

I work here.



I work here.



I play here.



I visit here.



I visit here.



I work here.



I live here.



I play here.



I live here.

2007-2008 BI-ANNUAL REPORT

Office of Human Rights DISTRICT OF COLUMBIA



District of Columbia
Adrian M. Fenty, Mayor



District of Columbia
Adrian M. Fenty
Mayor



Office of Human Rights
DISTRICT OF COLUMBIA

Protecting the
Human Rights of
Every Individual

One Judiciary Square
441 4th Street, NW
Washington, DC 20001
202.727.4559
www.ohr.dc.gov

Gustavo Velasquez
Director



I commend the DC Office of Human Rights and the DC Commission on Human Rights for the vital services that they provide to our residents and visitors.

The District of Columbia leads the nation in protecting citizens in the areas of employment, housing, public accommodation and public education. Since 1977, the DC Office of Human Rights and DC Commission on Human Rights have not only enforced the DC Human Rights Act, but they have led the city's efforts to ensure that every citizen that visits, works and/or lives in DC is aware of their rights.

This report represents people whose lives have been touched by the Office and Commission on Human Rights; it details the depth and variety of services OHR provides and highlights how these services enhance the quality of life in DC.

The vision of my administration is to touch even more lives and to enhance the services available to residents and visitors of the District of Columbia.

As I have said over recent months, we want our city government to be service-oriented, particularly when it comes to ensuring that visitors and residents are aware of the many protections provided to them by the DC Human Rights Act.

As the District continues its quest to become a world-class city, I invite you to learn more about the important work and accomplishments of the Office of Human Rights.



District of Columbia
Adrian M. Fenty, Mayor

Dear citizens and residents of the District of Columbia,

The DC Office of Human Rights (OHR) and the DC Commission on Human Rights (COHR) are pleased to submit our 2007 and 2008 biannual report.

Washington, DC is one of the most diverse cities in the world. Residents of the Nation's Capital have embraced and celebrated such diversity by securing and maintaining livable conditions in which inclusion, human dignity and the inalienable rights of all people are widespread. Livable conditions in which all individuals enjoy expansive civic and human rights protections that are hard to match anywhere in the United States and the rest of the world. If you live, work or visit Washington, DC, you stand at the forefront of human rights and you become part of a strong foundation for freedom, justice and peace.

Since the administration of Mayor Adrian M. Fenty commenced in January 2007, OHR has established a new vision. This vision seeks to make OHR's mission an intricate part of the city's human support systems that improves the quality of life for all District residents. This vision emphasizes a District free of discrimination, with fair and equal treatment to all people living, working and traveling to Washington, DC; a vision where human dignity sets the tone for inclusive-driven behavior when conducting business in DC, accessing public services, and enjoying everything that our city offers.

This report lays out numerous accomplishments that the OHR and COHR have achieved in the last two (2) years, including the implementation of a new strategy for community involvement, public participation, awareness and public education. On the enforcement front, we have also achieved tremendous progress by improving customer service, enhancing the quality of our investigations, reducing the case backlog, increasing the number of settlements, creating more training opportunities for the District workforce, adjudicating cases more expeditiously, and improving compliance with the laws and policies under our jurisdiction.

This biannual report reflects upon our recent accomplishments, but it goes further: It provides an overview of our vision, mission, work areas, and outlook as we continue to promote, preserve and enforce justice for ALL. In the District of Columbia... We ALL belong!

Respectfully,

Gustavo Velasquez, Director
DC Office of Human Rights

Nimesh Patel, Secretary
DC Commission on Human Rights



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{ FACT }

The Office of Human Rights is a **Fair Employment Practice Agency (FEPA)**. The U.S. Equal Employment Opportunity Commission (EEOC) maintains work sharing agreements with FEPAs nationwide to process federal discrimination charges filed against private employers, state and local governments.

Mission



Our

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 in the District of Columbia. OHR enforces 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, being a fair employment practice agency (FEPA), and a fair housing assistance program agency (FHAP), the OHR 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.

How We Serve You

The OHR provides the following services:

- Investigates and processes complaints of unlawful discrimination in employment, housing, public accommodations, and educational institutions,
- Protects the equal employment opportunity rights of District government employees,
- Reviews and approves diversity and affirmative action plans of entities seeking to conduct business with the District government,
- Investigates complaints and conditions causing community tension and conflict which could lead to breaches of the peace and public disorder,
- Conducts hearings on major issues affecting the protection and promotion of human rights,
- Assesses local and federal laws and policies with respect to discrimination,
- Provides information on human rights laws and policies to the community at large, and
- Makes recommendations to the Mayor and the Council of the District of Columbia on systemic patterns of discrimination.

Beyond Enforcement, OHR is committed to educating the public about their rights and responsibilities under the Human Rights Act. In 2007, OHR launched We All Belong — an ambitious communications plan — and made public education, outreach and awareness its top priority. It was essential to take our education efforts to the community. A new taskforce was created to improve the agency’s visibility and educational goals. The taskforce selected three priority areas for 2008: fair housing, language access and Equal Employment Opportunity training across the District. The first step was the revamping of OHR’s website to increase the understanding of the agency’s mission and enable greater interaction with the public. The website now includes streamlined video which educates the public on patterns of discrimination, as well as offers a variety of OHR services. New OHR videos and Public Service Announcements have also aired on channel 16 and other cable networks. The revamped site has online complaint filing (online filing now amounts to **48%** of all filing at OHR) and training registration for the first time. In FY08, OHR increased the District’s level of awareness of federal fair housing laws. OHR launched a campaign in January 2008 that included multiple community-based forums and training on housing discrimination, a partnership with WMATA for posters throughout the mass transit system, ads in local English and non-English newspapers, and partnerships with various legal and advocacy groups. As a result, OHR experienced an unprecedented number of inquiries on housing discrimination and has seen the number of formal housing complaints **increase by 42%** compared to 2006. In the area of EEO Training, OHR trained a total of 1,080 employees in DC during 2008, including employees from **65** DC government and independent agencies.

