



FY 22 + 23

District of Columbia Office of Human Rights
ANNUAL REPORT



WE ARE WASHINGTON
GOVERNMENT OF THE
DISTRICT OF COLUMBIA
DC MURIEL BOWSER, MAYOR

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NOTE FROM THE DIRECTOR

Dear Residents, Neighbors, and Friends:

In 1963, in response to the fight for racial equity and justice, the late President John F. Kennedy said, “The rights of every man are diminished when the rights of one man are threatened.” The events of the last couple of years remind me that we must, as the nation’s capital, be leaders in our ongoing work to oppose hate, bigotry, and prejudice. The Office of Human Rights (OHR) is proud to play a key role in that effort for the District.

But before diving into the details of OHR’s accomplishments, I want to take a moment to acknowledge the strong foundation laid by our predecessor, Director Hnin Khaing.

Her leadership and dedication were instrumental in shaping OHR through FY 2022 and FY 2023 into the well-equipped agency it is today, poised to deliver impactful results in the years to come. The results highlighted throughout the report were Director Khaing’s longtime goals to strengthen OHR’s investigative capabilities, reorganize the organizational structure to define areas of responsibility and strengthen OHR’s ability to serve the community. We are grateful for her contributions and continue to build upon her legacy as we work to safeguard the rights of all District residents.

Building upon Director Khaing’s legacy, I am excited to lead OHR and carry on its responsibilities. The ongoing threat, and significant setbacks at the federal level to hard-fought human rights protections, reinforce the crucial role that local quasi-judicial agencies like the Office of Human Rights play in safeguarding the rights and dignity of our residents. For over 45 years, OHR and the District have been at the forefront of protecting the rights of those who live in, work in, and visit the District. In 1977, the District was a national leader, passing one of the most comprehensive human rights laws in the country. Today, our robust human rights law protects residents and visitors from discrimination based on twenty-three protected traits, and has become a model for other cities and states. This is a legacy of which I am tremendously proud. But merely having a robust human rights law is not enough; we have and continue to proactively and responsively enforce our laws to address challenges to human rights. That work continued in FY 2022 and FY 2023.

What’s more, our outreach efforts grew significantly in FY 2023. We increased our community presence by attending or holding nearly 80 events and trainings, up from 59 events in FY 2022 and more than



doubling our outreach to over 8,000 people. While consolidating training programs for efficiency, we delivered 290 language access trainings, up from 256, reaching over 10,000 individuals. Additionally, the new “Care for Seniors” program trained 25 trainers through four sessions, who then reached approximately 70 long-term care facilities and impacted 432 staff members by the end of FY 2023.

The Office continues to gain public trust throughout FY 2022 and FY 2023, and we’ve seen a progressively increasing number of new cases filed with our agency as a result. I am proud to share that, through the successful strategic planning, tireless enforcement work, and agency reorganization, in FY 2023, we achieved 24% growth in case disposition, despite all experiencing a 16% increase in new cases received. OHR’s success is attributable to the hard work and dedication of our amazing staff, which has continued to expand: In FY 2023, we added 20 new members to our staff and 17 in FY 2022. These additions included newly created leadership positions, such as a Chief Administrative Officer, Senior Advisor, two Associate Directors, and an IT Specialist to assist our growing agency with technical support and upgrades.

Without a strong workforce, OHR could not remain steadfast in our commitment to upholding and enhancing human rights throughout the District. I know that OHR’s staff are ready to face any challenges we may face in the future.

I hope you will join me in approaching the new fiscal year with optimism, determination, and an unwavering belief that we can build a brighter future, and most importantly, together.

In solidarity and proudly yours in service,

A handwritten signature in white ink, appearing to read 'K. Saunders', is positioned above the printed name.

Kenneth Saunders
Interim Director, OHR

OUR MISSION

The broad mission of the District of Columbia Office of Human Rights (OHR) is to eradicate discrimination, increase equal opportunity, and protect the human rights of individuals who live in, work in, or visit the District.

OHR is a local quasi-judicial government agency that works toward achieving our mission in two ways, which we call the Two Arms of OHR: (1) proactive education and outreach; and (2) responsive enforcement. The enforcement work is further divided into adjudication and compliance monitoring. Adjudication at OHR involves investigating a claim and, where there is probable cause to believe discrimination may have occurred, holding a hearing to determine whether there has indeed been a violation of the law. All of this is provided cost-free to the public.



HUMAN
RIGHTS

OUR LAWS

The Office of Human Rights, as it exists today, was first established in 1999 by the Office of Human Rights Establishment Act of 1999, and has authority, pursuant to the Human Rights Act of 1977 (HRA or the Act), to take action to investigate and enforcement the District’s prohibitions on discrimination in educational institutions, employment, housing, and public accommodations (including government services). Since the HRA’s enactment, the law has been amended multiple times in the 90s, 2000s, up to 2023. In that time, a range of other laws have also been enacted to complement the HRA. In addition to District laws, OHR also assists with enforcing federal employment and housing laws. All told, today, OHR currently enforces approximately 25 anti-discrimination and compliance laws.

The newest laws in FY 2022 and 2023 include: the Sexual Harassment Data Collection Act, the Domestic Worker Employment Rights Amendment Act, the Human Rights Enhancement Amendment Act, and the Eviction Record Sealing and Fairness in Renting Act.

The HRA is summarized below along with a list of the new laws. For more information on a specific law, visit OHR at ohr.dc.gov/page/education-resources.

The Human Rights Act of 1977, as amended

The HRA is the most powerful and expansive law OHR enforces. It prohibits discrimination based on 23 protected traits and applies to four specific “enforcement” areas:

- Educational Institutions
- Employment
- Housing, and
- Public Accommodations and Government Services

However, not all 23 protected traits are applicable to all four enforcement areas. The table below illustrates the break-down of the applicable protected traits by enforcement area. The Act is one of the most progressive anti-discrimination laws in the nation and allows individuals who believe they have experienced discrimination to file legal complaints with OHR and receive fines, damages, or other remedies if a violation is found following a trial-like contested hearing.

23 Protected Traits Under the Human Rights Act

Definitions

1. **Age:** 18 years of age or older
2. **Color:** skin pigmentation, including variations in skin pigmentation
3. **Credit Information:** any written, oral, or other communication of information bearing on an employee's creditworthiness, credit standing, credit capacity, credit score, or credit history.
4. **Disability:** a physical or mental impairment substantially limiting one or more major life activities; physical can include auditory, speech, visual, and/or neurological impairments and mental can include cognitive and learning impairments
5. **Family Responsibilities:** supporting an individual in a legal dependent or blood relationship, which includes, but is not limited to children, grandchildren, and parents
6. **Familial Status:** a pregnant individual or a parent, guardian, or caregiver who has legal status with respect to children under the age of 18
7. **Gender Identity & Expression:** a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth
8. **Genetic Information:** an individual's DNA or genetic predisposition, a family member's genetic predisposition; information resulting from requests for genetic testing, or history which may indicate the likelihood or increase risk of an individual's predisposition to develop a disease, illness, syndrome, or condition
9. **Homeless Status:** an individual, family, or youth who lacks, lost, or will imminently lose a fixed, regular, and adequate nighttime residence, which can include the result of escaping an unsafe environment
10. **Marital Status:** married, in a domestic partnership, single, divorced, separated or widowed, and the usual conditions associated therewith, including pregnancy or parenthood
11. **Matriculation:** being enrolled in a college, university, or some type of secondary school or program, including vocational programs
12. **National Origin:** the state, country, or nation state where an individual or their ancestors are from
13. **Personal Appearance:** outward appearance, irrespective of sex and gender identity or expression, including hair style and color, facial hair, tattoos, body size or shape, and body piercings, subject to business requirements and standards
14. **Place of Residence or Business:** the geographical location of home or work
15. **Political Affiliation:** the state of belonging to or endorsing any political party
16. **Race:** classification or association based on an individual's ancestry, ethnicity and/or physical traits
17. **Religion:** a personal set or institutionalized system of attitudes, beliefs, and practices relating to a supernatural force or being, or its equivalent in secular faiths, including the presence or absence of commitment or devotion to any faith
18. **Sealed Eviction Record:** an eviction record that has been sealed by the Superior Court of the District of Columbia for specific reasons or upon motion by the tenant demonstrating that sealing is warranted
19. **Sex:** the state of being biologically male, female, or intersex including medical conditions and reproductive health decisions associated therewith
20. **Sexual Orientation:** an individual's romantic and/or sexual attraction for another person(s); includes relationship types such as aromantic, ethical non-monogamy, open relationships, polyamory, etc.
21. **Source of Income:** the origination of an individual's personal and professional finances, including from housing choice vouchers (Section 8), emergency assistance payments, SSI Income, alimony, and disability benefit programs
22. **Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking (DVSOS):** when an individual is a victim or family member of a victim of domestic violence, sexual offense, or stalking
23. **Status as a Victim of an Intrafamily Offense:** an individual, their family, or a household member who is a victim of domestic violence, sexual assault, stalking, and/or cruelty to the victim's animal

