EEO and Employment Law Update	The <i>National Employment Law Institute</i>	2 days	2
American Bar Association 20th Annual Spring Conference	American Bar Association	4 days	3
NCBI Leadership for Diversity Institute	National Coalition Building Institute	4 days	1
New investigator training	Equal Employment Opportunity Commission Training Institute	5 days	1

Workplace Harassment Webinar	The <i>National Employment Law Institute</i>	1 day	5
Public Sector EEO and Employment Law Seminar	The <i>National Employment Law Institute</i>	2 days	2
FY19			
New Investigator Training	Equal Employment Opportunity Commission Training Institute	5 days	3
Workplace strategies for Mental Health	Department of Behavioral Health	1 day	10

b. What training deficiencies, if any, did the agency identify during FY2018 and FY2019, to date?

RESPONSE: OHR did not identify any training deficiencies in FY18 and FY19, to date.

43. Please discuss performance evaluations. In OHR’s responses to performance oversight questions in 2018, the agency indicated that it conducts mid-year and year-end reviews.

- a. Are these tied to the fiscal year, calendar year, or work anniversary year?
- b. Is this still the practice? If not, what changes have been made?
- c. Did the agency completed annual performance reviews for all employees in FY18 (or calendar year, if used)? How many were not completed? Why?
- d. When did/will the agency complete reviews for all employees for FY19?
- e. How many employees were placed on Performance Improvement Plans (PIPs) during the last review period? Please indicate when.

RESPONSE: OHR conducts annual performance evaluations of all employees. Evaluations are conducted by supervisors and overseen by the agency Human Resource Manager/Administrative Support Specialist. To ensure that individual job requirements are met, individual S.M.A.R.T goals are created for each employee to align with overall agency performance goals. Managers are strongly encouraged to provide regular feedback to employees regarding performance throughout the year. Managers are also encouraged to conduct mid-year reviews and required to complete end of the fiscal year evaluations.

- a. OHR’s annual and mid-year performance evaluations are tied to the fiscal year.
- b. OHR continues to encourage mangers to conduct mid-year evaluations, and requires mandatory year-end evaluations.
- c. All OHR employees received annual performance evaluations in FY18.
- d. OHR will complete FY19 evaluations in October 2019.
- e. One employee was placed on a PIP in March 2018.

44. Please list all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during FY2017, FY2018, or FY2019,

to date. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

RESPONSE: On November 5, 2018, OHR received a Performance Assessment Report from the U.S. Department of Housing and Urban Development (HUD). HUD evaluated OHR's performance under the nine standards set forth in 24 C.F.R. § 115.206(e) and various other requirements set forth in the cooperative agreement between OHR and HUD. HUD ultimately concluded the following: "DCOHR remains substantially equivalent under the Fair Housing Act and that your organization should continue under the Fair Housing Assistance Program (FHAP)." HUD found that OHR was in full or substantial compliance with all nine performance standards, met HUD's budget and finance requirements, and was in full compliance with HUD's additional requirements related to reporting and record keeping, training, data support systems, civil rights, subcontracting, and FHAP and the First Amendment. Regarding the fifth performance standard, HUD recommended: "OHR must ensure that all conciliation agreements should include public interest relief, such as the examples mentioned above [fair housing training for Respondents' staff, fair housing poster display, ensuring that facilities and services are accessible, creating or updating policies and procedures, and donating to non-profit agencies]." OHR is working to ensure that future conciliation agreements include public interest relief.

45. As of the date of this request, by which of the following methods are employees of OHR informed of the rights and protections provided for by DC Official Code §1-615.51 ("whistleblower statute")? Wall poster(s), email, internet/intranet posting, personal delivery, training (in person or computer-based), or other. How often is this information provided? When? Who maintains the records demonstrating that the necessary information has been provided?

RESPONSE: OHR provides all applicable and available notices in the employee breakroom at all times. With respect to the notice requirement under the Whistleblower Protection Act, OHR relies upon DCHR to provide the required information, since the statute states that such information should be included with the annual "employee tax reporting documents" and "in a letter provided to employees upon commencement of employment" for new employees.

46. Please list the task forces, working groups, and organizations of which the agency is a member and any associated membership dues paid in FY18 and FY19, to date.

RESPONSE: In FY18, OHR was a participant on the Mayor's Interagency Council on Homelessness-Tenant Barriers Committee, the DC Initiative on Racial Equity and Local Government, and the Mayor's DC Values in Action initiative. OHR is currently a participant on the Mayor's DC Values in Action initiative.

IV. Agency Operations

47. How would you describe the agency's mission?

RESPONSE: OHR's mission is to eradicate discrimination, increase equal opportunity, and protect human rights in the District of Columbia. OHR investigates and resolves complaints of discrimination in employment, housing, places of public accommodation, and educational institutions, pursuant to the DC Human Rights Act of 1977 and other local and federal laws. OHR also prevents discrimination by providing training to and educating DC government employees, private employers, workers, and the community at-large of their rights and responsibilities under the law. OHR monitors compliance with the Language Access Act of 2004 and investigates allegations of noncompliance with this Act by DC government agencies and houses the District's Citywide Bullying Prevention Program. The agency also investigates complaints and conditions causing community tension and conflict that can lead to breaches of the peace. The Commission on Human Rights is the adjudicatory body that decides private sector cases after OHR has found probable cause of discrimination.

48. Please discuss the agency's top five priorities.

a. How did the agency address its top five priorities in FY2018?

RESPONSE:

1. *Reduction of backlog.* In FY18, OHR established a separate and distinct Intake Unit to handle OHR's large volume of inquiries and intake interviews and to eliminate delays in initial complaint processing. Since hiring an Intake Manager, OHR has seen improved results. Specifically, in the percent of inquiries that were scheduled for intake interview within 30 days (23.6 percent in the second quarter, 44.1 percent in the third quarter, and 60.5 percent in the fourth quarter). OHR also restructured its Investigation Unit by organizing investigators into teams, each led by a Senior Lead Investigator. This has proven successful and useful thus far with OHR already seeing an incremental impact at the agency due to increased production and efficiency in investigations. OHR Investigators have responded that they find this restructuring much more useful than the previous structure. Also in FY18, OHR scheduled 100 percent of mediations within 45 days of case docketing. This resulted in improved and expedited outcomes for residents seeking relief through OHR's case process. Further, all stages of OHR's case process can better adhere to the proscribed timelines in the regulations when mediations are scheduled and held soon after case docketing.
2. *District Sexual Harassment Training and Resource.* Mayor's Order 2017-313 mandated sexual harassment training of all employees by February 28, 2018 and all managers by March 14, 2018. In order to achieve the latter, OHR and DCHR developed a Train-the-Trainer program to build capacity to train all managers in

the District. OHR also assisted with delivery of three two-day trainings held in February 2018. Additionally, OHR worked with DCHR to develop additional resources and trainings for Sexual Harassment Officers investigating reports of sexual harassment. OHR also maintained and updated the list of District Agency Sexual Harassment Officers (SHOs).