Improving the Quality of Services
Compliance, Training & Quality Assurance

Sexual Harassment, ADA, Diversity and EEO Training

OHR provides various EEO-related training sessions to DC government agencies and private sector entities within the District of Columbia. The OHR also provides training on compliance with the DC Language Access Act of 2004 to DC government agencies. In FY07 and FY08, OHR conducted training for 76 government and private sector entities for a total **1,282 employees**.

Quality Assurance

OHR established a system for quality reviews of cases investigated by OHR in 2008. OHR secured the participation of six experts from OHR, the Equal Employment Opportunity Commission (EEOC), and from various Human Rights agencies from surrounding jurisdictions. The in-depth quality assurance review ensures that OHR maintains excellence in service delivery. In FY08, **81%** of the total number of reviewed cases scored “very good” or higher. OHR will continue and increase this initiative in the future.

Affirmative Action

OHR is charged with assisting District government agencies in developing, monitoring, reviewing, and enforcing Equal Employment Opportunity policies, procedures and Affirmative Action Plans as set forth in DC Official Code § 1-521.01. As part of this role, OHR reviews Affirmative Action Plans in contracts valued in excess of \$10,000 with the DC government to ensure compliance. In 2007-2008, OHR reviewed **626** contracts.

E-Learning

In 2007 and 2008, OHR began development of an online, interactive, scenario based, Diversity and Equal Employment Opportunity training program to add to its website. The goal of the project is to increase the knowledge of diversity, inclusion, and equal employment opportunity, specifically for the District government workforce; however, the training will be available free of cost to the general public through the District’s website in late 2008. Users will be able to learn about all aspects of their equal employment rights in the District of Columbia. In addition, the training will cover issues of workplace diversity and inclusion which will assist the users in increasing their level of multi-cultural competency.

“...(to) increase equal opportunity and protect human rights ...”

“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

19: the number of protected classes in DC.

Protected Classes & Jurisdiction

Regarded as being the most comprehensive human rights statute in the nation, the intent of the Council of the District of Columbia in enacting the DC Human Rights Act was to secure an end to discrimination in the District of Columbia 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, status as a victim of intra-family violence, genetic information, disability, source of income, and place of residence or business.**

Jurisdiction

The Office of Human Rights is the agency charged with enforcing the Act. The Act covers any allegation of discrimination occurring in the District of Columbia in the areas of **Employment, Housing, Public Accommodations and Education.**

Enforcement of the Human Rights Act

Processing of Complaints

DC's progressive Human Rights Act, and the extensive list of protected classes, makes the nation's capital an attractive and more livable city since it seeks to eradicate discrimination, promotes fairness and equality in key areas that impact quality of life: employment, education and housing. A core function of the OHR is to investigate individual complaints of discrimination filed before the agency. The cases may go through a 6 step process involving:

1. **Intake** (the filing of the complaint)
2. **Mandatory mediation**
3. **Investigation**
4. **Administrative issuance review and legal analysis**
5. **Conciliation**
6. **Adjudication**

Intake. Individuals who believe that they were discriminated against must initially file a complaint at the OHR within the statutory prescribed period. An Intake Officer assesses

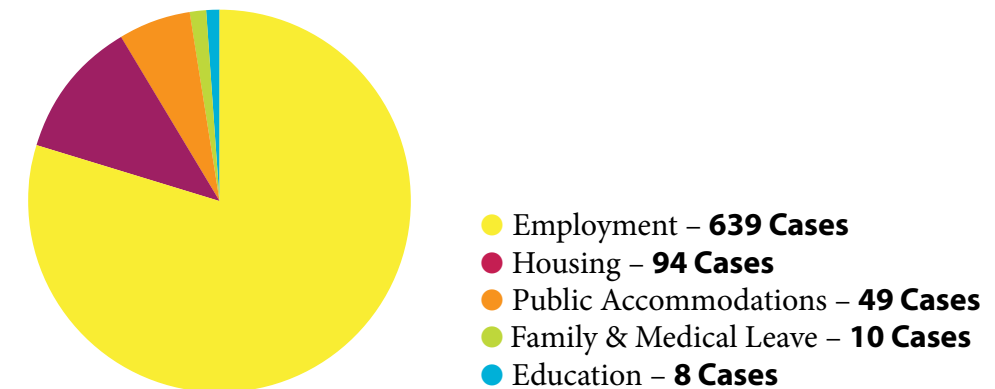
the complaint to determine whether it meets all jurisdictional requirements. The Intake Officer determines whether there is enough information to formally file the case and begin an investigation. The intake process includes the following:

- An interview with an Intake Officer explaining the role of OHR, the protected categories, the investigation and hearing process, mandatory mediation, the applicable discrimination laws and remedies available.
- The gathering of all documents to support and deny the allegations.
- Forwarding the complaint to the Mediation unit for mandatory mediation.

Agency Highlight: In 2007 & 2008, OHR processed **800** new complaints of discrimination. The complaint categories were:

Public Accommodation

There were a total of **49** Public Accommodation cases processed in FY07 and FY08. The primary bases for the majority of the cases were disability and retaliation. The bases for other cases included race, sex and sexual orientation and combinations of these bases, such as sex and race.



OHR is committed to enforcing the law to protect individuals and families.

Education

In FY07 and FY08 OHR processed a total of 8 education cases. The bases for the cases included national origin, sex, retaliation and combinations of protected categories. From 2006 to 2008 there was an increase of **60%** in education cases.

DC FMLA

OHR enforces several District laws in addition to the Human Rights Act, including the DC Family Medical Leave Act (DC FMLA). The Act ensures that families have the protections needed to care for family members and provides that: employers covered under the Act must grant an eligible employee 16 workweeks of family leave and 16 workweeks of medical leave during any 24-month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

In FY07 and FY08, OHR processed a total of **10** DC FMLA cases. Since FY06, OHR has docketed an average of five FMLA cases per year.