Protected Traits by Enforcement Area



EDUCATIONAL INSTITUTIONS

- | | |
|---------------------------------|---------------------------|
| 1. Age | 10. Personal Appearance |
| 2. Color | 11. Political Affiliation |
| 3. Disability | 12. Race |
| 4. Family Responsibilities | 13. Religion |
| 5. Familial Status | 14. Sex |
| 6. Gender Identity & Expression | 15. Sexual Orientation |
| 7. Homeless Status | 16. Source of Income |
| 8. Marital Status | |
| 9. National Origin | |



EMPLOYMENT

- | | |
|---------------------------------|---|
| 1. Age | 12. Personal appearance |
| 2. Color | 13. Political affiliation |
| 3. Credit Information | 14. Race |
| 4. Disability | 15. Religion |
| 5. Family Responsibilities | 16. Sex |
| 6. Gender Identity & Expression | 17. Sexual Orientation |
| 7. Genetic information | 18. Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking |
| 8. Homeless Status | |
| 9. Marital Status | |
| 10. Matriculation | |
| 11. National origin | |



HOUSING

- | | |
|---------------------------------|--|
| 1. Age | 12. Place of Residence or Business |
| 2. Color | 13. Political Affiliation |
| 3. Disability | 14. Race |
| 4. Family Responsibilities | 15. Religion |
| 5. Familial Status | 16. Sealed Eviction Record |
| 6. Gender Identity & Expression | 17. Sex |
| 7. Homeless Status | 18. Sexual Orientation |
| 8. Marital Status | 19. Source of Income |
| 9. Matriculation | 20. Status as a Victim of an Intrafamily Offense |
| 10. National Origin | |
| 11. Personal Appearance | |



PUBLIC ACCOMMODATIONS AND GOVERNMENT SERVICES

- | | |
|---------------------------------|------------------------------------|
| 1. Age | 11. National Origin |
| 2. Color | 12. Personal Appearance |
| 3. Disability | 13. Place of Residence or Business |
| 4. Family Responsibilities | 14. Political Affiliation |
| 5. Familial Status | 15. Race |
| 6. Gender Identity & Expression | 16. Religion |
| 7. Genetic Information | 17. Sex |
| 8. Homeless Status | 18. Sexual Orientation |
| 9. Marital Status | 19. Source of Income |
| 10. Matriculation | |

Other District Laws Enforced by OHR

- District of Columbia Family & Medical Leave Act of 1990
- Parental Leave Act of 1994
- Language Access Act of 2004
- Youth Bullying Prevention Act of 2012
- Unemployed Anti-Discrimination Act of 2012
- Fair Criminal Record Screening Amendment Act of 2014
- Protecting Pregnant Workers Fairness Act of 2014
- Fair Credit in Employment Act of 2016
- Fair Criminal Record Screening for Housing Act of 2016
- Universal Paid Leave Amendment Act of 2017 (portions only)
- Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018
- Tipped Wage Workers Fairness Amendment Act of 2018 (portions only)
- Racial Equity Achieves Results Amendment Act of 2020
- Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020
- Domestic Worker Employment Rights Amendment Act of 2022
- Sexual Harassment Data Collection Act of 2021
- Human Rights Enhancement Amendment Act of 2021
- Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022 (portions only)

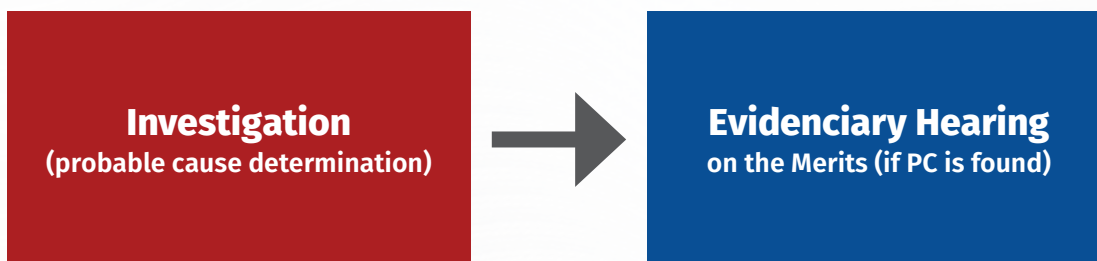
Federal Laws Enforced by OHR

In partnership with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC), OHR assists with enforcing the following federal laws:

- Title VII and VIII of the Civil Rights Act
- The Age Discrimination in Employment Act
- The Americans with Disabilities Act
- The Genetic Information Non-Discrimination Act
- The Pregnant Workers Fairness Act

OUR ENFORCEMENT PROCESS

The Enforcement Process



General Overview

OHR's enforcement process consists of two parts.

The first part of the process is **investigation**. This part involves conducting an intake, docketing a formal Charge of Discrimination, if appropriate, obtaining evidence and finally, making a determination as to whether there is probable cause to believe discrimination may have occurred.

The second part is triggered when the agency finds probable cause and the Charge is certified for an **evidentiary hearing**.

Each of these parts can take several months or sometimes years, depending on the volume of cases, parties' availability, and complexity of the case.

Step-by-Step Overview

Individuals who believe they have been subjected to discrimination in employment, housing, public accommodations, or educational institutions in the District may file a complaint online or at the OHR office. To file an initial complaint, residents must complete OHR's Intake Questionnaire and submit the form in person, by mail, or through OHR's website at ohr.dc.gov/service/file-discrimination-complaint.

OHR's complaint process is cost-free and does not require an attorney. Below is a step-by-step

overview of the work individuals can expect when filing a complaint with OHR:

Step 1: INITIAL FILING

File an Initial Complaint (IC) using OHR's Intake Questionnaire Form. This should be done within one year of the discriminatory event or discovery thereof.

Step 2: INTAKE & DOCKETING

Once OHR receives the IC, OHR may conduct an intake interview to determine whether the complaint alleges claims under the laws OHR enforces and whether it has jurisdiction. If it meets both these criteria, the IC will be docketed as a formal **"Charge of Discrimination"**.

Steps 3 & 4: MEDIATION AND INVESTIGATION

The Charge of Discrimination will be "served" on Respondent along with a date for mandatory mediation, where the parties are required to try to find a mutually agreeable resolution. If an agreement cannot be reached, a full investigation will follow, which can include interviewing witnesses, obtaining relevant evidence, such as documents and site visits.

Step 5: LETTER OF DETERMINATION

Once the investigation is completed, the agency will issue a Letter of Determination explaining whether there is probable cause to believe

discrimination occurred and if so, the Charge will be sent to mandatory conciliation. If conciliation fails, the Charge will be certified for a full evidentiary hearing before an Administrative Law Judge (ALJ).

Step 6: HEARING & FINAL CASE DISPOSITION

Once the Charge is certified for a hearing, the ALJ will issue a scheduling order, which provides deadlines for completing various steps in preparation for the hearing. At the hearing, both parties will have an opportunity to present their case and relevant evidence in support of their position. After all evidence has been presented, the ALJ will issue a recommended case disposition on whether the respondent has violated the law at issue. In private sector cases, the recommended case disposition will go before a tribunal of Commissioners; in public sector government cases, the recommended case disposition will go to the Director of OHR. If a violation is found, the final case disposition will outline the remedies, applicable fines, and other relief for the complainant.

The Commission on Human Rights

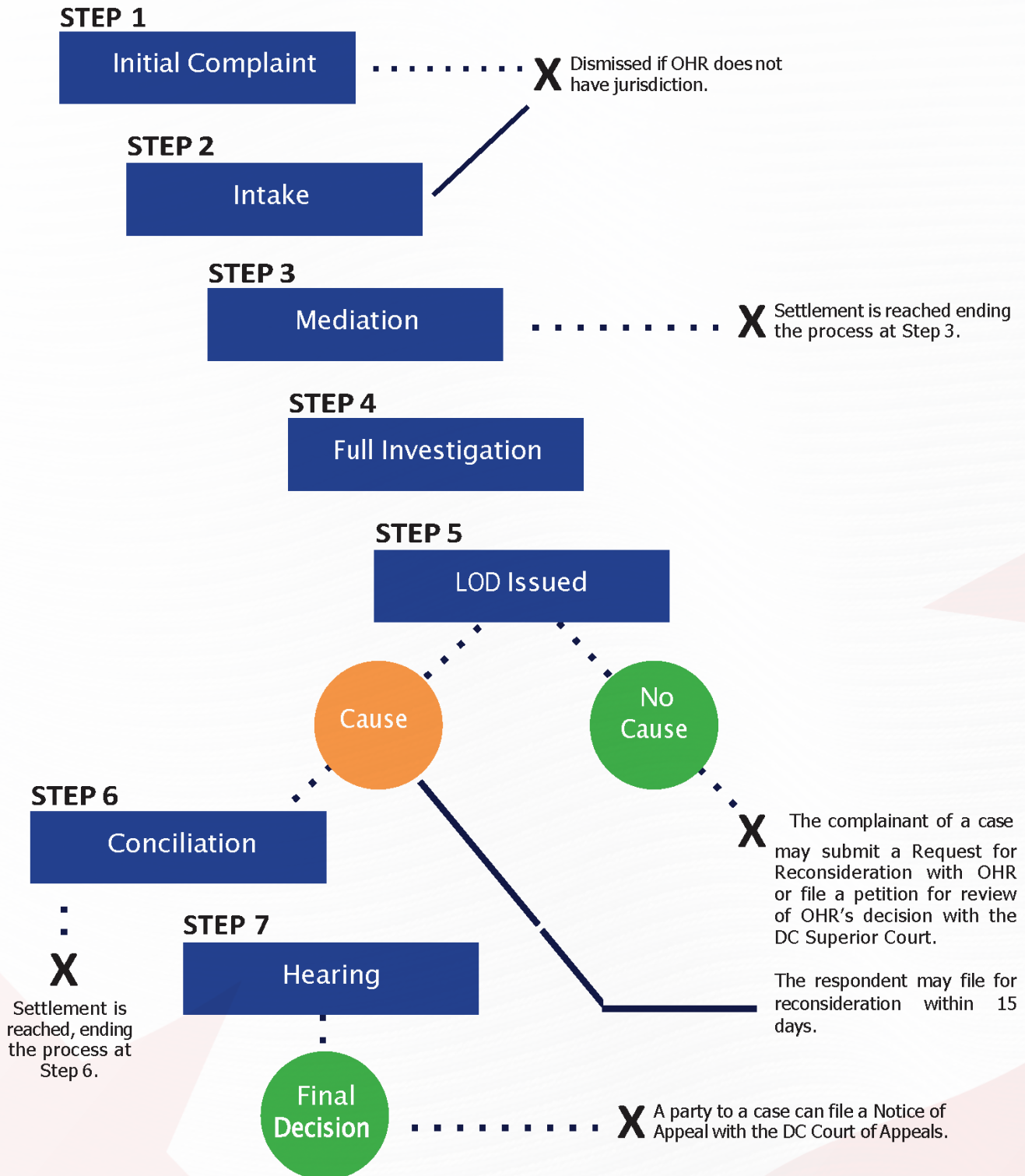
The District of Columbia Commission on Human Rights (“Commission”) is an agency within the