3. *Language Access Enforcement and the Mayor's Dashboard.* In FY18, to improve case processing time, OHR's Language Access Program (LA Program) streamlined the investigation process so that Language Access complaints directly proceed to the investigation stage after a failed intervention attempt. When a Language Access complaint was filed against a District agency, the LA Program reported the agency through the Mayor's Dashboard. In FY18, the LA Program closely tracked non-compliant agencies and provided targeted technical assistance to 23 Language Access Points of Contacts to ensure that they met basic language access compliance requirements. OHR continued to support the 11 agencies that did not fully meet reporting requirements in FY17, and conducted an extensive review of the compliance of 38 District agencies with major public contact to recommend priorities for agencies' FY19-20 Biennial Language Access Plans (BLAPs). In the third quarter, the LA Program provided 16 language access compliance training sessions to covered entities; assessed the availability of multilingual content/translated documents on the websites of 23 covered entities; and provided guidance to covered entities on improving accessibility of their websites. Finally in the last quarter, the LA Program delivered nine language access compliance trainings, held one-on-one meetings with 20 District agencies to assist in finalizing their BLAPs, and convened bi-monthly technical assistance sessions with Language Access Coordinators.
4. *Youth Bullying Prevention Program and Cyber Bullying.* In FY18, the Mayor's Youth Bullying Prevention Program (YBPP) launched a new initiative focusing on youth social media activities and developing evidence-based strategies for teaching kids how to be safe when accessing social media. OHR developed lessons and consulted with outside experts and DCPS to revise and align the lessons with citywide health standards. OHR tested the lessons with youth focus groups in the third quarter and then finalized the lessons based on the feedback. In early FY2019, YBPP began a pilot of the lessons in three schools. Also, in FY18, the Mayor's Youth Bullying Prevention Task Force, via the Certification and Advisory Board (CAB), continued to work to evaluate schools in the National Institute of Justice pilot designed to address school climate and youth bullying prevention. This ongoing four-year initiative entails schools conducting climate surveys, and based on survey results, proposing an evidence-based framework that supports youth bullying prevention programs. If the proposal is selected, the school

will receive funding from the National Institute of Justice to implement the proposed program.

5. *Case process improvement at the Commission.* In FY18, the Commission completed primary testing of the electronic case management system that was developed in FY17 with Commissioners, Commission staff, and OHR staff. Following testing, comments and feedback were incorporated into the final version of the system. In the fourth quarter, the new case management system was delivered to the Commission. The training and roll out of the system will take place in FY19.

b. What are the agency's top five priorities in FY2019? Please explain how the agency expects to address these priorities in FY2019.

RESPONSE: OHR's top five priorities in FY19 are:

1. *Complete Development of New Case Management System.* OHR will complete the development of its new case management system (CMS), which will greatly streamline and expedite OHR's case processing by improving digitalization of case documents and reporting. OHR will also develop a practice manual specific to its new CMS and train all staff on how to use the CMS and best practices for its use. OHR will develop and provide staff training sessions using peer expertise, and regularly evaluate the effectiveness of the new CMS and recommend future updates. OHR expects a beta version of the new CMS to be available for use by the end of FY19.
2. *Expand Outreach, Education, and Training, specifically in Wards 7 and 8.* OHR will expand its outreach, focusing on areas east of the river, by building partnerships, attending ANC meetings, and holding educational seminars and/or workshops relating to employment and housing laws. Additionally, OHR will work to hold meetings with sister government agencies to increase understanding of EEO laws in the District. OHR will continue its Human Rights Liaison (HRL) Workshops, specifically targeting human rights liaisons from organizations providing direct services to residents of Wards 7 and 8. To further increase its reach, OHR will work with community partners to deliver HRL Workshops onsite. OHR will also design and develop new business training sessions focusing on comprehensive civil and human rights laws. Within District government, OHR will strengthen the EEO Counseling Program by streamlining counselor availability and by providing consistent trainings to prospective EEO Counselors and EEO Officers. To celebrate the 15th anniversary of the Language Access Act, OHR's LA Program will work with the Office of Cable Television, Film, Music and

Entertainment, and the Mayor's Offices on African, Latino, and Asian and Pacific Islander affairs to produce a multilingual video informing customers of their right to language access to be shown in waiting areas across District agencies.

3. *Address Hate Crimes and Speech through DC Values in Action.* OHR will continue to lead Mayor Bowser's DC Values in Action initiative and work with MPD, DPW, the Mayor's Office of Religious Affairs, and other agency leaders to respond to reports of bias-related acts and send a clear message that the District is committed to inclusion. In addition to providing updated resources to residents and visitors about whom to call and what resources are available for addressing hate crime and hate speech, OHR will continue to facilitate Listening Labs throughout the city. The Listening Lab is a forum where grassroots leaders and community members convene to discuss community issues related to bias and civil rights.
4. *Street Harassment Prevention Program.* OHR has already begun implementation of the Street Harassment Prevention Act of 2018 (SHPA). The SHPA creates a legal definition of street harassment and uniquely focuses on prevention through education rather than criminalization. SHPA outlines specific benchmarks for FY19, including the establishment of an advisory committee comprised of both government and non-government members and chaired by OHR, and issuance of a public survey on street harassment and strategies towards awareness and prevention. OHR plans to host its first Advisory Committee on Street Harassment meeting on February 27, 2019, to begin work towards implementing the new law. OHR has a dedicated Street Harassment Program Analyst who will serve as the primary point of contact and coordinator for the Advisory Committee on Street Harassment and will have primary responsibility over achieving the deliverables detailed in the Act. To maximize opportunity, OHR will fold in its work to address hate crimes/speech and its outreach priorities with its work specific to the Street Harassment Prevention Program.
5. *Increase Presence in and Build Broader Partnerships with the LGBTQ Community.* OHR will advance the Listening Lab model and address critical issues as they relate to bias or hate-invoked crime and activity specific to the LGBTQ community. OHR, in partnership with the Mayor's Offices of Religious Affairs and LGBTQ Affairs, will host a Listening Lab and other activities to provide space for dialogue and resources to the community. OHR will also produce a report on the findings and results of its second resume testing study to determine whether District employers respond adversely to resumes from applicants perceived as transgender. OHR will also lead a campaign focused on transgender rights and protections in the District.

49. Please describe any initiatives that the agency implemented in FY2018 or FY2019, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

RESPONSE:

1. *Investigation Unit Restructure.* OHR restructured its Investigation Unit by organizing investigators into teams, each led by a Senior Lead Investigator. This has proven successful and useful so far. OHR has already seen incremental impact at the agency due to increased productivity and efficiency in investigation.
2. *EEO Program Dashboard.* OHR developed an EEO Program Dashboard Google Site for the use of certified EEO Counselors and EEO Officers in the District government. The Dashboard provides announcements, training opportunities, and resources to assist EEO Counselors and EEO Officers in fulfilling their roles. Through the Dashboard, EEO Counselors update their quarterly EEO counseling availability and EEO Officers provide monthly reports on their respective agency's EEO Counseling program. OHR will use this Dashboard to evaluate the effectiveness of the EEO counseling program at each agency, determine EEO Program needs, and ensure that EEO Counselors and Officers remain up to date in changes to EEO laws.
3. *Listening Labs.* In FY18, as part of its work with DC Values in Action, OHR partnered with Mayor Bowser and Councilmember Brianna Nadeau to pilot Listening Labs. Listening Labs are invite-only events at which grassroots leaders and community members convene to discuss burning community issues related to bias and civil rights. OHR hosted Listening Labs in Wards 1 and 7 in FY18. Based on the success of the Listening Labs, OHR plans to extend the Listening Lab conversations to other areas of the city in FY19.

