

# Office of Human Rights

---> **Annual Highlights – FY09**





**Every Individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life...**  
*- DC Official Code §2-1402.01*

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## OHR's Mission

The District of Columbia Office of Human Rights (OHR) was established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live, work, or visit the District of Columbia. The primary mission of OHR is to enforce the District of Columbia Human Rights Act of 1977, the District of Columbia Family and Medical Leave Act of 1990, the District of Columbia Parental Leave Act and the District of Columbia Language Access Act of 2004. In addition to those local laws, OHR, being a fair employment practice agency and a fair housing assistance program agency, can investigate and adjudicate 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.

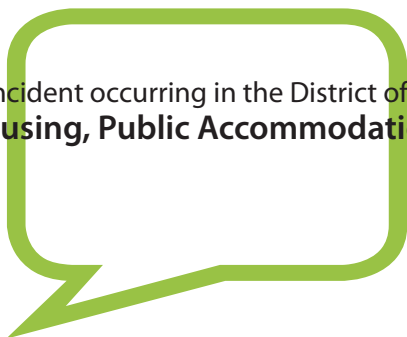


## 19: The Number of Protected Classes in DC

Regarded as being one of the most comprehensive civil rights statutes in the nation, the Act prohibits discrimination for any reason other than that of individual merit, including but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, and place of residence or business.

## Jurisdiction

The Act covers any incident occurring in the District of Columbia in the areas of **Employment, Housing, Public Accommodation and Education.**



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## Awareness, Prevention & Education

In FY08, OHR launched the “We All Belong” communication plan to increase the community’s awareness about their rights and responsibilities under the Human Rights Act. In FY09, OHR continued aggressive outreach efforts and developed a new initiative **OHR in the Community**. OHR secured numerous community partnerships and conducted more than 40 outreach and education events, representing a **43%** increase compared to FY08. Fair Housing, Language Access and Equal Employment Opportunity training and education continued to be a focus in FY09.

In 2009 OHR partnered with numerous community groups, including: AYUDA, El Salvadoran Consulate, Catholic Charities, Equal Rights Center, Marshall Heights Community Development Corporation, DASH, DC Transgender Coalition, DC Chamber of Commerce, Greater Washington Urban League, DC Coalition Against Domestic Violence and the United Nations Association of the National Capitol Area. In addition to community partners, OHR partnered with DC Department of Small & Local Business Development to reach 1,250 Certified Business Enterprises informing business owners of their responsibilities under the Human Rights Act.

- In the area of enforcement, OHR recorded a 32% growth in the number of new cases.
- In FY09, OHR educated 2,847 employers, workers and residents about their employment and housing rights.
- In addition to trainings, OHR continued to use mass media to increase community awareness, including WMATA posters throughout the transit system and multilingual radio, television and print advertisements reaching several hundred thousand people.
- OHR also provides training on the DC Language Access Act of 2004 to government agencies. In FY09, OHR trained 700 employees from 15 agencies on the law’s requirements.
- In FY09, OHR revamped its EEO Compliance Program and developed a formula through which government agencies are rated with respect to EEO Compliance. As part of this initiative, aimed at making the District government a model EEO employer, OHR conducted training for 158 employees designated with EEO responsibilities from 52 agencies.

## E-learning

OHR continues to identify ways to serve the public more efficiently. In 2008, OHR launched an online, interactive, scenario based, Diversity and Equal Employment Opportunity training program, available on OHR’s website 24 hours a day, 365 days a year. The goal of the training modules is to increase knowledge about diversity, inclusion and equal employment opportunity. Users are able to learn about all aspects of their equal employment rights in the District of Columbia. In FY09, 379 individuals completed the online training. In 2009, OHR began development of an e-learning program for the Language Access Program that will be available in 2010 and also accessible via the OHR web site.

## Enforcement

In FY09, OHR docketed 585 new cases.

The complaint categories were:

- 488 Employment
- 46 Housing
- 41 Public Accommodation
- 5 Educational Institution
- 5 Language Access



## EMPLOYMENT

OHR works to ensure that all employers abide by the requirements of the Human Rights Act. In FY09, OHR docketed 488 employment cases. Of those cases, complaints involving race (201 cases), age (123 cases), sex (175 cases), and retaliation (197 cases) made up 68% of all bases for employment discrimination cases.