Office of Human Rights (“OHR”) that serves as an impartial forum for the hearing and deciding of cases of unlawful discrimination in employment, real estate transactions, public accommodations, or educational institutions under the D.C. Human Rights Act and the Fair Criminal Records Screening Act (“FCRSA”). The Commission also provides an appeals process to applicants who were found ineligible for employment under the Criminal Background Checks for the Protection of Children Act. Although the Commission is within OHR, the Commission acts independent of OHR to adjudicate cases in an impartial manner. The rules for private sector hearings can be found at 4 DCMR § 400 and § 200.

The Commission is composed of up to 15 Commissioners nominated by the Mayor and confirmed by the City Council. Each Commissioner is appointed to a three-year term without compensation.

For more information on the Commission and its meetings, you can find them on OHR’s website at ohr.dc.gov/commission.

OHR Case Process



OHR Organization by Programs

As of the report's release date, OHR leadership includes the Interim Director, Senior Advisor to the Director, Chief Administrative Officer, General Counsel, and two Associate Directors, most of which were new positions established via legislation in FY 2022 and FY 2023. OHR's programmatic work is organized and supported by the following Units:

**Agency
Operations**

**Office of the
General Counsel**

**Enforcement
Unit**

**Communication and
Community Engagement**

**Alternative Dispute
Resolution Unit**

**Language Access
Program**

**Hearing
Unit**

**Youth Bullying
Prevention Program**

**Fair Chance
Initiative**

**Creating Safer
Spaces Program**

Subsequent sections of this report will highlight what was new for OHR and major accomplishments from each of these units.

What's New for FY 2022 and FY 2023

In FY 2022 and FY 2023, the agency focused on rebuilding the agency to maximize the growth it experienced in prior years. This meant restructuring the agency's organization, prioritizing case processing improvement, investing in people, and building a sustainable infrastructure at OHR.

Restructure

In FY 2022, in pursuit of the agency's goal of enhancing accountability and clarifying responsibility areas, hierarchy, and organization of the agency, OHR modified its existing organizational structure to include an additional tier of management. This includes the addition of new senior leadership positions designated to oversee the different units within the agency to increase efficiency and streamline systems. These new senior leadership positions are as follows: Chief Administrative Officer, Senior Advisor to the Director, Associate Director for Enforcement, and Associate Director for Communication and Equity Programs. The agency also restructured and expanded the enforcement unit, building on the work of the prior year in FY 2021.

Growth and Resulting Highlights

Building a stronger, more efficient OHR took center stage in FY 2022 and FY 2023. The agency laid the groundwork in FY 2022, restructuring enforcement

units, expanding the enforcement units, including the creation of a Special Work Assignment Team (SWAT) to tackle rising aged case inventory, expanding the Office of the General Counsel, developing deeper community connections, implementing staff recognition initiatives, and laser-focused recruitment efforts. The investment paid off, reducing caseload for investigators, doubling case processing rates and total workforce growth by 40%.

In FY 2023, the agency focused on building on FY 2022 successes and continued to pursue expansive recruitment and expanded retention efforts. These initiatives resulted in the creation and filling of new leadership positions to assist the agency in managing its growth. With these developments, OHR was able to stand up dedicated teams for tailored focus, optimize agency procedures, and provide technology and data support for the first time in the agency's history. All of this was accomplished with the goal of improving case processing and public access to case data and other agency information. This commitment to accountability and accessibility will ensure a more responsive and effective OHR in the years to come.

Here are just some of the highlights resulting from OHR's changes:

Operational Highlights	
FY 2022	FY 2023
<ul style="list-style-type: none">• By the end of FY 2022, OHR's workforce increased by 40% as 20 new FTEs were filled.• Expanded the Enforcement Unit and establishment of a fourth Special Work Assignment Team to assist with processing aged cases.• Expanded of Office of General Counsel• Undertook a strategic restructuring, including the addition of senior leadership positions, and supporting the start of expansion of operations to deliver faster and more efficient service.	<ul style="list-style-type: none">• Filled 17 vacancies, reached lowest vacancy rate in OHR's recent history.• Created better career ladders within the agency with 10 internal promotions.• Hired Data Analyst & IT Specialist to build a cutting-edge Case Management System and dashboard, in order to improve case processing and make public data readily accessible for all.

Enforcement Highlights

FY 2022	FY 2023
<ul style="list-style-type: none"> • Compared to previous years when the average caseload for an investigator was 60 to 70, for FY 2022, Investigator caseloads reduced by 37.5%, due to staffing increases. • Enforcement team conducted 72% more intakes and met the FY 2022 goal of completing investigations in 50% of cases that were aged at the start of the fiscal year. • Expanded the Office of the General Counsel, allowing for dedicated legal advice and counsel to each of the enforcement teams, contributing to improved efficiency in the enforcement process and doubling case processing rate as compared to the previous year. • Increased case resolutions at the Hearing Unit. 	<ul style="list-style-type: none"> • Total agency case disposition rate increased by 24% (over a two-year period), despite overall 16% increase in new cases received. • Completed investigation in 54% of its aged inventory. • Although OHR doesn't represent individuals, the agency secured nearly \$1.3 million in relief for discrimination victims through hearing victories, overall settlements. • Secured the highest number of public interest policy changes.

Community Engagement Highlights

FY 2022	FY 2023
<ul style="list-style-type: none"> • Held a total of 59 general education and outreach events (41 in FY 2020). • Trained 143 human rights liaisons, which is almost triple the number of 47 in FY 2021. • Conducted 14 Youth Bullying Prevention education and outreach activities, which was a meteoric rise in number compared to 1, 2, and 4 in activities in FY 2021, FY 2020, and FY19 respectively. • Relaunched of OHR's Listening Labs. 	<ul style="list-style-type: none"> • Hosted monthly meetings between OHR Senior Leadership and Community Based Organization's to foster deeper connections, and accountability. • Published the District's first Inclusive Language Guide on Race with the Mayor's Office of Racial Equity, empowering residents, and officials to engage the District's diverse communities respectfully. • Hosted Office Hours at District of Columbia Public Library (DCPL) or Mayor's Office on Returning Citizen Affairs (MORCA) to engage more District residents east of the river.

New Laws, New Amendments

In FY 2022, the HRA was subject to significant amendments with the enactment of the Human Rights Enhancement Act of 2022 and the Eviction Record Sealing and Fairness in Renting Act. The new law updates the HRA in the following ways:

- **Homeless Status**

The District of Columbia is the first jurisdiction in the nation to designate “homeless status” as a protected trait under its human rights law. This change will be particularly significant in addressing discrimination employment and public accommodations.

- **Sealed Eviction Record**

A person’s “sealed eviction record” is now a protected trait under the HRA, which means it is illegal for housing providers to make determinations based on knowledge of an individual’s eviction record where that record is sealed. These protections extend not only to tenants, but real estate transactions, the inclusion of clauses in property terms, access to tenant services, and participation in organizations related to residential real estate.