50. Please list each new program implemented by the agency during FY2018 and FY2019, to date. For each program, please provide:

- a. **A description of the program;**
- b. **The funding required to implement to the program;**
- c. **The program and activity codes in the budget; and**
- d. **Any documented results of the program.**

RESPONSE: During FY18 and FY19, to date, OHR has been implementing the following program:

Street Harassment Prevention Program:

- a. **Description:** On October 1, 2018, the Street Harassment Prevention Act of 2018 became effective. The purposes of this Act are to create policies and guidelines that will identify and educate District employees about street harassment, to fund programs that will support street harassment prevention, and to conduct a survey that will examine the pervasiveness of street harassment in the District. The Act also establishes the Advisory Committee on Street Harassment (or ACSH).

- b. Funding Requirements: \$262,000
- c. Budget Program and Activity Codes:
 1. Program: Equal Justice Program
 2. Program Cost Accounting: 20700 (Public Education & Awareness)
 3. Activity: 2000
- d. Documented Results: As a result of the Act, OHR created its Street Harassment Prevention Program to achieve the purposes and deadlines mandated by the Act. OHR also hired a Street Harassment Program Analyst, who began on February 4, 2019. The Program Analyst will serve as the primary point of contact and coordinator for the Advisory Committee on Street Harassment, will have primary responsibility for achieving the deliverables detailed in the Act, and will work under the direction of the Director of Communications and Community Engagement, Deputy Director, and/or Director of OHR on all matters pertaining to implementation of the Act.

51. Please explain the impact on your agency of any federal legislation or regulations adopted in FY2018 and FY2019, to date, which significantly affect agency operations.

RESPONSE: OHR has had no impact from federal legislation or regulations in FY18 or FY19, to date.

52. Please identify any legislative requirements that your agency lacks sufficient resources to properly implement. Please explain.

RESPONSE: There are no legislative requirements that OHR lacks sufficient resources to properly implement.

53. Does your agency prepare a legislative agenda? If so, please attach a copy. Please describe any legislation your agency plans to submit to the Council in FY2019 or FY2020, including the department or division of the agency that will be primarily affected.

RESPONSE: OHR works with the Deputy Mayor for Public Safety and Justice and the Office of Policy and Legislative Affairs to develop the Mayor's legislative agenda.

54. For FY18 and FY19, thus far, list and/or provide any proposed or final rules/regulations, agency interpretations, or other legal or quasi-legal documents your agency has issued.

RESPONSE: OHR did not issue any proposed or final rules in FY18 nor to date in FY19. OHR issued the following Enforcement Guidance documents in FY18. OHR has not yet published any guidance documents in FY19.

- **Enforcement Guidance 18-01**: Denial of Employment Opportunities Due to Pregnancy, Childbirth, Related Medical Conditions, or Breastfeeding;
- **Enforcement Guidance 18-02**: Understanding Race and National Origin under the DC Human Rights Act; and
- **Enforcement Guidance 18-03**: The DC Family & Medical Leave Act of 1990 (DCFMLA): Selected Topics.

55. Please identify any recommendations for ways the legislature could facilitate or improve your agency's operations.

RESPONSE: None at this time.

56. Please list all regulations for which the agency is responsible for oversight or implementation.

- a. For each regulation, please list the chapter and subject heading, and the date of the most recent revision.**

RESPONSE: Regulations enforced by OHR are found under Title 4 (Human Rights and Relations) of the DC Municipal Regulations.

- Chapter 1. Complaints of Discrimination in the District of Columbia Government (2010)
- Chapter 2. Guidelines for Payment of Compensatory Damages, Civil Penalties, and Attorney's Fees Under the Human Rights Act of 1977 (1999)
- Chapter 3. District of Columbia Commission on Human Rights Rules of Organization (1994)
- Chapter 4. Procedure for Contested Cases (1995)
- Chapter 5. Employment Guidelines (2009)
- Chapter 6. Guidelines for the Cable Television Industry (1988)
- Chapter 7. Private Complaints Alleging Unlawful Discriminatory Practices (2009)
- Chapter 8. Compliance Rules and Regulations Regarding Gender Identity or Expression (2006)
- Chapter 9. Precomplaint Investigation and Resolution of Allegations (1987)
- Chapter 10. Housing and Commercial (1999)
- Chapter 11. Equal Employment Opportunity Requirements in Contracts (1986)
- Chapter 12. Language Access Act (2014)
- Chapter 15. Youth Bullying Prevention (2016)
- Chapter 16. District of Columbia Family and Medical Leave Act (2010)

- b. Please list any pending or planned regulatory action, including the chapter and subject, status, and actual or anticipated completion date.**

RESPONSE: OHR works with the Deputy Mayor for Public Safety and Justice and the Office of Policy and Legislative Affairs to develop new and revised regulations.

57. Please identify all information technology systems maintained by your agency, and provide the following information on each:

- a. A detailed description of the information tracked or maintained within each system;**
- a. Whether the public can be granted access to all or part of each system.**
- b. Expenditures in each year of FY2017, 2018, and 2019. Explain any increase or decrease in expenditures of more than 10 percent over the 2017-2019 time period.**

- c. **Funding source (e.g. federal, local SPR)**
- d. **Program, activity, and fund codes in the budget**
- e. **Contract number and contractor name for any contracted work, such as maintenance or upgrades;**
- f. **For any new technology acquired or any upgrades to existing technology in progress or completed in FY2017, FY2018 or FY2019, to date, provide the following information:**
 - 1. **Explain which functions were or are to be upgraded and why;**
 - 2. **The total cost of acquiring or upgrading the technology; delineate costs for any system that was both acquired and upgraded in the FY2017-FY2019 period;**
 - 3. **Contract number for any contracted work; and**
 - 4. **Explain if there have been any issues with implementation.**
- g. **For any anticipated new technology to be acquired or existing technology to be upgraded during the remainder of FY2019 or FY2020, provide the following information:**
 - 1. **Describe the technology's functions and if it is being upgraded, explain which functions are to be upgraded and why**
 - 2. **The total anticipated cost of acquiring or upgrading the technology; delineate costs for any system that will be both acquired and upgraded in the FY2017 through FY2019 period**
 - 3. **Contract number or solicitation number if a contract has not yet been executed**
 - 4. **Funding source (e.g. federal, local SPR)**
 - 5. **Program, activity, and fund codes in the budget**
 - 6. **Anticipated expenditures in each year of 2019 and FY2020**

RESPONSE: Please see below listing.