Agency Highlights: In FY08 OHR docketed 63 employment discrimination cases based on disability and 64 based on sex; these numbers are **up over 53%** from FY06.

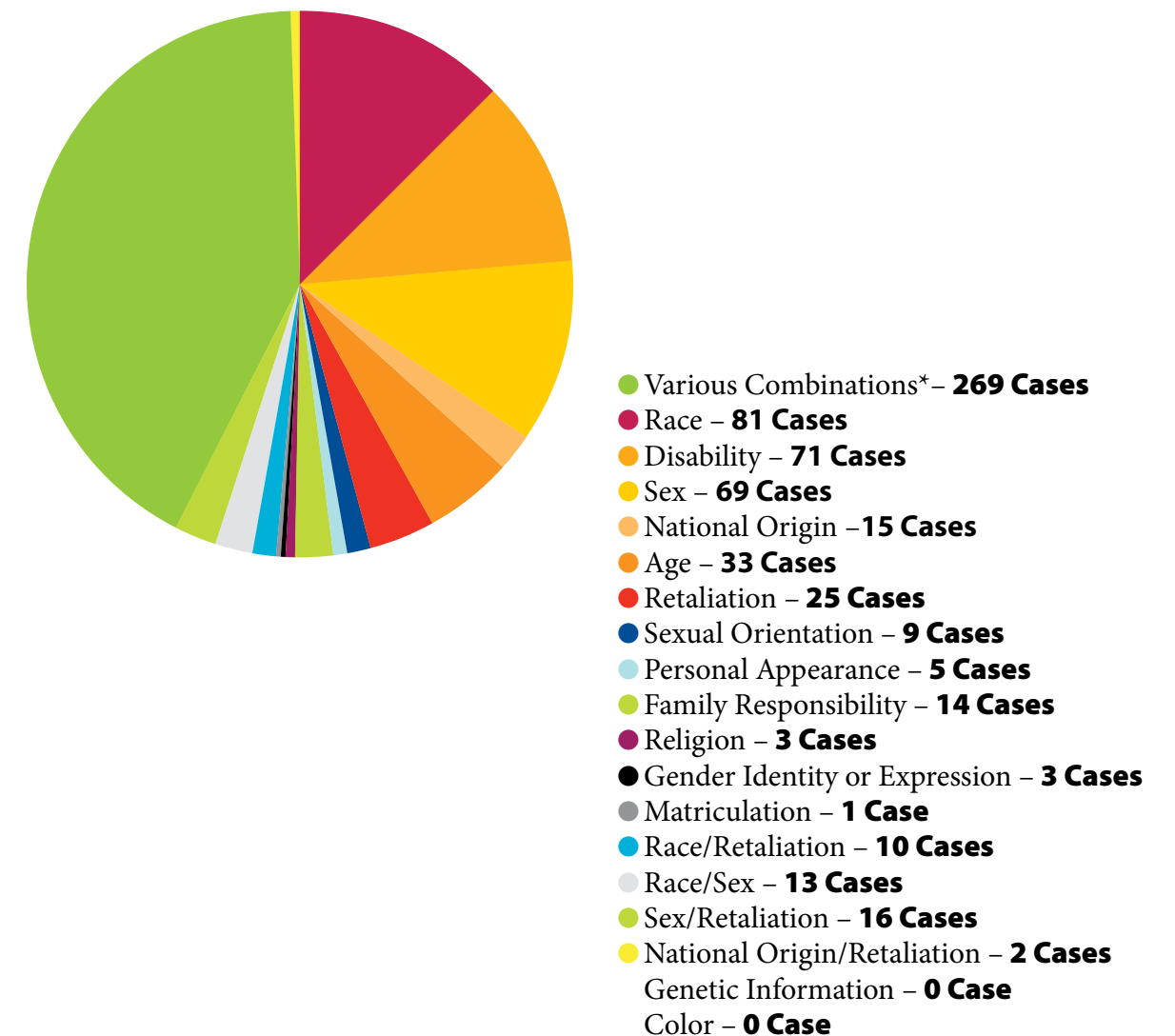
{ FACT }

In FY04, Gender Identity and Expression was added as a protected class in the DC Human Rights Act. Since 2004, OHR has processed **6 cases of gender identity** discrimination.

Employment

A vibrant workforce is important to the future success and vitality of the District of Columbia. The District of Columbia has one of the most diverse workforce populations in the U.S. OHR works to ensure that all employers adhere to the requirements of the Human Rights Act. In FY06, OHR docketed **350** employment cases. Of those cases, complaints involving race (47 complaints), disability (34 cases), sex (33 cases), and national origin (18) made up over 37% of the cases. **In 2007 and 2008, OHR docketed a record 639 employment discrimination cases, an increase of 69% since 2006.**

Employment discrimination cases are organized as follows:



* Various Combinations – Complaints filed based on two (2) or more protected classes or issues.

“Housing Discrimination Affects People of All Races,

ethnicities, national origins and religions. Women, people with disabilities and families with children may also face barriers to their fair housing rights. ”



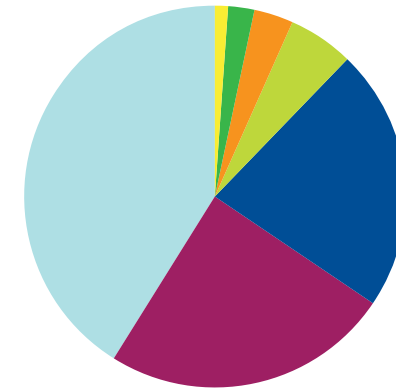
History & Mission

OHR's Fair Housing program was established in 1999. It was established 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. The certification process included a three-year capacity building grant by HUD. This process required that OHR ensure that its local laws and regulations were substantially equivalent to the Fair Housing Act and to build the capacity of the agency.