- **“Harassment” redefined, expanded, and codified**

For the first time, the HRA explicitly defines what “harassment” is—specifically, “conduct, whether direct or indirect, verbal or nonverbal, that unreasonably alters an individual’s terms, conditions, or privileges of employment, or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.” The new law also expands on this definition by providing a list of non-exhaustive factors to be considered in determining whether challenged conduct constitutes unlawful harassment, including:

- Frequency of the conduct
- Duration of the conduct
- Location of the conduct
- Whether the conduct involved threats, slurs, epithets, stereotypes, or

humiliating or degrading conduct

- Whether any party to the conduct held a position of formal authority or informal power relative to another party

Under the law, “sexual harassment” is defined as:

- Any conduct of a sexual nature that would be considered harassment under the new expanded definition in the Act; or
- Sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment or where submission or rejection of the conduct is the basis for an employment case disposition affecting the individual’s employment.

- **Source of Income**

The HRA prohibits source of income discrimination in housing, which commonly involves unfair treatment of a prospective renter because that person seeks to pay their rent with the assistance of an income-based housing subsidy. The new law enhances these existing protections by explicitly adding the following:

- Prohibiting discrimination based on prior credit issues or prior rental payment history where such issues or history arose before a prospective tenant’s receipt of a housing subsidy;
- Prohibiting discrimination based on income level and credit scores unless required by federal law; and
- Creating a rebuttable presumption that discrimination has occurred if a housing provider charges any fees, deposits, or additional rent that the housing provider would not have charged to persons who do not seek to pay rent with an income-based housing subsidy.

Tailored and Diversified Outreach

During FY 2022 and FY 2023, OHR expanded its outreach to support families most affected by the COVID pandemic and continues to play a critical part in the District's comeback. OHR collaborated with the District of Columbia Lactation Commission and the District of Columbia Department of Employment Services (DOES) on creating and distributing a family protections handout through our website and social media platforms. The one-pager highlights paid family leave protections administered by DOES and breastfeeding/chest feeding protections in the workplace and in public enforced by OHR.

OHR also broadened its outreach in raising awareness of new laws affecting the District's diverse senior population by partnering with the District of Columbia Department of Aging and Community Living (DACL) and sharing educational resources at events.

In addition to partnering with our District of Columbia Government partners, OHR enhanced its engagement with constituents with Listening Labs and Community Based Organizations (CBO's) through quarterly meetings to actively address community concerns, educate them on laws enforced by OHR, and provide input on other OHR matters.

In FY 2023, "homeless status" and "having a sealed eviction record" were added as protected traits, and OHR began enforcement. OHR sought partnerships with interagency stakeholders and long-standing community advocates, such as the District of Columbia Housing Authority and the Department of Licensing and Consumer Protection, to maximize outreach and conduct in-depth training highlighting the amendments and their impact. OHR revised and improved its training materials and housing resources to include definitions of the new laws, which were distributed in public-facing events and outreach activities.

Alongside the in-person outreach and training, OHR also doubled its effort to raise awareness of the amendments to the HRA and each new

protected trait by launching a social media campaign called "Protected Trait Tuesday." Those social media series ran every Tuesday for several months, and on each Tuesday, the campaign highlighted a specific protected trait, such as race, gender, religion, disability, or sexual orientation, through posts translated into the six languages covered by the District of Columbia Language Access Act. The new traits were also highlighted on digital platforms since the start of FY 2023.

Enforcement

General Case Processing Data

The below table provides information on the volume of cases OHR received in FY 2022 and FY 2023 and the agency's case disposition rate, including case dispositions on Initial Complaints, Charges of Discrimination, and Certified Charge Hearing case dispositions.

Data Type	FY 2022	FY 2023
Number of Initial Complaints Received	1,090	1,222
Number of Initial Complaints Dismissed	615	545
Number of Initial Complaints that were Docketed as a Formal "Charge of Discrimination"	356	292
Total number of Initial Complaint Case Dispositions Issued after Intake¹	971	837
Total number of Initial Complaints Processed ²	808	900
Total number of Charges Mediated	291	295
Total number of Charge Dispositions³	365	376
Total number of Charges Conciliated	35	18
Total number of Charges Certified for Merits Hearing	20	14
Total number of ALJ Dispositions after Certification⁴	17	13

General Case Processing Data

The below table provides information on the volume of cases OHR received in FY 2022 and FY 2023 and the agency's case disposition rate, including case dispositions on Initial Complaints, Charges of Discrimination, and Certified Charge Hearing case dispositions.

Statute	Docketed Charges (FY 2022)	Docketed Charges (FY 2023)
The District of Columbia Human Rights Act of 1977	306	246
The District of Columbia Language Access Act of 2004	3	1
The Fair Criminal Record Screening Amendment Act of 2014	11	9
The District of Columbia Family and Medical Leave Act of 1990	29	25
The Protecting Pregnant Workers Fairness Act of 2014	7	9
The Unemployed Anti-Discrimination Act of 2012	0	1
The Fair Credit in Employment Amendment Act of 2016	0	0

¹ Number of cases dismissed plus number of cases docketed.

² Processing includes entering initial complaints into agency case management system, assigning cases to a Human Rights Officer, and scheduling interviews.

³ This number reflects disposition of Charges through settlement resolution, dismissal through the agency granting a motion to dismiss, dismissal during investigation (i.e., case withdrawn or settled), and issuance of the agency's Letters of Determination (LODs).

⁴ This number reflect disposition of Certified Charges by ALJs through settlement, summary judgment case disposition, or final hearing case disposition.

Specific Data: Docketed Charges by Protected Trait

The below table provides information on the types of violations alleged by protected traits in our docketed Charges of Discrimination. Of the total complaints docketed in FY 2022 and FY 2023, some were filed with more than one protected trait. Therefore, the protected traits below do not equal the total number of cases docketed.

The most often cited protected traits in FY 2022 and FY 2023 docketed cases were **disability, **race**, and **sex**.**

Protected Trait	Total by Trait in FY 2023	Total by Trait in FY 2022
Age*	31	18
Color*	9	8
Credit Information	0	0
Disability*	94	90
Family Responsibilities	12	8
Familial Status	3	1
Gender Identity & Expression*	4	5
Genetic Information	0	0
Homeless Status		
(Became protected trait in FY 2023)	N/A	0
Marital Status	0	0
Matriculation	0	0
National Origin*	16	17
Personal Appearance	4	7
Place of Residence or Business	0	3
Political Affiliation	4	0
Race*	65	60
Religion*	59	21
Retaliation (not a protected trait)	98	37
Sealed Eviction Record (Became a Protected Trait in FY 2023)	N/A	0
Sex*	65	61
Sexual Orientation*	4	15
Source of Income	17	14
Status as a Victim of an Intrafamily Offense	1	0
Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking	0	0

*Indicates the traits in the table below that are protected by Federal law or cross-filed, with HUD or EEOC, where applicable.

Specific Data: Docketed Charges by Enforcement Areas

The below table shows the number of Charges of Discrimination the agency docketed by enforcement areas. “Employment” was the most common enforcement area under which FY 2022 and FY 2023 cases were docketed.

Enforcement Area	Charges of Discrimination (FY 2022)	Charges of Discrimination (FY 2023)
Educational Institutions	7	10
Employment	226	209
Housing	69	61
Public Accommodations & Government Services	9	14
Total	311*	194*

**The total above is lower than the total docketed cases because there were complaints docketed under the Language Access Act which are not reflected in these four Enforcement Areas.*

Specific Data: Mediation

The OHR Alternate Dispute Resolution (ADR) team processes the agency’s mandatory mediation work. Mediation date is provided as soon as the Charge of Discrimination is served upon Respondent. However, in most instances, either or both parties request rescheduling, which can delay the overall processing of the Charges. For this reason, OHR permits a limited number of rescheduling requests. For more information, consult our Standard Operating Procedures ohr.dc.gov/page/ohr-operating-procedures-manual.

During mediation, a certified OHR mediator works with both parties to assist them in finding a mutually agreeable resolution. Agreements can be monetary, or can include non-monetary compensation such as job reinstatement, employee training, or changes in business practices.

Charges mediated by the ADR program include both cases docketed in each fiscal year as well as cases carried over from the previous fiscal period.

Mediation & Conciliation Numbers	FY 2022	FY 2023
Total Cases Mediated	291	295
Total Amount Awarded in Settlements	\$1,177,180	\$611,840.88

Detailed Fiscal Year Accomplishments - Community Engagement

The Community Engagement team bounced back strong from the pandemic in our efforts to proactively fight discrimination through outreach and education. As spaces and venues began opening back up and people began to feel more comfortable attending in-person events, we were able to take advantage of opportunities to educate vulnerable populations more likely to experience discrimination.

As a result, OHR was able to provide information and resources at about 20 more events than in FY 2021, an increase of 50 percent year-over-year. Through these events, OHR provided information about fair housing, second chance laws, employment, and disability protections, as well as a range of other topics, to residents in all eight wards.

Promoting Understanding and Restoring Relationships

In FY 2022, OHR launched our “I am (BLANK) & Protected” awareness campaign utilizing buttons featuring key protected traits and prominent languages spoken in the District, facilitating meaningful conversations with community

members at festivals and tabling events. The initiative effectively raised awareness of rights and promoted inclusivity across diverse populations.