Quickbase – OHR Case Management (Management and Tracking System (MATS)) & Agency Performance Planning

- a) **Description:** This system is used to manage and track case information from the inquiry stage through probable cause determination. This system parallels the paper files maintained for each complaint. This system is also used to track performance plan and key performance indicators. It is used to communicate to the Office of the City Administrator to indicate agency progress.
- b) **Access:** The public cannot and does not have access to this system.
- c) **Expenditures:** The system is a program with a database owned by the Office of the Chief Technology Officer (OCTO), so there is no expenditure for OHR.
- d) **Funding Source:** N/A
- e) **Program, activity, and fund codes in the budget:** N/A
- f) **Contract number and contractor name for any contracted work, such as maintenance or upgrades:** None.
- g) **New technology acquired or upgrades to existing technology:** No substantial upgrades have been made or are planned to the system. OHR submits routine requests to OCTO for minor upgrades as needed.

- h) Anticipated new technology to be acquired: OHR requires a new Case Management System (CMS) that will dramatically improve its current case management process. Key features of the new CMS are: customizable dashboard, integration with Microsoft Outlook to upload emails and sync calendar with deadlines and notifications, document and report templates, and detailed reporting and case search abilities. A Memorandum of Understanding (“MOU”) is being finalized between OHR and OCTO, in which OCTO will design, develop, and deploy a case management system that will be implemented in phases, support OHR online forms and alerts, be accessible from the OHR website, and leverage a common infrastructure framework that will facilitate future OHR application development (OCTO eMOU TO0HM0-2019-01160). The duration of the MOU is for FY19. The funding sources are Intra-District Funds and Local Funds. The program, activity, and fund codes in the budget are: Equal Justice, 2000, 20200 and Equal Justice, 2000, 10400.
- i) Anticipated expenditures in FY19 and FY20: The FY19 expenditure for OHR’s new CMS is \$135,915.80. The FY20 expenditure for OHR’s new CMS is \$55,668 (the annual recurring cost for updates, maintenance, etc.).

Information Management System (IMS)

- a) Description: This system is used to communicate with EEOC on all matters docketed at OHR and cross-filed pursuant to Federal law.
- b) Access: This system is not accessible to the public.
- c) Expenditures: OHR does not have the ability to control or upgrade this system because it is the EEOC’s program.
- d) Funding Source: N/A
- e) Program, activity, and fund codes in the budget: N/A
- f) New technology acquired or upgrades to existing technology: None
- g) Anticipated new technology to be acquired: None
- h) Anticipated expenditures in FY19 and FY20: None

Housing Enforcement Management System (HEMS)

- a) Description: This system is used to communicate with HUD on all matters docketed at OHR and cross-filed pursuant to Federal law.
- b) Access: This system is not accessible to the public.
- c) Expenditures: OHR does not have the ability to control or upgrade this system because it is HUD’s program.
- d) Funding Source: N/A
- e) Program, activity, and fund codes in the budget: N/A
- f) New technology acquired or upgrades to existing technology: None
- g) Anticipated new technology to be acquired: None
- h) Anticipated expenditures in FY19 and FY20: None

V. OHR

58. Please provide the total number of complaints the agency received in FY18 and FY19, to date, including breakdowns by statute (e.g. Human Rights Act, Language Access Act), by protected class (e.g. disability), and by setting (e.g. employment). Please

identify which complaints were dual filed with a federal agency, including the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, the Department of Education, and the Department of Justice.

RESPONSE:

The tables below represent a breakdown of Docketed Complaints from FY18 and FY19, to date.

Docketed Complaints by Statute		
Statute	FY18	FY19 (through January 31, 2019)
The DC Human Rights Act	387	120
The Language Access Act	1	0
The Fair Criminal Records Screening Act	89	16
DCFMLA	29	10
The Protecting Pregnant Workers Fairness Act	3	2
Unemployed Anti-Discrimination Act	0	0
The Fair Credit in Employment Act	1	0
The Fair Record Screening for Housing Act	2	0
TOTAL	512	148

Docketed Complaints by Enforcement Area		
Statute	FY18	FY19 (through January 31, 2019)
Employment	393	97
Public Accommodation	57	15
Housing	53	36
Educational Institution	8	0
Language Access	1	0
Director Inquiries	0	0
TOTAL	512	148

FY18 Docketed Complaints by Protected Trait & Area				
Protected Trait	Employment	Housing	Public Accommodations	Educational Institutions
Age*	23	1	0	0
Color*	6	0	1	0
Credit Information	1	N/A	N/A	N/A

Disability*	38	16	13	4
Familial Status	N/A	2	3	0
Family Responsibilities	5	0	0	0
Gender Identity & Expression*	3	0	4	0
Genetic Information	0	N/A	0	N/A
Marital Status	0	0	0	0
Matriculation	0	1	0	N/A
National Origin*	20	1	6	1
Personal Appearance	5	0	5	0
Place of Residence or Business	N/A	0	0	N/A
Political Affiliation	2	0	0	0
Race*	37	4	9	1
Religion*	0	1	1	0
Sex*	63	1	14	0
Sexual Orientation*	6	0	1	0
Source of Income	N/A	22	0	0
Status as a Victim of an Intrafamily Offense	N/A	1	N/A	N/A
Retaliation* (not a protected trait)	63	0	0	2

*Protected by Federal law and cross-filed, where applicable with HUD or EEOC.

FY19 Docketed Complaints by Protected Trait & Area (through January 31, 2019)				
Protected Trait	Employment	Housing	Public Accommodations	Educational Institutions
Age*	4		1	0
Color*	0		5	0
Credit	0	N/A	N/A	N/A
Disability*	14	9	1	0
Familial Status	N/A	1	0	0
Family Responsibilities	1	0	0	0
Gender Identity & Expression*	0	0	0	0

Genetic Information	0	N/A	0	N/A
Marital Status	0	0	0	0
Matriculation	0	0	0	N/A
National Origin*	2	2	1	0
Personal Appearance	2	0	0	0
Place of Residence or Business	N/A	0	0	N/A
Political Affiliation	0	0	0	0
Race*	7	0	5	0
Religion*	3	0	0	0
Sex*	16	0	1	0
Sexual Orientation*	3	0	0	0
Source of Income	N/A	23	0	0
Status as a Victim of an Intrafamily Offense	N/A	1	N/A	N/A
Retaliation (not a protected trait)*	19	0	1	0

*Protected by Federal law and cross-filed, where applicable with HUD or EEOC

59. Please provide a breakdown of the total number of complaints the agency received in FY18 and FY19, to date, by disposition (e.g. dismissal for lack of probable cause) of each complaint. For each type of disposition, please provide the average number of days that elapsed between the date the agency received the complaint and the date of its disposition.

RESPONSE:

OHR receives complaints on a rolling basis and resolution of complaints may not occur within the same fiscal year the complaint was received. The table below represents a breakdown of complaints that were **both docketed and disposed of by OHR in FY18**, broken down by type of disposition.