### Employment Cases\*

Basis	
Race	201
Retaliation	197
Sex	175
Age	123
Disability	116
National Origin	94
Religion	29
Sexual Orientation	24
Color	23
Personal Appearance	20
Family Responsibilities	16
Familial Status	0
Marital Status	2
Gender ID/Expression	1
Matriculation	0
Genetic Info	0
Political Affiliation	0
Source of Income	0
Victim of Intrafamily Violent Offense	0



\* Employment bases totals include cases that identify more than one basis.

## Public Accommodation

There were a total of **41** Public Accommodation cases docketed in FY09, as compared to 49 total for FY07 and FY08 combined. The bases for the majority of the cases included race (at a total of 16), disability (at a total of 13) and retaliation (at a total of 12). The bases for other cases included sex, age, national origin and religion.

## Education

In FY09 OHR docketed a total of 5 education cases. The bases for the majority of the cases included national origin and retaliation.

## FMLA

OHR enforces several laws in addition to the Human Rights Act, including the **DC Family Medical Leave Act (FMLA)**. The Act ensures that families have the protections needed to care for family members. In FY09, OHR docketed a total of **8** FMLA cases.

## Mediation

DC's Human Rights Act requires that all cases are mediated. Mediation is an alternative dispute resolution (ADR) program implemented by OHR. In FY09, OHR successfully mediated **264** cases with a combined settlement total of **\$1.5 million**. OHR's Mediation Division is highly successful and accomplished a settlement rate of 48% in FY09, meaning that 5 out of every 10 cases mediated reached a settlement agreement. The complete list of cases mediated compared to those that were eventually settled in FY09 is as follows:

	Amount of Cases Mediated	Cases Settled
TOTAL-FY09	264	126



## Reconsideration of No Probable Cause

When OHR issues a no probable cause determination on an issue contained in the complaint, the Complainant may make a request to the Director of OHR for a reconsideration decision. In FY09, there were 42 requests for reconsideration of no probable cause determinations. Of those requests, 1 was reversed from a no probable cause determination to a probable cause determination. Any party can challenge a determination in Superior Court for the District of Columbia through a Petition for Review.

## Conciliations

When a private sector probable cause determination is issued, the parties are invited within 30 days of the issuance of the Letter of Determination to resolve the complaint through a conciliation conference. In FY09 there were 6 cases settled in conciliation.

## Pending Inventory & Case Closures

OHR continues to eliminate inefficiencies in its investigative operations and to decrease the wait time for determinations. In FY09, only 60 cases were “aged” cases.

## Commission on Human Rights

### Commissioners

The DC Commission on Human Rights consists of a 15-member volunteer body appointed by the Mayor for a term of two years, (see list below for FY09 Commissioners,) and a staff of three Administrative Law Judges.

In December 2008, OHR and the DC Commission on Human Rights announced the first recipient of the first annual Cornelius R. “Neil” Alexander, Jr. Humanitarian Award: **Johnny Barnes, Esq.** The award is named for Neil Alexander, who served as Chief Hearing Examiner for the Commission for 20 years. Mr. Barnes was selected as the first recipient in recognition of his years of work in the civil rights field and the impact of his work.

The following individuals served as Commissioners in FY09:

**Anil Kakani**, Chair (Ward 4)  
Federal Government Official

**Nimesh M. Patel**, Vice Chair (Ward 2)  
Attorney in Private Practice

**Christopher Dyer**, Secretary (Ward 2)  
Government Official

**Lamont Akins** (Ward 4)  
Government Official

**Mai Fernandez** (Ward 6)  
Not-for-profit Director

**Thomas Fulton** (Ward 3)  
Government Official

**Nkechi Taifa** (Ward 4)  
Attorney with Public Interest Organization

**Michael E. Ward** (Ward 6)  
Attorney in Private Practice

**Deborah Wood** (Ward 3)  
Attorney with Public Sector Employer



## New Cases Certified to the Commission in FY09

In FY09, 3 cases were certified or recertified to the Commission. Additionally, 2 cases were remanded to the Office of Human Rights. The 3 cases certified to the Commission involved alleged disability discrimination in employment with respect to a mental condition, alleged disability discrimination in employment with respect to a spinal impairment, and alleged discrimination with respect to a public accommodation based upon gender identity and expression.