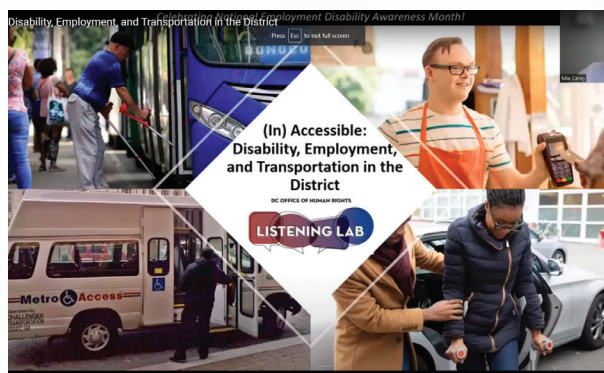
Furthermore, OHR reintroduced the “Listening Lab” series, prioritizing the perspectives of the community. This series gathered valuable insights on residents’ thoughts, feelings, and concerns, enabling OHR to enhance its service delivery and connect residents with relevant resources offered by partner agencies.

In FY 2023, OHR shifted its focus towards more community events and conducted 80 educational and public outreach activities, a 36% increase from FY 2022. OHR led two virtual Listening Labs to continue its priority of connecting with constituents and meeting them where they were. The first Listening Lab in FY 2023, entitled “(In)Accessible: Disability, Employment, and Transportation in the District,” was held in October for National Disability Employment Awareness Month. In April, the second lab session was held in observation of Fair Housing Month, in collaboration with the Equal Rights Center (ERC),



a civil rights organization focusing on eradicating housing discrimination, and informed residents on Source of Income discrimination.

OHR also facilitated several panels to celebrate Black History Month and Asian American Pacific Islander Heritage Month in FY 2023. These panels were made up of representatives from OHR's agency partners and community advocates, such as the Office of Victim Services and Justice Grants (OVSJG), the Mayor's Office on Asian and Pacific Islander Affairs (MOAPIA), and the Mayor's Office on African American Affairs (MOAAA). Panelists discussed topics ranging from public safety to discussions highlighting the contributions and evolution of DC's cultural identity, reaching more than 50 attendees across Wards. OHR also hosted two Open Houses, where OHR was able to directly engage with residents and share details on the agency's mission, work, and resources.



FY 2022	FY 2023
<ul style="list-style-type: none"> • OHR conducted 59 community events and trainings. • OHR reached over 3,459 people across all 8 Wards. • 96 people from 35 different service organizations participated in our Human Rights Liaisons Training. • 1180 people from 50 different social service organizations participated in our 23 Protected Traits Training Series. • OHR hosted 2 Listening Labs. • OHR reached an average of 6,350 stakeholders through monthly newsletter and email Blasts: 6,350. 	<ul style="list-style-type: none"> • OHR conducted 80 community events and trainings. • HR reached over 8,246 people across all 8 Wards. • 46 people from 22 different social service organizations participated in our Human Rights Liaisons Training. • 116 people from at least 30 different social service organizations participated in our 23 Protected Traits Training Series. • OHR hosted 2 Listening Labs. • OHR hosted 11 office hours at District of Columbia Public Library (DCPL) or Mayor's Office on Returning Citizen Affairs (MORCA). • OHR reached an average of 6,512 stakeholders through monthly newsletter and email blasts.

Detailed Fiscal Year Accomplishments - Education & Training

Overview of Training Topics

The District of Columbia Office of Human Rights offers various trainings that educate and inform people about protections against discrimination under District law. These include a Know Your Rights training that provides a basic overview of OHR and the local and federal anti-discrimination laws we enforce, comprehensive

Fair Housing training, Employment Discrimination Awareness training, LGBTQ Discrimination training, Reasonable Accommodations training, Public Accommodations training, Language Access training, and Bullying Prevention training. Additionally, we may add specialized training as necessary throughout any given year.


A. OHR Training for Government Employees

	CSOSA Virtual Resource Fair (Topic: FCRSA and FCRSHA)	DOH Healthy Start All-Site Meeting (Topic: Overview of OHR, employment protections, pregnancy protections)
Sessions Held/Attendees FY 2022	2 Sessions 70 Attendees	1 Session 40 Attendees
Sessions Held/Attendees FY 2023	2 Sessions 85 Attendees	0 Sessions 0 Attendees

B. Human Rights Liaison Training

The Human Rights Liaison (HRL) Training is OHR's flagship training program, which provides in-depth training on all things OHR, including OHR protocols and processes and the laws enforced by our agency. This training is available to anyone in the District. Through this training, OHR aims to equip direct service providers in diverse communities and the public with the knowledge and tools to best understand human rights protections in DC.


	FY 2022	FY 2023
Human Rights Liaison Trainings Held	3	3
Human Rights Liaisons Trained	143	106



The D.C. Office of Human Rights presents:

Human Rights Liaison Training Program 2.0!

For more information, visit ohr.dc.gov.



C. EEO Training Program for District Government Employees

In most instances, District government employees and applicants for employment are required to undergo an informal resolution process with an EEO Counselor before filing a formal complaint of discrimination with OHR. Claims of sexual harassment or alleged violations of the District's Family and Medical Law Act (DCFMLA), however, are not required to go through EEO Counseling; those claims can be filed immediately with OHR. Pursuant to the HRA and its accompanying regulations at 4 DCMR § 100 et seq., OHR developed and launched an EEO Counseling and Officer Certification Program in FY 2016. The purpose of the program was to provide tailored and comprehensive training to the District's EEO Counselors and Officers through a rigorous three-day training curriculum that covers District EEO laws, DCFMLA, and best practices for conducting EEO counseling. To continue the best practice exchanges and dialogue beyond the structured training courses, OHR also added a quarterly EEO Counselor Lunch and Learn Series.

This Program is now open to all government employees, not just Counselors and Officers, and it is offered two times a year in the spring and fall. Each cycle offers three day-long trainings (each offered two or three times to maximize attendance). OHR maintains a list of certified EEO Counselors and Officers, which can be found at ohr.dc.gov/page/EEOcounselors.



The table below details our EEO training activity in FY 2022. During that period, three EEO training sessions were held and a cohort of 18 District of Columbia Government employees were trained. OHR certified 15 individuals from a single training session held in June. During FY 2022, our total number of certified EEO Counselors was 64 and EEO Officers was 42.

In FY 2023, OHR made a concerted effort to promote these trainings to help ensure District of Columbia Government agencies are in compliance with the HRA and other relevant District laws. Those efforts resulted in a significant jump in the number of District of Columbia Government employees trained. The table below details our EEO training activity in FY 2023. During that period, six EEO training sessions were held and 171 District of Columbia Government employees (two different cohorts made up of 81 and 90 employees respectively) were trained. During FY 2023, OHR certified 54 individuals, while our total number of certified EEO Counselors was 74 and EEO Officers was 42 in FY 2023.

FY 2022 EEO Trainings		
Training Date	Course Title	Participants
June 1, 2022	Discrimination in the Workplace	18
June 2, 2022	Understanding ADA & DCFMLA	18
June 3, 2022	EEO Counseling Best Practices	18

FY 2023 EEO Trainings		
Training Date	Course Title	Participants
November 8, 2022	Discrimination in the Workplace	81
November 9, 2022	Understanding ADA & DCFMLA	81
November 10, 2022	EEO Counseling Best Practices	81
May 10, 2023	Discrimination in the Workplace	90
May 11, 2023	Understanding ADA & DCFMLA	87
May 12, 2023	EEO Counseling Best Practices	88

Resources

A. Enforcement Guidance

Each year, OHR issues enforcement guidance documents to provide the public with information on any new laws or to explain OHR's interpretation of new or complicated provisions of the law. This guidance also typically includes Frequently Asked Questions. OHR began issuing these guidance documents in FY 2016 and both the public as well as attorneys litigating before the Office have reported finding the documents useful. Judges with the District Courts also report referring to these guidance documents.

For more information on OHR's Enforcement Guidance's, you can find them on OHR's website at ohr.dc.gov/page/OHRGuidance.

In FY 2022, OHR released two enforcement guidance documents, both of which were focused on the COVID-19.

- [Enforcement Guidance 22-01: *NEW* COVID-19 Leave Under the District of Columbia Family Medical Leave Act \(DCFMLA\):](#)
 - This guidance outlines the amendments made to the DCFMLA in 2020 and 2021 to provide COVID-19 Leave, including legislation that was effective from March 11, 2020 through November 5, 2021 (Original COVID-19 Leave) and subsequent legislation effective from November 5, 2021 through February 3, 2022. This guidance focuses on summarizing the provisions of that second piece of legislation. Key provisions include eligibility criteria, reasons for leave, certification requirements, advance notice, unpaid leave status, penalties for violations, and effective dates.
- [Enforcement Guidance 22-02: COVID-19 and Religious Accommodation Request:](#)
 - This guidance outlines how employers are to handle requests for religious accommodation in the workplace amid the COVID-19 pandemic. It emphasizes that discrimination based on religion

is prohibited under the HRA and Title VII of the Civil Rights Act, and that employers must consider reasonable adjustments to accommodate an employee's sincerely held religious beliefs, practices, or observances, unless doing so poses an undue hardship on the employer. The term "religion" encompasses all aspects of religious observance and belief. Unlike disability accommodation, the threshold for demonstrating undue hardship in religious accommodation is minimal, and considers factors beyond direct monetary costs. Employers are urged to engage in a cooperative information-sharing process with employees requesting religious accommodation, to best ensure that inquiries into the sincerity of beliefs are limited and objective. Ultimately, case dispositions regarding religious accommodation requests must be made on a case-by-case basis.