TYPE OF DISPOSITION	Number of Cases	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	129	71
No Cause Finding	4	281
Administrative Closure	19	98
Withdrawal with Benefits	29	84

Complainant Withdrawal – No Benefits	14	107
Successful Conciliation	1	160
Notice of Right to Sue Issued at Complainant’s Request	5	141
No Jurisdiction	2	81
Complainant Failed to Respond 30-day Letter	1	214

The table below represents a breakdown of complaints that were **docketed by OHR in FY18 and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

TYPE OF DISPOSITION	Number of Cases	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	33	101
No Cause Finding	5	308
Administrative Closure	13	215
Withdrawal with Benefits	6	182
Complainant Withdrawal – No Benefits	10	151
Successful Conciliation	2	199
No Jurisdiction	2	112
Complainant Failed to Respond 30-day Letter	2	238

The table below represents a breakdown of complaints that were **both docketed and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

TYPE OF DISPOSITION	Number of Cases	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	15	51
Administrative Closure	5	60
Withdrawal with Benefits	2	64
Complainant Withdrawal – No Benefits	1	39

60. Please provide the total number of pending cases OHR had in its inventory as of September 30, 2018, and again as of February 1, 2019, and the average case age.

RESPONSE: The table below represents the number of pending Docketed Complaints as of September 30, 2018 and as of February 1, 2019.

Date	Number of Pending Cases	Average Case Age
As of September 30, 2018	577	362
As of February 1, 2019	587	351

61. Please provide a list of the Director’s Inquiries undertaken in FY18 and FY19, to date, including the disposition of each, and the time elapsed between the start of the inquiry and its resolution.

RESPONSE: OHR did not docket any Director’s Inquiries in FY18 and FY19, to date.

62. What percentage of complaints was filed in-person, online, by mail, and by fax in FY18 and FY19, to date?

RESPONSE: The table below represent a breakdown of how Docketed Complaints were initially received by OHR from FY18 and FY19, to date.

FY18		FY19 (through January 31, 2019)	
In-Person	29.7%	In-Person	15.2%
Mail/Fax	2.7%	Mail/Fax	1.3%
Online/Email	63.3%	Online/Email	74.8%
Other*	4.3%	Other*	8.6%

*Other = Transfers via EEOC, HUD, or submitted via OHR events

63. What public outreach programs did the agency conduct during FY18 and FY19, to date, and what programs are underway and/or planned for the remainder of FY19?

RESPONSE:

Business Outreach Initiatives (FY18-FY19)

In preparation for enforcement of the Fair Criminal Record for Housing Act of 2016 and the Fair Credit Information Amendment Act of 2016, OHR prioritized outreach to employers, business owners, and housing providers in the District. This effort led to OHR generating a robust listserv of over 200 providers who received additional information and updates throughout the summer, leading up to October 1, 2017.

Throughout FY18, OHR conducted “town hall” style discussion sessions relating to Fair Criminal Record Screening (FCRS) for Housing and Fair Credit with both business owners and housing providers across the District. OHR also established relationships and held

presentations with several chambers of commerce and other realty and housing associations to spread the word of these new laws. OHR also developed an ongoing business training series with DCRA to introduce both new laws to new business owners in the District. These internal partnerships have been critical to OHR's success in reaching audiences beyond its normal traditional scope.

In FY19, OHR will continue its partnership with DCRA and offer monthly workshops for new and existing business owners as well as other licensees on District requirements impacting businesses under local and civil rights laws. The workshops will cover a range of topics, from the importance of understanding gender neutral bathrooms to banning the box on employment applications at businesses. OHR seeks to promote more inclusive business practices in these sessions and aid business owners in their compliance by providing information and resources.

Returning Citizens Initiative (FY18-FY19)

Since the passage of the FCRS Amendment Act in 2014, OHR has prioritized its outreach and coalition building with organizations and individuals within the returning citizen community. In February 2018, as a part of Reentry Reflections Month, OHR launched a dialogue series to bring greater awareness to unresolved difficulties faced by formerly incarcerated individuals when returning home. The series also aims to highlight the impact of incarceration on the family members and loved ones of returned citizens as well as identify and explore ways to act on challenges that can lead to recidivism, thus encouraging more successful reentries. OHR hosted the first dialogue on February 6, 2018, with 40 attendees.

Throughout FY18, OHR continued to build upon its outreach to the returning citizen community, as well as DC residents who are currently incarcerated within the District's borders and elsewhere. OHR developed a robust partnership with DOC, District-based halfway homes, and out-of-state correctional facilities to empower and educate residents at every point as to their employment and housing rights in the District upon release. Over the last year, OHR has visited Cumberland, Hazelton, and Rivers correctional facilities to inform inmates about the FCRS Amendment Act and FCRS for Housing Act.

In FY19, to date, OHR partnered with DOC and the DCBOE to distribute and collect ballots from inmates for the recent local election. DC is one of few jurisdictions that allows individuals with misdemeanors or who are awaiting trial to exercise their right to vote. OHR plans to continue expanding its outreach for the remainder of FY19 and extend information on the rights of returning citizens even further.

DC Values in Action (FY18-F19)

During late 2016 and early 2017, incidents involving symbols of hate, sending messages of intolerance and bias became prevalent in various parts of the city. In response, OHR was tapped to lead Mayor Bowser's DC Values in Action (DCVIA) initiative. This involved convening city agencies to respond to reports of bias-related acts and send a clear message

that the District was committed to inclusion. OHR worked closely with MPD, EOM, and OCA to coordinate critical information on District services if and when a hate crime or hate speech targeting District residents or visitors occurred. OHR played an important convening role and helped to produce a number of documents so that anyone living in or visiting the District would know who to call and what help was available from any and all District agencies that might play a role in addressing the incident or supporting the victim.

In May 2018, OHR extended work on DCVIA with a Listening Lab pilot project, in partnership with Councilmember Brianne Nadeau and Mayor Bowser. The project was an invite-only weekday evening event in which grassroots leaders and community members convened to discuss community issues related to bias and civil rights. The inaugural Listening Lab was hosted in Ward 1 on May 16, 2018. In efforts to extend the conversation to other areas of the city, OHR convened a second session in Ward 7 on September 26, 2018.

In FY19, OHR plans to advance the Listening Lab model and address critical issues as it relates to bias or hate-invoked crime and activity. Data released by MPD in early FY19 indicated an uptick in reported hate crime, with the most common victims being members of the LGBTQ community. In response to this data, OHR, in partnership with the Mayor's Offices of Religious Affairs and LGBTQ Affairs will host Listening Labs and other activities over the course of FY19 to provide space for dialogue and resources to the harmed communities.