In 2002, OHR completed its three-year capacity building as required by HUD. By 2006, OHR processed **200** formal housing complaints and provided more than forty outreach events since the inception of the program.

Enforcement

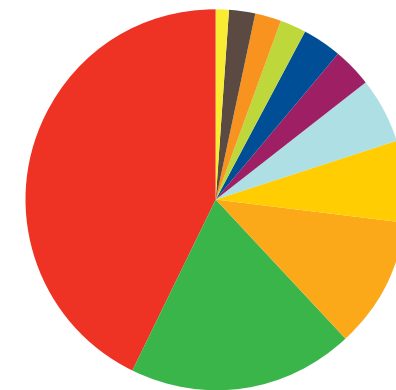
In 2007-2008, OHR docketed 94 fair housing complaints, **an increase of over 39%** compared to 2006. The majority of the cases involved three issues: discriminatory terms, conditions, privileges, or services and facilities; discriminatory refusal to rent; and failure to make reasonable accommodations. Three cases of discriminatory refusal to sell were docketed in 2007-2008.



Housing Discrimination Cases filed from October 1, 2006 — September 8, 2008

- Discriminatory Refusal to Negotiate – 1 ● Retaliation – 2
- Discriminatory Refusal to Sell – 3 ● Discriminatory Financing – 5
- Failure to Make Reasonable Accommodations – 20 ● Discriminatory Refusal to Rent – 22
- Discriminatory Terms, Conditions, Privileges, or Services and Facilities – 37

In 2007-08, **73%** of the housing complaints were filed on the basis of **national origin, race and disability**. Charted below are the bases of all the complaints:



Housing Discrimination Cases filed from October 1, 2006 — September 8, 2008

- Marital Status – 1 ● Sexual Orientation – 2 ● Retaliation – 2 ● Age – 2 ● Religion – 3
- Family Status – 3 ● Sex – 5 ● Source of income – 6 ● National Origin – 10
- Race – 17 ● Disability – 38

Education & Outreach

Know Your Rights – Fair Housing Campaign

In 2008, OHR launched an aggressive six week outreach and awareness campaign that was targeted to all four quadrants of the District of Columbia. It included WMATA bus and metro ads, newspaper ads, an educational video that aired on Comcast Channel 16. The campaign was estimated to reach in excess of **10,000+ individuals**.

Several Fair Housing workshops and trainings in the various wards of the District of Columbia were also held in 2007-08, including trainings for the DC Office of the Attorney General, National Gay & Lesbian Task Force, Empower DC and a Fair Housing Accessibility Training (sponsored by HUD). Community events were held at several locations throughout DC including: DC Learns, Chinatown Service Center, Marshall Heights Community Development Organization, Lydia's House, DC Center for Independent Living, Vietnamese Community Service Center and Cardozo High School. OHR also participated in events sponsored by the Mayor's Office of Asian and Pacific Islander Affairs, and by the Mayor's Office of Latino Affairs.

OHR held its annual **Fair Housing Symposium** in 2007 and 2008 partnering with the Housing Finance Agency, Department of Housing and Community Development, DC Housing Authority and the National Fair Housing Alliance.

The 2008 symposium recognized the 40th Anniversary of the Fair Housing Act of 1968.

{ FACT }

In total, Fair Housing outreach and awareness events increased by an average of **30%** in 2007-2008.

"40th Anniversary of the Fair Housing Act: Celebrating Victories and Moving Forward ...the Legacy Continues."

Mediation a process of assisted negotiations.

DC's Human Rights Act requires that all cases are mediated. Mediation is an alternative dispute resolution (ADR) program implemented by OHR that typically occurs within 45 days after processing of the complaint. The goal is to resolve the complaint before a full investigation begins. A successful mediation reduces the case processing time by up to 210 days and saves the parties litigation costs. Since mediation is a priority within OHR's enforcement process, once a case has been docketed, the complaint is immediately transferred to the mediation unit.

Both certified OHR staff and ADR professionals conduct the mediation sessions. The main role of the mediator is to assist the parties in finding a **mutually acceptable resolution** of a complaint. While mediation is not a legal process, OHR allows legal representation in an advisory capacity during the sessions. As with national standards of practice, all OHR mediations are confidential and no aspect of the mediation can be used in any subsequent litigation of the complaint.

In FY07 and FY08, OHR successfully mediated **280** cases with a combined settlement amount of **\$2,749,858**. OHR's Mediation Division is highly successful and recorded a total settlement of \$369,907 for the month of July 2008 alone.

OHR's Pro Bono Mediator Program

In 2007, OHR expanded its successful Mediation Division to include the Pro Bono Mediators Program. The goal of the Program is to increase the number of pro bono mediators available to OHR. In 2007, a total of ten mediators attended the free trainings. The Program provides Mediation Certificates and requires that mediators attend several mediations conducted by OHR staff as learning labs, before conducting mediations on their own. Upon completion of the trainings and labs, mediators are required to commit to 24 mediations.

Agency Highlight: Since 2003, OHR has settled hundreds of cases for a combined settlement total of over **\$8,700,000**.

{ FACT }

The success rate of settlements at OHR is more than 40% of all mediations conducted.

Investigation

OHR is committed to resolving conflicts and removing tensions that cause disorder in our communities. OHR works diligently to have successful mediations, but if mediation fails, the complaint moves forward to a full investigation.

At the end of the investigation phase an OHR attorney reviews the investigation and drafts a proposed finding. After OHR Director's approval, the OHR issues a Letter of Determination to the parties indicating that discrimination has been demonstrated or there is no apparent violation to the law.