In FY 2023, OHR released three enforcement guidance's.

- [Enforcement Guidance 23-01: Legislative Updates to the DCFMLA](#)
 - This guidance outlines recent amendments to the DCFMLA updating the definition of "employee" and introducing an administrative tolling provision for civil actions filed under the Act. The revised definition of "employee" under the Act clarifies that a claimant must have been employed by the employer for at least 12 consecutive or non-consecutive months within the seven years preceding the start of family or medical leave, with a requirement of having worked at least 1,000 hours during this period. Additionally, the administrative tolling provision in the law clarifies that a civil action for a violation of the Act must be initiated within one year after the occurrence or discovery of the alleged violation. However, this time limit is suspended while a claim is undergoing administrative review.

- [Enforcement Guidance 23-02: New Definition of Hostile Work Environment](#)
 - This guidance outlines the provisions of the Human Rights Enhancement Act of 2022 which amends the HRA to redefine and codify harassment in the workplace, providing assistance to adjudicators reviewing harassment complaints. Previously, complaints of harassment or hostile work environment were assessed using the “severe or pervasive” standard. The provisions in the 2022 law amend the HRE to broaden employee protections by explicitly prohibiting workplace harassment, clearly defining harassment and sexual harassment, and establishing a broader legal standard for determining unlawful workplace harassment. These provisions apply to harassment claims where hostile conduct occurred on or after October 1, 2022. The Act defines workplace harassment as conduct that unreasonably alters the terms, conditions, or privileges of an individual’s employment and creates an intimidating, hostile, or offensive environment, based on various protected characteristics. The Act abandons the previous “severe or pervasive” standard, and instead requires fact finders to consider the totality of circumstances, including various enumerated factors; no specific number of incidents or egregiousness is required. If individuals believe they have been subjected to a hostile work environment, they can submit an Intake Questionnaire to OHR within specific timeframes.
- [Enforcement Guidance 23-03: Updated Source of Income Discrimination in Housing](#)
 - This guidance outlines updates made to analyses of source of income discrimination following the enactment of the Eviction Record Sealing Authority

and Fairness in Renting Amendment Act of 2022 (ERSFRA). While previous guidance existed under OHR Guidance No. 16-01, this updated guidance lays out the effect of amendments made to the HRA by ERSFRA, which went into effect on May 18, 2022. ERSFRA enhances protections for prospective tenants using income-based housing subsidies by explicitly prohibiting discrimination based on prior credit issues or rental payment history predating subsidy receipt, income level, and credit scores, except where mandated by federal law. It also establishes a presumption of discrimination if housing providers impose fees or rent increases on subsidy recipients that they wouldn’t on non-subsidy tenants, though this presumption is rebuttable.

B. OHR: Staying Connected Through Dynamic Digital Engagement

OHR fosters a vibrant online community through its multi-faceted digital outreach efforts. The agency’s monthly newsletter reaches an average of 6,000 stakeholders each month and acts as a hub for readers to learn more about current civil and human rights topics. The newsletter provides readers with information on protected traits under District law, highlights local events, and even features personal insights from the Director on the District’s human rights landscape. Residents can subscribe to these newsletters at ohr.dc.gov/page/mail.

Beyond the newsletter, OHR actively engages with the public through diverse digital channels. The agency website experienced a surge in activity during FY 2022 and FY 2023, boasting over 249,950 visits across those two years. This impressive traffic speaks to the value of the information and resources OHR provides online. But the agency’s digital engagement doesn’t stop there. OHR’s online presence generated nearly 19,000 online impressions in FY 2022, a number that skyrocketed to 39,734 in FY 2023 (excluding website visits). This exponential growth demonstrates the effectiveness of OHR’s digital outreach in connecting with the community and amplifying its message.



Monthly News & Updates

August 2023 | Issue XXXVVVVV



August is National Black Business Month—a time to celebrate and acknowledge all the amazing Black owned businesses. According to the [U.S. Census](#), in 2020, there were 140,918 Black owned businesses (out of 5,775,258) with annual sales of \$141.1 billion (out of \$7.3 trillion) and a workforce of 1.3 million (out of 129,363,644 total). The highest number of these businesses were in the health care and social assistance (38,319); professional, scientific, and technical services (19,575); and administrative support and waste management and remediation services sectors (12,743). Here in the District, Black-owned businesses account for roughly 7.7 percent (8,649 out of 111,872) of business ownership.

Despite barriers, like discrimination and racism, Black Americans have been establishing and running successful businesses since the 1700s. Some of the older businesses include: the [Florida Avenue Grill](#), has been in business since 1944 and is hailed as the oldest soul food restaurant in the world; [Lee's Flower Shop](#) has been a family run institution since 1945; and [Ben's Chili Bowl](#), which has been a staple in the community since 1958. What's your favorite Black

Office of Human Rights
DISTRICT OF COLUMBIA

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Get Involved this Domestic Violence Awareness Month

STANDUP

against street harassment

During Domestic Violence Awareness Month, the DC Office of Human Rights, Hollaback!, and L'Oréal Paris are joining forces to ensure everyone's self-worth with Stand Up Against Street Harassment bystander intervention trainings. Stand Up uses Hollaback!'s 5Ds methodology to help people safely intervene when they experience or witness harassment in public spaces. This one-hour, virtual training uses a clear, adaptable, and expert-approved set of tools that have been proven to reduce the prevalence of street harassment. The goal of the Stand Up program is to train 2,000 Washingtonians before the end of 2021 and to ultimately build a culture where street harassment is seen as unacceptable behavior. If curious, find out more about [Stand Up](#) (international campaign) and [Hollaback!](#) (specific training).

Thursday, October 21st

6–7pm EST

Register at bit.ly/StandUpOct21

(Wear purple to support Domestic Violence Awareness Month)

[Click here to get more information about Domestic Violence Awareness Month](#)



Interim Director's Note

Dear DC residents and friends,

Happy October! I am excited to share with you a number of new developments at the DC Office of Human Rights (OHR) as we head into the new fiscal year. First, as of October 1, 2021, a new amendment to the Human Rights Act went into effect, which will enable OHR to apply anti-discrimination laws to any person or place that provides services or goods to someone in Washington, whether or not that person or place maintains a physical location in the District. This means that the Human Rights Act now covers online places of accommodation. I know there will be many questions around this new amendment and we are working diligently to provide guidance on this update. Keep your eyes peeled!



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June is National Pride Month!



(Intersex Progress Pride Flag—representing those who are intersex, people of color, and AIDS victims)

Before the 1970s, the LGBTQ community faced unimaginable discrimination at the federal and local level across the United States.

In 1947, the U.S. Park Police launched a "Pervert Elimination Campaign" with the purpose of arresting, investigating, and prosecuting gay men cruising in city parks.

In 1948, Congress passed an act in D.C. that facilitated the arrest and punishment of people who acted on same-sex desire and labeled them mentally ill. Known as the sodomy law, it established a penalty of up to 10 years in prison or a fine up to \$1,000. This law remained in effect until it was repealed in 1995.

That same year, Alfred Kinsey published *Sexual Behavior in the Human Male*. The book became a best-seller. While it raised awareness that same-sex experiences were common, it failed to make it socially acceptable. Americans, already fearing communism after the end of WWII, saw homosexuality as another threat.

In 1949, the Senate's Special Subcommittee on Investigations, began conducting a year-long investigation of gay and lesbian employees in the federal workforce. Their report, *Employment of Homosexuals and Other Sex Perverts in Government*, identified over 5,000 workers in the military and civilian government. The report would go on to state that all government intelligence agencies agreed that these workers constituted security risks. It allowed for job discrimination and denial of security clearances. As a result of this report, over 10,000 people lost their jobs.



Monthly News & Updates

April 2023 | Issue XXXVVVVIII



The Fair Housing Act of 1968 turns 55!

As we celebrate 55 years, we must also take the time to acknowledge one of the Act's unsung heroes: [Clarence M. Mitchell, Jr. \(1911-1984\)](#), the chief lobbyist for the National Association for the Advancement of Colored People (NAACP) from 1950 to 1978. He was so effective at pushing through legislation to aid Black Americans that he was nicknamed the "101st senator," which reflected not only his success in helping

Detailed Fiscal Year Accomplishments – Hearing Unit

Hearings

When probable cause is found by OHR, a case will undergo conciliation, which represents a final attempt to encourage the parties toward resolution. If no resolution is reached, the case is certified for an evidentiary hearing before a Hearing Examiner. At OHR, the agency has Administrative Law Judges (ALJ) to act as Hearing Examiners.

After the parties have had an opportunity prepare for the hearing, including using discovery, the assigned ALJ will set a hearing date. The hearing is a formal trial-like proceeding that includes presentation of evidence by the parties. In private sector cases, OHR attorneys may appear in the case to advance the public interest. In these cases, after the hearing has ended, the ALJ will recommend findings of fact and law to a tribunal of three Commissioners, who will accept or modify the findings. In these cases. In public sector cases, the proposed ALJ case disposition is submitted to the Director of OHR, who makes the final case disposition.