Fair Housing Program (FY18-F19)

In April 2018, OHR commemorated 50th anniversary of the Fair Housing Act and its influence on subsequent laws in the District. The "Fair Housing at 50" event convened housing providers from across the metro area, as well as other local government representatives to share information and ideas on the distinct housing requirements in the Mid-Atlantic region. The event consisted of a panel that discussed the harsh impacts of housing provider decisions on marginalized communities and included a special focus on the new D.C. Fair Criminal Record Screening for Housing Act. With over 120 attendees, OHR made a successful mark on both housing providers and community members seeking to better understand each other and explore pathways towards inclusive housing practices.

In FY19, OHR will host another event that amplifies the need for and information on the Fair Housing Act.

Transgender Resume Testing Project (FY19)

In 2015, OHR conducted a resume testing study in DC on the consideration and hiring of applicants who identified as transgender. In the U.S., 90 percent of transgender people report experiencing harassment, discrimination, and mistreatment in the workplace, according to the 2011 National Transgender Discrimination Survey report. OHR's report, titled "Qualified and Transgender", revealed that 48 percent of tested employers that

responded appeared to prefer at least one less-qualified applicant perceived as cisgender over a more-qualified applicant perceived as transgender.

In FY18, OHR conducted a second resume testing project to follow up on the 2015 report and assess whether District employers respond any differently to resumes from applicants perceived as transgender compared with resumes of applicants perceived as cisgender. OHR aims to publish the finding of this new study in late FY19.

Street Harassment Prevention Program (FY19)

In FY19, OHR will begin implementation of the Street Harassment Prevention Act of 2018 (SPHA). The SHPA is a first-of-its-kind law that creates a legal definition of street harassment and uniquely focuses on prevention through education instead of criminalization. Effective as of October 1, 2018, the law outlines specific benchmarks for FY19, including the establishment an advisory committee, comprised of both government and non-government members and chaired by OHR; and issuance of a public survey on street harassment; and strategies towards awareness and prevention. OHR plans to host its first committee meeting on February 27, 2019, to begin working towards implementing the new law.

64. How does OHR intend to increase public awareness of the Fair Credit in Employment Amendment Act of 2016 (D.C. Law 21-256) in the remainder of FY19?

RESPONSE: In FY19, OHR will continue to include presentations on the Fair Credit in Employment Amendment Act in its Business Series and its Workforce Development series in partnership with the DOES Project Empowerment Program. OHR will also embed information and materials on Fair Credit into any employment-related event or training series it hosts and will produce dedicated listserv announcements and other materials to the business community and to human resources professionals on best practices around Fair Credit in FY 19.

65. Please discuss OHR's implementation of the following two laws: (1) the Fair Criminal Record Screening Amendment Act of 2014 (D.C. Law 20-152), and (2) the Fair Criminal Record Screening for Housing Act of 2016 (D.C. Law 21-259)?

RESPONSE: Since the passage of the Fair Criminal Record Screening Amendment Act of 2014 (FCRSA), OHR has delivered hundreds of trainings; spoken to countless community members, businesses, and families; visited a number of correctional facilities; and processed over 1,700 initial complaints. As the community gains better understanding of the law, the next step in OHR's enforcement of FCRSA is to focus on tracking compliance. To that end, OHR will build capacity and structure to sustain a FCRSA compliance program. As of mid-2018, OHR distributed over 8,000 FCRSA FAQ sheets to community members. OHR currently has partnerships with the Court Services and Offender Supervision Agency (CSOSA) and DOES, specifically with the latter's Project Empowerment, with the goal of providing targeted outreach and training on FCRSA to returning citizens. In addition to working with returning citizens in the community and businesses, OHR also visited a number of penitentiaries through its partnership with CSOSA and provided FCRSA training to inmates preparing for re-entry.

As FY19 continues, OHR will deepen its connection with the returning citizen community not only regarding employment barriers, but also regarding housing. With the newest Fair Chance law for the District, the Fair Criminal Record Screening for Housing Act of 2016 (FCRSHA), OHR will continue to bridge the gap between housing providers and returning citizens by providing resources and materials that foster compliance with and understanding of their rights under the law. OHR and the District will continue their steady enforcement of FCRSA and FCRSHA, collecting data, holding employers accountable, and prioritizing the success and wellbeing of returning citizens.

- a. **Please provide the total number of inquiries filed and docketed alleging a violation of each law, along with the docketed case’s disposition. For each type of disposition, please provide the average number of days that elapsed between the date the agency assigned the case to an investigator and the date of resolution.**

RESPONSE: Please see the below tables.

FCRSA Cases		
Year	Inquiries	Docketed Cases
FY18	100	89
FY19, through January 31, 2019	19	16

FCRSHA (Housing) Cases		
Year	Inquiries	Docketed Cases
FY18	2	2
FY19, to Date	7	0

OHR receives complaints on a rolling basis and resolution of complaints may not occur within the same fiscal year the complaint was received. The table below represents a breakdown of FCRSA complaints that were **both docketed and disposed of by OHR in FY18**, broken down by type of disposition.

FCRSA Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	27	61
No Cause Finding	1	242
Administrative Closure	7	99
Withdrawal with Benefits	8	53

Complainant Withdrawal – No Benefits	3	114
Successful Conciliation	1	160
No Jurisdiction	2	81

The table below represents a breakdown of FCRSA complaints that were **docketed by OHR in FY18 and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

FCRSA Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	8	83
No Cause Finding	1	283
Administrative Closure	1	102
Successful Conciliation	2	199
No Jurisdiction	1	118

The table below represents a breakdown of FCRSA complaints that were **both docketed and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

FCRSA Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	4	38
Administrative Closure	1	110
Withdrawal with Benefits	1	29

66. Please provide a breakdown of the total number of housing-related complaints the agency received in FY18 and FY19, to date, by disposition (e.g. dismissal for lack of probable cause, settlement agreement) of each complaint. Give a detailed description of what each disposition means. For each type of disposition, please provide the average number of days that elapsed between the date the agency received the complaint and the date of its disposition.

RESPONSE: OHR receives complaints on a rolling basis and resolution of complaints may not occur within the same fiscal year the complaint was received. The table below represents a breakdown of housing-related complaints that were **both docketed and disposed of by OHR in FY18**, broken down by type of disposition.

Housing Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	10	58
No Cause Finding	2	286
Administrative Closure	2	94
Withdrawal with Benefits	4	84
Complainant Withdrawal – No Benefits	5	85

The table below represents a breakdown of housing-related complaints that were **docketed by OHR in FY18 and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

Housing Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	3	186
No Cause Finding	3	352
Administrative Closure	1	211
Withdrawal with Benefits	1	112

The table below represents a breakdown of housing-related complaints that were **both docketed and disposed of by OHR in FY19 (through January 31, 2019)**, broken down by type of disposition.

Housing Docketed Cases		
Disposition Type	Number of Complaints	Avg. No. of Days from Docketing to Disposition
Settlement with Benefits	3	49
Complainant Withdrawal – No Benefits	1	39

67. For cases where the agency issued a charge of discrimination following the receipt of a complaint and intake interview, please provide the average number of days that elapsed between the filing of a complaint and the issuance of a charge of discrimination, broken down by statute, protected class, and setting.