## Case Closures for FY09

In FY09, the Commission closed 10 cases and the Commission's Administrative Law Judges, acting as Hearing Examiners, closed 6 additional cases involving District government employees.

## Pending Inventory in FY10

At the close of FY09, the Commission had 14 active pending cases in its inventory. The protected classes under the Human Rights Act at issue in these cases are:

- Disability – **5** cases
- Race – **3** cases
- Gender Identity & Expression – **2** cases
- Sex – **1** cases
- National Origin – **1** cases

In addition, at the close of FY09 there were 7 Criminal Background Check cases pending before the Commission and 3 cases involving District Government employees pending before the Commission's Administrative Law Judges.





## Fair Housing

OHR’s Fair Housing Division was established in 1999 pursuant to the 1998 amendments to the Human Rights Act, which made the Act substantially equivalent to federal fair housing laws. The amendments allowed OHR to seek certification from the U.S. Department of Housing and Urban Development (HUD) to process Fair Housing claims under Title VIII of the Civil Rights Act of 1968.

In FY09, OHR docketed 46 Fair Housing complaints. The majority of the cases involved 3 issues: discriminatory terms, conditions, privileges, or services and facilities; discriminatory refusal to rent and failure to make reasonable accommodations.

Basis	Housing
Disability	19
Race	15
National Origin	5
Source of Income	5
Age	4
Familial Status	4
Sex	3
Retaliation	2
Religion	2
Sexual Orientation	1
Personal Appearance	1
Marital Status	1
Gender ID/Expression	1
Matriculation	0
Genetic Info	0
Political Affiliation	0
Family Responsibilities	0
Color	0
Victim of Intrafamily Violent Offense	0
<b>Total Complaints in Area</b>	<b>46</b>



OHR, the DC Department of Housing and Community Development (DHCD) and the Equal Rights Center co-hosted the District’s 8th Annual Fair Housing Symposium on April 28, 2009. The theme was **“Yes We Can! Prevent Housing Discrimination.”** The event included three panel discussions designed to increase awareness of issues relevant to advancing equality and fairness in housing: “Accessibility in New Construction is Your Right,” “The Face of Housing Discrimination: Examining the Impediments to Fair Housing for Immigrants,” and “Foreclosure and Predatory Lending: The Fair Housing Link.” The event was attended by members of the community, activists and government employees.

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## Language Access

The Language Access Program was created by the DC Language Access Act of 2004. The legislation was enacted to provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with limited or no-English proficiency. The Council of the District of Columbia identified six languages spoken largely by DC's immigrant community to be covered under the Act: Spanish, Chinese, Vietnamese, French, Korean and Amharic.

Throughout its five years of overseeing and enforcing the Act, OHR has observed systemic improvements in the equitable provision of services and behavior by the government. Agencies' plans have become more comprehensive than in years past highlighting changes in policies, procedures and practices within their agencies and requiring the same of service providers they fund; reporting has significantly improved as has overall adherence to legislative requirements; there has been no decrease in complaints docketed at OHR which indicates the success of public/private partnerships and information sharing; usage of the District's telephonic interpretation service rose over 70 % between FY05 (i.e., fiscal year during which the law was enacted) and FY09; and public accommodation test results are improving. The District received an overall rating of "partial" compliance for FY09.



Compliance Results for FY08 and FY09.

Agency Requirements	FY08	FY09	Comparison
Oral Language Services	32% full compliance	85% full compliance	Increase
Written Language Services	44% full compliance	58% full compliance	Increase
Outreach	28% full compliance	48% full compliance	Increase
Training	4% full compliance	52% full compliance	Increase

In June 2009, OHR convened a **Language Access Policy Forum**, attended by more than 250 participants, to present the accomplishments of the Program, discuss local and national issues facing LEP/NEP communities and to identify future goals for the Program. The Forum was held in recognition of the 5 year anniversary of the Act.