The Commission also hears appeals under the Criminal Background Checks for the Protection of Children Act and the District of Columbia Children and Youth Safety and Health Act. This

is a separate statute, entirely distinct from the District’s Ban the Box laws, such as the Fair Criminal Records Screening Amendment Act.

About our Administrative Law Judges

The Chief Administrative Law Judges are located under the Hearing Unit of the Office of Human Rights. Each ALJ acts as an independent hearing examiner in assigned cases certified for a hearing after OHR finds probable cause.

The ALJs and the Commission continue to operate remotely, holding virtual meetings and hearings, offering flexibility to move cases forward.

The table below shows the number of new certified Charges of Discrimination that the Hearing Unit received in each fiscal year along with the number of dispositions in each year. The redacted versions of the private sector case dispositions from the Hearing Unit can be found on our website at ohr.dc.gov/commission/decisions.

The table below shows the number of pending certified Charges of Discrimination that the ALJs resolved through mediation and the amount of remedies secured each year.

Case Dispositions	FY 2022	FY 2023
Total # of Charges Certified for Merits Hearing	20	14
June 2, 2022	20	14

Settlement Remedies	FY 2022	FY 2023
Approved Settlements	5	5
Total Remedies	\$419, 625	\$590,450
Attorney’s Fees	\$83,000	\$83,500

Detailed Fiscal Year Accomplishments – CSSP (Creating Safer Spaces Program)

Sexual Harassment Prevention Training Compliance in Tipped Wage Industries

The Tipped Wage Workers Fairness Amendment Act (TWWFAA) enhanced protections for tipped wage workers by requiring that District employers whose employees earn tips as part of their wages inform those employees about their rights and benefits under the law. OHR enforces some of the legal protections, while the Department of Employment Services (DOES) enforces others.

OHR's responsibilities are:

- Developing the sexual harassment training and certifying a list of providers who may provide such training;
- Building a platform for businesses to report on their compliance with the training, as well as filing with OHR a copy of their sexual harassment policy, the number of sexual harassment complaints received by management, and related details;
- Creating and disseminating a QR code and a specific email address to submit anonymous claims or questions to OHR at tipsdc@dc.gov; and
- Maintaining a list of all individuals who participated in the sexual harassment prevention training and received a copy of their participation's certificate, at least for five years.

In FY 2022 and FY 2023, OHR took the following steps to enhance its responsibilities:

- In FY 2022, OHR spearheaded a multi-pronged campaign on sexual harassment within the tipped-wage industry. Leveraging diverse input, OHR crafted a Train-the-Trainer program certifying 30 individuals, including legal experts, industry workers, human resources

specialists and community members; many of these trainers came from our working group members.

- Through robust community engagement through meetings, social media, and an accessible online platform, OHR implemented an impactful “Got Tips? Got Rights!” public awareness campaign, garnering support from over 114 stakeholders.
- By FY 2023, interest amongst businesses that wanted to provide training to their employees yielded remarkable progress. The program certified 153 trainers, reaching 394 businesses and training over 12,788 individuals. Notably, over 514 businesses submitted sexual harassment policies, with 333 (65%) approved, ensuring proper reporting mechanisms.

Overall, OHR's multifaceted approach demonstrably addressed key requirements and significantly enhanced awareness of sexual harassment prevention within the tipped-wage industry.

Tipped Wage Workers Fairness Amendment Act	FY 2022	FY 2023
Number of District of Columbia Tipped Wage businesses engaging in sexual harassment prevention training	1	365
Number of Certified Trainers	30	153
Total number of Training attendees	9	12,788
Number of Businesses who reported their sexual harassment policies and completed certifications	0	514

Protections for LGBTQ Seniors and Seniors Living with HIV in Long-Term Care Facilities

In recognition of the challenges faced by LGBTQ individuals and those over 50 with HIV, the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020 provides critical protections for residents aged 60 or older in long-term care facilities who may be subject to discrimination based on their sexual orientation, gender identity or expression, or HIV status. By mandating equitable services and treatment under, the law exemplifies the District's commitment to fostering an inclusive environment for all seniors. This transformative legal framework prioritizes the well-being of LGBTQ seniors and those with HIV in long-term care settings, reinforcing the district's dedication to inclusivity and support in senior care.

OHR's responsibilities to enforce the Care for LGBTQ Seniors and Seniors with HIV Amendment Act to create safer spaces for LGBTQ seniors and seniors living with HIV aged 60 years and older in long-term care are:

- Compile a roster of OHR certified trainers for comprehensive instruction of all staff in long-term care facilities in the District of Columbia about the anti-discrimination rights and benefits of LGBTQ seniors and those seniors living with HIV. This initiative aims to establish safer and more affirming environments through targeted training sessions.
- Verify that posted notices state that the long-term care facility: (1) does not permit discrimination or harassment based on an individual's actual or perceived sexual orientation, gender identity or expression, or HIV status; and (2) outlines how to file a claim with OHR.
- Process claims of discrimination based on the protected traits in the District of Columbia.

In FY 2022 and FY 2023, OHR took the following steps to enhance its responsibilities:

- OHR appointed a Program Manager (PM) to oversee its tasks and devise an initial

strategic plan for execution. The PM actively engaged in various online and community events to raise awareness of the program, encourage participation in an ongoing working group, and invite individuals to apply to become certified trainers among the public and existing networks working with LGBTQ seniors and seniors with HIV.

- Strategically hired a Program Analyst and Compliance Coordinator to lead the development of a robust Training focusing on the Care for Seniors named "Rights and Legal Protections for LGBTQ Seniors and Seniors with HIV." The Trainers (TOT) program resulting in the training of over 432 staff members across 70 Long-Term Care Facilities, as well as preparing 25 certified trainers to educate others.
- OHR established a dedicated webpage with resources and communication tools that provide a centralized hub and established a community working group to foster feedback and amplify program messages. Through these partnerships, OHR was able to streamline access to valuable information and enhance communication for users' engagement and convenience.

Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020	FY 2022	FY 2023
Number of facilities were identified and contacted about their responsibilities regarding the Care for LGBTQ Seniors and Seniors with HIV law	70	70
Number of Certified Trainers	0	25
Number of Training Sessions conducted by the Certified Trainers	0	15
Total Number of Training Attendees	0	432

**Both programs received 97% satisfaction, as good or excellent, from all certified trainers.*

Detailed Fiscal Year Accomplishments - Language Access Program

The Language Access Act of 2004 (LAA) requires District government agencies and programs to provide enhanced access and participation in public services, programs, and activities for residents of the District of Columbia with Limited or No English Proficiency (LEP/NEP). The Language Access Program, housed within OHR, is focused on eliminating language-based discrimination. The Program enables District of Columbia residents, workers, and visitors to receive equivalent information and services from the District of Columbia government, regardless of what language they speak. The Program's scope includes all District agencies that engage with the public, and it supports these agencies in providing translation and interpretation services for customers who are LEP/NEP. The LAP publishes its own annual report each year, and it can be accessed here: ohr.dc.gov/page/annualreports.

The LAP information in this report provides highlights of OHR's efforts during FY 2022 and FY 2023 to connect with and serve the LEP/NEP community. In FY 2022 and FY 2023, the LAP provided trainings, individual consultations, and technical assistance to Language Access Coordinators (LACs) and Language Access Points of Contact (LAPOCs) to support agencies' implementation of language access requirements and improve overall compliance with the LAA. With the gradual restoration of normal operations throughout the District, the LA Program began to conduct more in-person and virtual outreach activities.

Program Highlights:

- OHR delivered 119 language access compliance training to 3,069 District employees, grantees, and contractors;



- OHR hosted 44 technical assistance sessions for LACs covering best practices for enhancing data collection and reporting, developing Biennial Language Access Plans (BLAPs), and ensuring grantee and contractor compliance;
- OHR held the mandatory annual language access compliance meeting for LAPOCs to provide guidance on language access implementation activities and annual reporting requirements; and
- OHR held 19 meetings were held with the Mayor's Offices on Latino, Asian & Pacific Islander, and African Affairs to coordinate technical assistance efforts.

Language Access by the Numbers

Language Access Act of 2004	FY 2022	FY 2023
Number of encounters* with LEP/NEP customers	256,594	207,650
Number of calls for telephonic interpreter	186,009	173,439
Number of languages spoken by customers	85	76
Number of vital documents translated	3,230	1,572
Number of trainings done by Language Access team	256	290
Number of people trained by Language Access team	14,181	10,325
Docketed cases with the Language Access Act	N/A	1

** Encounters include telephonic interpretation, Video Remote Interpreting, and bilingual staff encounters.*

For more information about the LA Program, please refer to the Annual LA Report here: <https://ohr.dc.gov/page/annualreports>

Detailed Fiscal Year Accomplishments - Fair Chance Initiative

OHR enforces the Fair Criminal Record Screening Amendment Act of 2014, which aims to prevent unlawful screening of a job applicant's criminal background, and the Fair Criminal Record Screening for Housing Act of 2016, which prevents unlawful screening of a housing applicant's criminal background. OHR accepts and investigates complaints that allege violations of the law, and when violations are found, penalties can be imposed.