Reconsiderations of No Probable Cause Determinations

When the OHR issues a no probable cause determination on an issue contained in the complaint, the Complainant may make a request to the Director of the OHR for a reconsideration of the decision. If the no probable cause determination is affirmed, the Complainant may seek a Petition for Review in the District of Columbia Superior Court.

In FY06, there were 39 requests for reconsiderations of no probable cause determinations. Of those requests only one case was reversed from a no probable cause determination to a probable cause determination. There was one probable cause that was reversed to a no probable cause.

Any party can challenge a determination in Superior Court for the District of Columbia through a Petition for Review. Between the beginning of FY06 (October 1, 2005) and end of FY08 (September 30, 2008), there were a total of **28** cases appealing an OHR decision. Of these **28** cases, there were **7** no probable cause cases affirmed; and there were 3 reversals of OHR decisions which resulted in a remand to the Office for further investigation or a second Letter of Determination. In addition, there were **7** dismissals, either initiated by the Complainant or the Court. Finally, at the end this fiscal year, there are **11** cases pending before the Court.

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. This conciliation is an attempt to resolve the allegations of the unlawful discrimination prior to the case being transferred to the Commission on Human Rights for a public hearing.

In contrast to mediation, conciliation is not mandatory and the parties may inquire into information obtained during the investigation to clarify what evidence OHR relied on in making its determination. In 2007 and 2008, there were **14** cases settled in conciliation.

Pending Inventory and Case Closures

On October 1, 2007, the OHR Director issued new guidelines for cases considered "aged" or "backlogged". The intake, mediation and investigation divisions adjusted their programmatic targets to discharge cases according to the new guidelines. Since implementation, OHR has eliminated inefficiencies in its investigative operations, created a new procedures manual, and shortened the wait time for a determination. Comparing data from 2007 with 2008, OHR data shows that the number of backlogged cases has leveled. The overall results of this initiative includes an increase in federal revenue for the agency, faster response time for customers and a very manageable backlog — only **68 cases** as of August 2008.

Public Hearings

If conciliation fails, the private sector complaints are certified to the District of Columbia Commission on Human Rights for a public hearing. The Commission will issue a final decision and issue an order determining whether discrimination has occurred and then order the appropriate remedy, if any.

I speak

ភាសាខ្មែរ

한국어

中文

Español

Français

Tiếng Việt



Learn more about your language access rights. www.ohr.dc.gov

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 (LEP/NEP).

6 languages covered by the DC Language Access Act

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.

The **Office of Human Rights**, which oversees and implements the Language Access Program, is required under the Act to:

- a) Provide oversight, central coordination, and technical assistance to covered entities in their implementation of the DC Language Access Act;
- b) Ensure that the provision of services by District agencies meets acceptable standards of translation and interpretation;
- c) Review and monitor each agency’s language access plan for compliance with the law;
- d) Track, monitor, and investigate public complaints regarding language access violations at District agencies and, where necessary, issue written findings of noncompliance to agencies regarding failure to provide language access; and
- e) Review and monitor the Language Access Coordinators with respect to their performance of responsibilities under the law.

Program Partners

The Program works in consultation with a variety of government offices that conduct outreach to communities, including the Mayor’s Offices of Asian and Pacific Islander Affairs (OAPIA), Latino Affairs (OLA) and African Affairs (OAA).

The Program also works with the **DC Language Access Coalition** (the “Coalition”)—an alliance of diverse community-based organizations who work to ensure that civil rights of immigrant and LEP communities are protected by advocating for meaningful language access within the District. The Coalition is a non-governmental and non-Mayoral appointed group that is written by name into the DC Language Access Act. DC Language Access Coalition members include:

African Resource Center, American University International Human Rights Clinic, Asian American Justice Center, Asian American LEAD, Asian Pacific American Legal Resource Center, Bread for the City, CARECEN, Centro Nia, Columbia Heights Shaw Family Support Collaborative, Latino Federation of Greater Washington, Life Skills Center, DC Employment Justice Center, DC Learns, La Clinica del Pueblo, Mary’s Center for Maternal and Child Care, Multicultural Community Service, Neighbors Consejo, Legal Aid Society, Vietnamese American Community Service Center, and Washington Lawyers’ Committee for Civil Rights and Urban Affairs.

{ FACT }

13% of the resident population in the District of Columbia is foreign born, and 7% of the District’s resident population speaks English “less than very well.” The DC Language Access Act of 2004 provides District residents who have difficulty or are unable to communicate in English the right to receive oral and written language services in their language from the District government.

Agencies Covered Under the Act

There are a total of 35 District agencies that are covered under the Act and corresponding regulations. These agencies are covered because they are considered to be “entities with major public contact”. The Language Access Program works with Language Access Coordinators (LACs) from these agencies to monitor the implementation of the Act’s requirements. The covered agencies are:

FY04–FY07	
1	Department of Corrections
2	Department of Consumer and Regulatory Affairs
3	Department of Mental Health
4	Office of the People’s Counsel
5	Department of Housing and Community Development
6	DC Public Schools
7	Department of Parks and Recreation
8	Department of Health
9	Office of Human Rights
10	Department of Human Services
11	Department of Public Works
12	Office of Contracting and Procurement
13	Department of Human Resources
14	Homeland Security and Emergency Management Agency
15	DC Public Library
16	Department of Employment Services
17	DC Office on Aging
18	Office of the Chief Financial Officer
19	Department of Motor Vehicles
20	Alcoholic Beverage Regulation Administration
21	DC Housing Authority
22	Child and Family Services Agency
23	Metropolitan Police Department
24	Fire and Emergency Medical Services
25	Office of Planning
Added as of FY08	
26	DC Lottery and Charitable Games Control Board
27	Department of Small and Local Business Development
28	DC Office of Zoning
29	DC Department of Transportation
30	Office of the State Superintendent of Education
31	Office of Unified Communications
32	Department of Youth Rehabilitation Services
33	Department of Disability Services
34	Office of the Tenant Advocate
35	Department of the Environment

Requirements under the Act for Covered Agencies

The Language Access Act requires all District government programs, departments and services that have major contact with the public:

- assess the need for and offer oral language services,
- provide written translations of vital documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less of the population served,
- establish a language access plan and designate a Language Access Coordinator.