RESPONSE:

The tables below represent the average number of days that elapsed between OHR’s receipt of an initial inquiry and the issuance of a Charge/Docketed Complaint from FY18 to FY19 (October 1, 2017 through January 31, 2019), broken down by statute, protected class, and setting.

Setting	Avg. Number of Days between Inquiry and Charge/Docketed Complaint
Education Institution	119
Employment	118
Housing	116
Public Accommodation	106
Language Access	135

Protected Class	Avg. Number of Days between Inquiry and Charge/Docketed Complaint
Age	131
Color	108
Credit	79
Disability	106
Familial Status	139
Family Responsibilities	125
Gender Identity/Gender Expression	97
Matriculation	85
National Origin	101
Personal Appearance	93
Political Affiliation	89
Race	108
Religion	104
Sex	120
Sexual Orientation	132
Source of Income	153
Status of a victim of an intra-family offense	85

Statute	Avg. Number of Days between Inquiry and Docketed Charge
DCFMLA	159
DCHRA	116
FCRSA	82
FCRSHA	169
Language Access Act	135
PPWFA	103

68. Please provide the number of housing case dispositions during FY18 and FY19 to date that resulted in a payment being made by the housing provider to the petitioner.

RESPONSE: In FY18, there were 20 housing case dispositions that resulted in payment being made by the housing provider to the complainant. To date in FY19, there have been 12 housing case dispositions that resulted in payment being made by the housing provider to the complainant.

69. Please provide the number of housing case dispositions during FY18 and FY19 to date that resulted in a tenant agreeing to vacate a rental unit.

RESPONSE: OHR does not track housing case dispositions that result in a tenant agreeing to vacate a rental unit.

70. How many open cases or corrective actions remain open regarding an alleged violation of the Language Access Act, and for which District government agencies? How is OHR working to resolve those with each agency?

RESPONSE: Please see the below table. DMV, DHS, MPD, and FEMS currently have pending corrective actions. OHR's Language Access Program schedules meetings with the senior staff and an agency's language access team to develop a set of corrective actions, identify an implementation timeline, and update or modify current language access plans that are not in compliance. The program tracks progress agencies make toward meeting corrective action targets and provides input and assistance (i.e., reviewing an agency's language policy, developing or providing language access compliance training for frontline employees, hiring bilingual staff, and cultural competency training for its employees) throughout the implementation process. OHR also requests regular updates from agencies and tracks progress through quarterly language access implementation reports submitted by Language Access Coordinators.

Open Language Access Cases	Agencies	Total #
Waiting for LODs	DOES DMV	2
Under Investigation	MPD (1) DMV (1)	2
In Intake (not docketed) (All for same complainant)	MPD (2) MOCRS (1)	3
Total		7

The current tracking feature to the Language Access compliance database allows agencies to submit progress updates and make the necessary revisions directly into the tool.

71. How is OHR working to increase the scores of low-scoring agencies on its Annual Language Access Report?

RESPONSE: OHR provided targeted technical assistance to four out of eight agencies that received the lowest compliance scores. The LA Program met with the senior staff and/or the language access teams of each of the four agencies to develop a plan for addressing compliance gaps and for taking action on implementation priorities outlined for the agency in OHR’s annual compliance report. OHR also provided language access compliance training for agency employees and provided ongoing support to LA Coordinators to ensure that the agency took appropriate steps to address compliance gaps. As a result of this effort, three of these agencies received higher scores in FY18: DCOA improved by three points while DMV and DHCD each improved by four points.

OHR plans to take the same approach in FY19 and to provide targeted oversight and support to the agencies listed below, along with the agencies that scored low in FY18, to improve language access implementation and compliance.

Language Access Compliance Score <i>(assessed based on 12 compliance requirements, 14 if agency was tested via secret shoppers)</i>		
AGENCY	FY17 Score	FY18 Scores
Office of Contracting and Procurement (OCP)	4 out of 12	4 out of 12
Department of Housing and Community Development (DHCD)	7 out of 12	11 out of 14
Department of General Services (DGS)	3 out of 12	3 out of 12
Department of Small and Local Business Development (DSLBD)	3 out of 12	3 out of 14
Alcohol and Beverage Regulation Administration (ABRA)	6 out of 12	6 out of 14
Office of Aging (DCOA)	5 out of 12	8 out of 12
Housing Authority (DCHA)	7 out of 14	4 out of 14
Department of Motor and Vehicles (DMV)	7 out of 14	11 out of 14

72. Describe any new initiatives or plans that the agency has regarding improving language access.

RESPONSE: In FY19, OHR will continue to offer targeted technical assistance to Language Access Coordinators and Points of Contact. OHR will also continue to test agencies annually to monitor progress and identify any barriers that may exist for LEP/NEP customers seeking to access services.

In FY19, OHR is planning to launch an intensive outreach effort that targets LEP/NEP communities. Also, through partnerships with community-based organizations (CBOs) and the DC Language Access Coalition, OHR will offer a Know Your Rights session with the language communities of the most commonly-spoken languages in the District. In April 2019, the LA team will re-launch a citywide email signature theme campaign: “DC Speaks your Language” with all District agencies. The goal is to raise awareness within agencies and to the public in general that DC values diversity and inclusivity. Please see **Attachment 15** in “Attachment 14-19” document for more information on the LA Program’s FY19 initiatives and plans.

73. How many inquiries and docketed complaints did OHR receive in FY18 and FY19, to date, regarding public charter schools? Please briefly describe the disposition of each.

RESPONSE: In FY18, OHR received one inquiry relating to youth bullying in public charter schools. In FY18, OHR docketed one complaint against a public charter school. That case was withdrawn by the Complainant. In FY19, to date, OHR has received one inquiry relating to youth bullying in public charter schools and has not docketed any complaints against a public charter school.

74. For FY18 and FY19, to date, how many inquiries have been filed and docketed under the “#safebathroomsdc” campaign? Please provide a breakdown by disposition. For each type of disposition, please provide the average number of days that elapsed between the date the agency assigned the case to an investigator and the date of resolution.

RESPONSE: In FY18, OHR received 37 reports alleging violations of the District’s gender neutral bathroom regulations. Upon receipt of these reports, OHR obtained an image of the non-compliant restroom and provided a notice letter to the respondent with an opportunity to respond within 30 days of receipt of the notice letter. If the respondent refused to respond or failed to comply, OHR would docket an official Charge of Discrimination, wherein the Director was named as the Complainant.

In FY19, to date, OHR has received 14 reports alleging violations of the District’s gender neutral bathroom regulations. The average amount of time between receipt of an inquiry and resolution (either by voluntary compliance or order) is approximately 15 to 45 days.

75. Please provide a list of mediators used by the agency during FY18 and FY19, to date, and list the number of cases handled by each mediator.

RESPONSE: Please see below table for information pertaining to FY18 and FY19, to date (through January 31, 2019).