In addition to the enforcement work, OHR's Special Liaison serves as the program lead on our Fair Chance Initiative, which entails raising awareness of applicable laws, monitoring conditions of confinement, and building partnerships with organizations in the criminal justice system to remove barriers for the incarcerated and formerly incarcerated residents of DC.

The Fair Chance Initiative also provides recurring outreach with the District of Columbia Department of Employment Services (DOES) Project Empowerment, the Mayor's Office of Returning Citizens Affairs (MORCA), Court Services and Offender Supervision Agency (CSOSA), and the Federal Bureau of Prisons (FBOP) and Returning Citizen Advocacy Groups, such as the National Association for the Advancement of Returning Citizens, Reentry Network for Returning

Citizens, Women Involved in Reentry Efforts, Reentry Action Network, and Rethink Justice.

Voting Rights for Incarcerated Residents from District of Columbia

In FY 2022, the Council passed the Elections Modernizations Act (EMA) which allows the District of Columbia Board of Elections (BOEE) to use information obtained from the Department of Corrections (DOC) and the Federal Bureau of Prisons (FBOP) to update addresses of incarcerated voters. This will enable the BOEE to keep track of individuals transferred from the DOC to the FBOP to begin serving their sentence. While in DOC custody, the Act requires the DOC to provide information and discuss the importance of and process for keeping voter registration information, especially upon transfer or release from DOC custody.

The Elections Modernization Act also required the DOC to become an automatic Voter Registration Agency. As a Voter Registration Agency, the DOC must now implement all the requirements of the voting agencies in the public like same day registration along with in person voting and voting via voting machines. This would be the first-time voting machines would be used in the jail and an all-out push for residents of the jails to have the same or similar experience of individuals voting in the community.

	Docketed Complaints in FY 2022	Docketed Complaints in FY 2023
Fair Criminal Record Screening Amendment Act of 2014	10	5
Fair Criminal Record Screening for Housing Act of 2016	10	0

To ensure the changes effectuated by the EMA are resulting in programmatic updates to enhance incarcerated individuals' access to vote, the Special Assistant collaborated with District of Columbia BOEE to curate educational materials and outreach sessions.

During the FY 2022 election, the Board employed 16 incarcerated residents to act as electioneers, 24 incarcerated residents took part in the BOEE training oversight by the Office on Human Rights. Training took place at the Department of Corrections and was consistent with the training provided to all election workers (lectures, slide presentations, equipment, tests were all utilized as part of the training. All workers were compensated \$100 per shift the same as election workers at other early vote centers.

Last, the Restore the Vote Amendment Act of 2020 empowered incarcerated District residents to exercise their voting rights in federal and local facilities. OHR worked with the DOC and FBOP to provide advocacy and educational classes on voting rights. In FY 2022, 1,172 individuals in the District of Columbia jail under DOC custody and 1,744 incarcerated district residents within the federal Bureau of Prisons became registered voters. Notably, the general election in FY 2022 witnessed a redrawing of the Advisory Neighborhood Commissioner (ANC) boundary lines, transforming ANC7F07 into ANC 7F08, which has a constituency of nearly 1,700 incarcerated people. OHR partnered with the DOC to prepare for the DOC ANC race, marking a significant stride in ensuring political representation for incarcerated individuals.

A Step Toward Redemption: How the First Step Act Offers Hope to Incarcerated Individuals Act

The First Step Act, enacted in 2018, marked a significant step towards reforming the federal criminal justice system. Recognizing the human impact of long sentences and racial disparities, this bipartisan legislation introduced several changes intended to benefit the incarcerated community.

OHR worked alongside BOP leadership to implement the Act's key provisions which include reducing certain mandatory minimums, offering pathways for earned time credits and potential early release, improving prison conditions through better access to mental health services and educational programs, and strengthening family connections by expanding phone and visitation privileges for the District's incarcerated community.

Formally Incarcerated Convicted People and Family Movement & National Council on Incarcerated and Formally Incarcerated Women and Girls.

As OHR's leading voice on reentry issues, Special Assistant Charles Thornton presented at the Formally Incarcerated Convicted People and Family Movement's annual celebration and the National Council on Incarcerated Women and Girls to share the district's experience in and advocate for removing barriers from fair opportunities for returning citizens and against the incarceration of women and girls.

Detailed Fiscal Year Accomplishments - Youth Bullying Prevention Program

The OHR Youth Bullying Prevention Program (YBPP) was established in June 2013 with the goal of reducing incidents of bullying across the District of Columbia by emphasizing prevention and proper procedures for responding when incidents occur.

The YBPP serves three primary functions;

- First, the Program provides resources to schools and other youth-serving organizations to support their bullying prevention efforts;
- Second, the Program provides oversight to verify agencies are compliant with the Youth Bullying Prevention Act; and
- Finally, the Program provides case resolution assistance, as needed, between parents, schools, and other entities for individual bullying cases.

During FY 2022, OHR continued its work with long-standing partner Child Trends, a national research organization, to focus on key components of the YBPP's programmatic work. This included the collection of bullying-related data at our public schools, addressing requests for training and technical assistance, and the publication of tipsheets and newsletters with tools and resources to aid in creating a safe school environment. For more information on the published resources, visit ohr.dc.gov/page/bullyingprevention.

In June 2022, OHR published its School Year 2020-2021 and 2021-2022 report, which provided an overview of the current level and nature of bullying in the District of Columbia. The following were the report's key findings:

- **The COVID-19 pandemic and the related shift to virtual schooling in SY 2020-2021**



dramatically decreased the number of reported bullying incidents; although allegations rebounded in SY 2021-2022, they were still lower than pre-pandemic statistics. Schools reported receiving just 152 allegations of bullying in SY 2020-2021, a decrease from 1,344 in SY 2019-2020. In SY 2021- 2022, reported allegations returned to similar levels as SY 2019-2020, with 1,293 allegations.

- **The overall percentage of District of Columbia schools that are fully compliant with the YBPA's four requirements decreased from SY 2019-2020. Only 19 percent of schools were fully compliant**

with the YBPA in SY 2021-2022, compared with 26 percent in SY 2019-2020.

- **Schools are using both exclusionary and restorative justice methods to address incidents of bullying.** Over two-thirds (68%) of schools with at least one incident of bullying used exclusionary discipline (i.e., suspension, expulsion, referral to law enforcement). This represents an increase from 57 percent in SY 2019-2020. Similarly, 69% of schools addressed incidents of bullying using restorative justice practices. Counseling or other mental health services were used in 39% of the cases.
- **Schools reported that, post-pandemic, many students need basic social and emotional support to prevent peer conflict and bullying.** In qualitative data, schools reported that, upon return to in-person learning in SY 2021-2022, many students needed support to reintegrate into the school community and establish positive school climates.

For FY 2023, the Youth Bullying Prevention Program saw significant progress through program efforts to enhance school response, staff training, and youth engagement. School response to data collection soared from 76% to 88%, reflecting increased accountability and transparency. Additionally, 64% of schools conducted mandatory staff training, up from 52%, demonstrating a growing commitment to prevention strategies.

In addition, YBPP took significant steps to actively engage the community through 14 training sessions for schools and grantees, five parent education sessions, and nine youth-specific events, empowering various stakeholders with knowledge and tools.

Last, to boost compliance with the Youth Bullying Prevention Act, YBPP held informational meetings and individually contacted non-compliant schools, resulting in 45 schools taking corrective action. Furthermore, YBPP approved 72 bullying prevention policies for youth-serving organizations, ensuring consistent standards across funded programs.

Increase in Youth Bullying Prevention Efforts	FY 2022	FY 2023	Increase
School Response Rate	76%	88%	12%
Schools with Bullying Prevention Training	52%	64%	12%

Youth Bullying prevention in the Community	FY 2022	FY 2023
Training Sessions for Schools & Grantees	2	14
Parent Education Sessions	3	5
Youth Events	3	9

Looking Ahead

In FY 2024, OHR is committed to empowering Washingtonians with a fair shot through diverse outreach and education opportunities and increased accessibility. We will build on our existing partnerships with District government agencies to curate targeted resources and workshops on new and existing laws. These workshops will be held in high-traffic locations east of the river, offered virtually for increased accessibility, and hosted by constituent outreach offices and community stakeholders to reach targeted audiences like young professionals and immigrant communities.

We are also forging new relationships with business groups, advocacy organizations, and professional associations. These partnerships will allow us to expand the reach of our resources and workshops on eliminating discrimination, increasing equal opportunity, and protecting human rights for all residents and visitors.

Furthermore, OHR is making organizational changes and recruiting recognized talent to increase efficiency and streamline operations. This will ensure that those who file complaints of discrimination receive thorough and timely investigations.

Finally, because of our accomplishments in FY 2022 and FY 2023, OHR will bring more data sharing and a diverse approach to case disposition. OHR is proud of the progress it has made in establishing community ties and providing justice to our residents and visitors. We are also deeply grateful for the commitment of our dedicated workforce and the support of our community partners.



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