**Enforcement
Ensuring Compliance**

OHR is also charged with tracking, monitoring and investigating public complaints of language access violations. Under the Act, **OHR has certain enforcement powers over District agencies.** By law, the OHR may investigate complaints of alleged non-compliance made against any District agency. The OHR may issue written findings of non-compliance to agencies should an investigation prove that agencies are not providing adequate language access services to LEP/NEP customers.

Should the agency not provide the services as required by OHR within the designated timeframe, the agency’s actions will be reported to the Office of the City Administrator (OCA) for further action.

Since the inception of the Act, a “phase implementation” approach was used to allow Agencies to comply with the various requirements of the Act.

To increase efficiency in reporting, OHR implemented a reporting system under which covered agencies self report quarterly on the progress of their plans.

{ FACT }

OHR issues an annual compliance report outlining recommendations to improve services for District residents who are LEP/NEP. In 2008 OHR found the District in “partial” compliance with the Language Access Act. Numerically speaking, the District’s rating was **1.6** from a 0–2.0 rating scale.

Testing for Compliance

Another aspect of enforcement is testing for compliance and reviewing customer service standards within covered agencies. All covered agencies are tested on their quality of customer service to constituents who communicate in a foreign language. Agencies are tested telephonically, face-to-face, and through U.S. correspondence in non-English languages. The testers use *courtesy, knowledge, etiquette,* and *overall* impression as their criteria for rating an agency on a “1 to 5” scale (“1” being the lowest).

{ FACT }

Of the agencies tested during 2008, **48% scored a “3” or above** on the telephone test.

{ FACT }

Of the agencies tested during 2008, **28% responded 100% of the time within the designated response time and in the language of the customer on the U.S. Correspondence test; 48% responded 50-75% of the time.**



Growth in number of language access complaints from FY07 to FY08.

Training Personnel to meet Program Goals

In order to meet the compliance goals of the Program, OHR conducts regular training for District personnel who fill a “public contact position” on the requirements of the Act.

{ FACT }

OHR was successful in training **1,027 staff from 48% of the covered agencies** in 2008.

Educational Outreach

The “Know Your Rights” Campaign!

On **October 24, 2007** Mayor Fenty announced an aggressive awareness and education campaign to inform every LEP/NEP resident in the District of their rights under the DC Language Access Act of 2004.

OHR created a bilingual “**Know Your Rights**” card in six (6) different languages that informs individuals of their rights under the law. The card contains a detachable, wallet-sized “I speak” card that states: *“I speak _____. I need language assistance. Please make note of my spoken language in your records, as well as my need for an interpreter.”* The purpose of the “I Speak” card is to eliminate language barriers that exist for LEP/NEP constituents when attempting to access District services. District personnel utilize the information on this card to secure the appropriate language resources, such as a bilingual employee or telephonic interpretation service, to assist the LEP/NEP individual in their language.

The campaign evolved into a communications strategy that incorporated media across platforms including radio, television, print, public ad space and community events.

In order to increase awareness the “Know Your Rights” communications strategy included the following components:

- Web interface — to allow OHR to obtain “knowledge gained” indicators from the Campaign, a web survey was developed and housed on the OHR web site in the six (6) languages;
- Multi-language graphics;
- Metrorail, Metro bus and DDOT billboard signs;
- Radio public service announcements in Spanish;
- Television Public Service Announcements (PSAs) — OHR partnered with DCTV to create PSAs in all of the languages covered under the Act, featuring a community spokesperson and the “I Speak” cards. The PSAs will air throughout 2009.

Total exposure of the “Know Your Rights” campaign will be in excess of 500,000 people from late August through the end of December 2008 (Phase I).

An evaluation will be conducted following Phase I of the Campaign to measure the effectiveness of the various components and to make any necessary adjustments for Phase II that will occur in 2009.

In addition to implementing the “Know Your Rights” campaign, OHR developed an aggressive community outreach plan working in partnership with the DC Language Access Coalition. OHR and the Coalition conduct community trainings at various community-based organizations which primarily serve the LEP/NEP population. The purpose of the trainings is to inform the staff directly of their rights and their clients’ rights under the law. The result is a strengthened tie between government and community and a more informed public.

{ FACT }

In FY08, the Language Access Program teamed up with DCMPD to design an e-learning module that will be offered to MPD Officers in 2009.

OHR created video Public Service Announcements (PSAs) in all of the languages covered under the Act, featuring a community spokesperson and the “I Speak” cards. The PSAs will air throughout 2009.

²The “Know Your Rights” card is available in Amharic, Chinese (simplified), French, Korean, Spanish, and Vietnamese.

³The PSAs aired on channels that reach approximately 125,000+ households citywide.

Overview

The District of Columbia Commission on Human Rights conducts hearings for private sector discrimination complaints certified from the Office of Human Rights. Although the Human Rights Commission is an administrative division within the Office of Human Rights, the Commission functions independently of the Office in order to adjudicate cases in an impartial manner.

While OHR is responsible for making a finding of “cause” (an administrative indictment of the likelihood of discrimination), the Commission makes the ultimate ruling on the allegation. Upon a finding of discrimination, the Commission may issue any of the following: **injunctive relief, affirmative action, award damages, civil penalties and attorneys fees.** The Commission hearings are held in a “trial-like” setting before one of the Human Rights Commission’s administrative law judges and in some cases, before a panel of the Human Rights Commissioners.

The Commission may also undertake public investigations or hearings concerning patterns of discrimination that have taken place in the District of Columbia and make recommendations to the Mayor or the City Council of the District of Columbia. The Commission also has rulemaking authority, which allows it to promulgate rules, regulations and procedures that help to implement the Human Rights Act.