FY18		
Mediator Name	Mediator Type	Number of Cases Handled
Albert Santiago	FTE	32
Linda Taylor	FTE	65
Stirling Phillips	FTE	59
Peter Goldberg	Contractor	32
Bob Davis	Contractor	26
Lacey O’Neal	Contractor	2

FY19, through January 31, 2019		
Mediator Name	Mediator Type	Number of Cases Handled
Albert Santiago	FTE	6
Linda Taylor	FTE	24
Stirling Phillips	FTE	46
Peter Goldberg	Contractor	21
Bob Davis	Contractor	8
Lacey O’Neal	Contractor	8

76. Does OHR have a template settlement agreement that it provides its mediators? Please provide a copy of this template.

RESPONSE: OHR’s internal documents are confidential and may not be disclosed to the public. Additionally, OHR considers these documents to constitute deliberative process or, alternatively, attorney-work product; therefore, such document is protected from public disclosure.

77. Please provide a copy of your agency’s FY18 performance plan as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY17 or FY18, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

RESPONSE: Please see **Attachment 19** in “Attachment 14-19” document and OHR’s responses to Questions 36 and 37(b).

78. Please provide copies of responses your agency provided to any FOIA requests received in FY18 and FY19, to date. Include:

- a. the request;**

RESPONSE: Please see OHR’s response to Question 38(g) and **Attachment 17** in “Attachment 14-19” document.

b. the response, even if no responsive documents were found;

RESPONSE: Please see OHR’s response to Question 38(g) and **Attachment 17** in “Attachment 14-19” document.

c. the exemptions, if any, that applied to the requested documents; and

RESPONSE: Please see OHR’s response to Question 38(g) and **Attachment 17** in “Attachment 14-19” document.

d. whether an appeal of a FOIA response was submitted by a requesting entity or person;

RESPONSE: OHR received one FOIA appeal in FY18.

e. Provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance;

RESPONSE:

- Average response time is 12-14 business days. Please note that the records requested are often voluminous (consisting of thousands of pages), and great care must be taken to ensure that privacy information is fully redacted – particularly, social security information, medical records, and notes – as well as inter-agency memoranda
- Approximately three FTEs are required to process FOIA requests: one FOIA officer, and two administrative staff employees who retrieve and scan case files.
- In FY18, OHR spent 200 hours to process FOIA requests. In FY 19, to date, OHR has spent approximately 54 hours to process FOIA requests.
- In FY 18, OHR spent approximately 37 hours responding to these requests. In FY19, to date, OHR has spent approximately 15 hours responding to these requests.
- In FY18, the cost of compliance was \$11,455.20. In FY19, to date, OHR has spent approximately \$3,059.00.

f. Did the agency file a report of FOIA disclosure activities with the Secretary of the District of Columbia? Please provide a copy of that report as an attachment.

RESPONSE: Yes, please see **Attachment 16** in “Attachment 14-19” document.

79. How many Privacy Act requests were received under 5 U.S.C. §552a and how many of these requests received responsive documents?

RESPONSE: No Privacy Act requests were received under 5 U.S.C. § 552a.

80. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY18 and FY19, to date. Please attach a copy if the study, research paper, report, or analysis is complete. For each study, paper, report, or analysis, please include:

- a. The name;
- b. Status, including actual or expected completion date;
- c. Purpose;
- d. Author, whether the agency or an outside party;
- e. Reference to the relevant grant or contract (name or number) in your responses above; and
- f. Source of funding (program and activity codes) if not included in responses above.

RESPONSE: Please see OHR’s response to Question 39.

81. Please list all reports or reporting currently required of the agency in federal law, the District of Columbia Code, or municipal regulations. For each, include

- a. The statutory code or regulatory citation;
- b. Brief description of the requirement;
- c. Any report deadlines;
- d. Most recent submission date; and
- e. A description of whether the agency is in compliance with these requirements, and if not, why not.

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	OHR publishes this report annually. The most recent report was published September 2018. The FY18 report will be released in early 2019.	September 11, 2018
Language Access Annual Report	Regulations implementing the Language Access Act of 2004, 4 DCMR 1214.3	Due annually	OHR publishes this report annually. The most recent report was published July 2018. The FY18 report will	July 11, 2018

			be released in early 2019.	
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. The approval of the 2017-2018 report was delayed due to the transition in the Executive in which impacted OHR's ability to meet the statutory deadline of December 31, 2018.	OHR publishes this report every two years on or before December 31. The approval of the 2017-2018 report was delayed due to the transition in the Executive, which impacted OHR's ability to meet the statutory deadline of December 31, 2018. With that, the most recent report is expected to be published in late February 2019.	January 26, 2017
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 (see above). The most recent report of data pertaining to FCRSA was featured in the latest OHR Annual Report published in September 2018.	September 11, 2018
Fair Criminal Records Screening for Housing Act	D.C. Fair Criminal Record Screening for Housing Act, D.C. Code § 42-3541.06	Due annually	Beginning December 31, 2018, on an annual basis, OHR will report FCRSHA data in its Annual Report. The first report of this data will be available	N/A

			ahead of schedule in the OHR Annual Report for FY18 that will be released in early 2019.	
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82. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional 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. What training deficiencies, if any, did the agency identify during FY18 and FY19, to date?

RESPONSE: Please see OHR’s response to Question 42.

83. Please discuss employee performance evaluations.

- a. Does the agency conduct annual performance evaluations of all its employees?
- b. How often are the evaluations conducted?
- c. What steps are taken to ensure that all agency employees are meeting individual job requirements?

RESPONSE: Please see OHR’s response to Question 43.

84. Please list all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during FY17, FY18, or FY19, to date. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

RESPONSE: The Office of the Inspector General, DC Auditor, nor any other federal or local oversight entity made any recommendations to OHR during FY17, FY18, or FY19, to date.

Attachment List

Attachment Number	Description
Attachment 1	OHR Organizational Chart
Attachment 2	OHR Position Funding Report
Attachment 3	OHR FY18 and FY19 Contract Workers
Attachment 4	OHR FY17, FY18, FY19 Budget Table
Attachment 5	OHR FY18 and FY19 Intra-District MOUs
Attachment 6	Table of OHR FY18 and FY19 Intra-District MOUs
Attachment 7	OHR FY18 and FY19 Reprogramming Documents
Attachment 8	List of OHR FY18 and FY19 Reprogramming
Attachment 9	OHR FY18 and FY19 Grants and Sub-Grants
Attachment 10	OHR FY18 and FY19 Contracts, Procurements, and Leases
Attachment 11	OHR FY18 and FY19 Purchase Card Spending Report
Attachment 12	List of FY18 and FY19 Pending Lawsuits Naming OHR as a Party
Attachment 13	Documents related to FY18 and FY19 Pending Lawsuits Naming OHR as a Party
Attachment 14	OHR FY18 Performance Accountability Report
Attachment 15	OHR FY19 Performance Plan
Attachment 16	OHR Annual FOIA Report for FY2018
Attachment 17	OHR FY18 and FY19 FOIA Requests and Responses
Attachment 18	OHR FY18 and FY19 Studies, Research Papers, Reports, and Analyses
Attachment 19	OHR FY18 Performance Plan