Adjudicative Function

The Commission’s hearing process operates under the District of Columbia Administrative Procedure Act, as well as the Commission’s Rules of Procedure. The *de novo* proceeding allows the parties, similar to any civil litigation, discovery, motion practice and a full evidentiary hearing with introduction of documents and testimony of witnesses subject to cross-examination.

All hearings are public, recorded and transcribed by a court reporter. Once an administrative law judge completes the hearing, they review the record and then issue a proposed decision and order with findings of fact and conclusions of law. The parties are given 15 days from the date of the proposed decision to file exceptions to the proposed decision and order. The administrative law judge then prepares a draft of a final decision and order which is submitted to a tribunal of commissioners assigned to the case. The commissioners review the final decision and order, as well as any exceptions filed by the parties and then issue a final decision that either affirms, modifies or rejects the administrative law judge’s recommendation. Final decisions of the Commission may be appealed to the District of Columbia Court of Appeals.

Community Outreach

In 2007 and 2008, the Commission continued to participate in a wide range of forums throughout the Washington Metropolitan area in an effort to educate the public about the Commission, the OHR, the Human Rights Act and Regulations. In the spring of 2007 and 2008, the Commission sponsored town forums in celebration of **International Human Rights Day**. The program in 2007 focused on the issue of education, while the forum in 2008 covered the issue of affordable housing in the District of Columbia and drew a large and enthusiastic crowd of over sixty people.

Additionally the Commission participated at the annual Capital Pride Festival, Fiesta DC, the Office of GLBT Affairs Open House, the National Council of Negro Women’s Black Family Reunion, Office of Latino Affairs Verano Latino and Adams Morgan Day.

60th Anniversary of the Universal Declaration of Human Rights

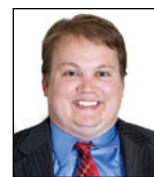
In December 2008, OHR will hold a special event in honor of the 60th Anniversary of the Universal Declaration of Human Rights. The event will include presentations by leaders in the field of Human Rights and remarks by OHR & the Commission. In addition, the event will include the presentation of the first annual Neil Alexander Humanitarian Award — in honor of our dear colleague.



Staff from the DC Office of Human Rights and DC Commission on Human Rights

Commissioners

The Commission is a 15-member volunteer body appointed by the Mayor for a term of two years. The Mayor appoints the Chairperson and the Commissioners elect the Vice-Chairperson as well as the Secretary. The Commission wishes to acknowledge the service of former Commissioner and Acting Chairperson, Mario Acosta-Velez, whose term expired in July 2008. The Commission will be holding an election for the Vice-Chairperson in the near future and anticipate an appointment by Mayor Fenty of a Chairperson and other new Commissioners. Commissioner Nimesh M. Patel was elected to the office of Secretary in January 2008. The following individuals served as Commissioners in 2007 and 2008:



Christopher Dyer
Ward 2



Nkechi Taifa, Esq.
Ward 4



Thomas Fulton
Ward 3



Michael E. Ward, Esq.
Ward 6



Pierpont Mobley
Ward 5



Christine Warnke, Esq.
Ward 3



Monica Palacio, Esq.
Ward 2



Deborah Wood, Esq.
Ward 3



Nimesh M. Patel, Esq.
Ward 2



Michael Woodard
Ward 2

* Not pictured: Sonjiah Davis, Ward 8

New Cases Certified to the Commission in FY 07 and FY 08

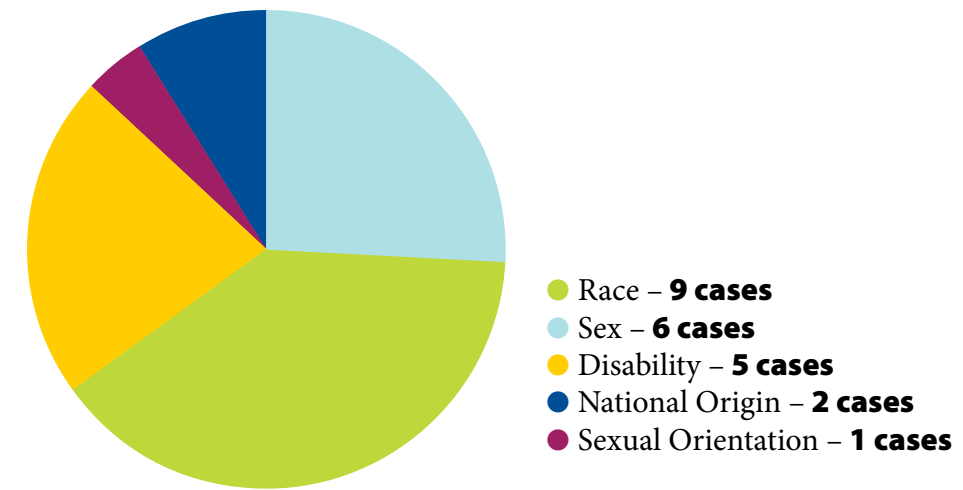
In 2007 and 2008, the Human Rights Commission adjudicated nine new cases. The cases were diverse and included employment, housing and public accommodation discrimination claims on the bases of race, sex, national origin and disability.

Case Closures & Monetary Relief Amounts for FY 07 and FY 08

In 2007-08, the Commission closed nine cases earning \$155,500 as compared to seven cases in 2006-07 which earned \$146,400: this is an **increase of over 28%**.

Pending Inventory in FY08

The Commission presently has 23 pending cases in its inventory. By protected classes under the Human Rights Act, the cases at the Commission are organized as follows:



{ FACT }

DC Commission on Human Rights includes three administrative law judges: David Simmons serves as Chief Administrative Law Judge. Eli Bruch and Dianne Harris serve as Administrative Law Judges.

The Commission & OHR Mourn the Loss of former Chief Hearing Examiner

On Monday, November 19, 2007, Neil Alexander, Jr., suddenly passed away at his residence in Washington DC. This was a tremendous loss for the Commission and the District of Columbia.

Neil moved to Washington DC to attend Howard University, where he received his Bachelor of Arts Degree. He received his law degree from Rutgers University School of Law, and was a member of the Pennsylvania Bar.

Neil was Chief Hearing Examiner of the DC Commission on Human Rights for 20 years, and was widely recognized as an expert in discrimination law and a leader in the fight for social justice. With an extensive knowledge of discrimination law, he wrote numerous legal decisions in cases that received regional and national attention such as *Pool and Geller v. Boy Scouts of America*, (denial of membership based on sexual orientation); *Condren v. Truitt Management, Inc.*, (landlord's denial of repairs because the tenant had AIDS); *Robinson v. Ottenberg's Bakery, Inc.*, (race discrimination in management positions) and *Birch v. Psychiatric Institute of Washington*, (a hostile work environment case based on sexual orientation in which the complainant received 1.9 million dollars in damages).

Neil also wrote nationally-recognized legal decisions in cases involving housing discrimination based on AIDS, employment discrimination based on race, and hostile work environments based on sexual orientation. Neil also served as a guest lecturer at Georgetown University School of Law, Howard University School of Law, and at the University of Maryland African-American Studies Program. He conducted extensive Equal Employment Opportunity training sessions for District of Columbia personnel, as well as staff members at the Office of the Attorney General, District of Columbia. The Office and Commission lost a great leader, colleague and friend. Neil will be missed by many.

In 2007 and 2008, the District of Columbia expanded the list of protected classes and increased its ability to improve the quality of life of all residents and persons working and visiting the District.

Breast Feeding

The definition of sex discrimination within the Human Rights Act was expanded in 2007 to include protections for breast feeding, allowing increased protections for nursing mothers in the work place and in public areas.

Gender Identity

The District of Columbia is proud to be a leader in the area of gender identity and expression. The Human Rights Clarification Act of 2005, which added "gender identity or expression" to the categories protected from discrimination under the DC Human Rights Act, received unanimous passage by the DC Council — exemplifying DC's commitment to the GLBT community. In fact, the District of Columbia is among the few national jurisdictions with explicitly trans-inclusive discrimination laws. The Office and Commission of Human Rights strongly believe in the protections afforded all of our citizens, including the transgender community. Throughout 2008, OHR partnered with the Office of GLBT Affairs to conduct diversity trainings, focusing on educating employers about the rights of those protected under the new class.

Domestic Violence & Housing Rights

In March 2007, status as a Victim of Intra-family Offense became a protected class. In 2008, OHR partnered with the Office of Victim Services and the DC Coalition Against Domestic Violence to educate police officers, domestic violence attorneys, property managers and direct service providers on protections provided for under the new law.

Genetic Information

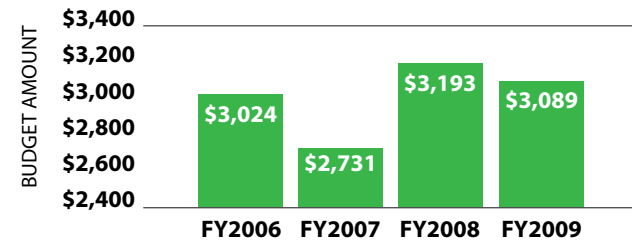
Even before we had federal protection, the Human Rights Genetic Information Amendment Act of 2004 provided protection for DC employees against discrimination based on their actual or perceived genetic information. In sum, this update to the DCHRA prohibited an employer, employment agency, or labor organization from requesting or administering a genetic test to an employee or applicant for employment or membership.

Updates of DCMR Title IV – Rulemaking

In 2008, OHR began a diligent process to update, in coordination with the Office of the Attorney General, all 12 Chapters of Title IV of the DC Municipal Regulations. This 2-year process will lead to a comprehensive review and update of the rules and regulations which are under the jurisdiction of OHR and COHR.

Office of Human Rights Gross Funds

(Dollars in thousands)



Fiscal Responsibility

Mayor Adrian M. Fenty and the Council of the District of Columbia are committed to maintaining a budget for the DC Office and DC Commission on Human Rights that enables the highest quality of service to city residents in the context of far reaching protections by the DC Human Rights Act.

Between fiscal year 2007 and fiscal year 2008, OHR experienced a 17 percent increase in its total budget amount, from which a significant 20 percent increase came from District appropriated funds. OHR has also experienced a continuous increase in federal revenue as result of investigating year after year a higher volume of discrimination charges based on Title VII (U.S. Civil Rights Act of 1964) and Title VIII (Fair Housing Act of 1968). In these instances, OHR maintains productive relationships and workshare agreements with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, respectively.

For fiscal year 2009, the Office of Human Rights has funding for 30 full time positions. In spite of increasing demand, these positions are sufficient to fulfill the enforcement mandates of the Office and Commission; provide compliance, monitoring, training and technical assistance regarding the laws and policies under our jurisdiction; and expand our educational and public awareness efforts aimed at eradicating discrimination, increasing equal opportunity for every person in our city, protecting the civil rights of individuals from all walks of life, and ensuring equal access to government services. Positions at OHR include the Director, Program Managers, Investigators, Mediators, Administrative Law Judges, Language Access Director and Language Access Program Analyst, Civil Rights Attorneys, and Administrative Support staff.

The OHR and COHR are entities of District government with sound fiscal discipline and a consistent and diligent focus on public accountability.





District of Columbia
Adrian M. Fenty
Mayor



Office of Human Rights
DISTRICT OF COLUMBIA

Protecting the
Human Rights of
Every Individual

One Judiciary Square
441 4th Street, NW
Washington , DC 20001
202.727.4559
www.ohr.dc.gov

Gustavo Velasquez
Director