

**Office of Human Rights**  
**Annual Highlights FY2010**





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“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...”

D.C. Official Code §2-1402.01



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# 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 the agency is to enforce the District of Columbia Human Rights Act of 1977 (Human Rights Act or the Act), the District of Columbia Family and Medical Leave Act of 1990, the District of Columbia Parental Leave Act of 1994 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 of 1990 and the Age Discrimination in Employment Act of 1967.

**19: the number of protected classes in DC.** Regarded as being the most comprehensive civil rights statute 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.**



# INNOVATION & ENHANCED ACCESS

OHR is committed to educating the public about their rights and responsibilities under the Human Rights Act and other laws enforced by the agency. Since Fiscal Year 2007 (FY07), OHR has increased education and outreach, improved services and increased the use of technology to enhance service delivery. In FY08, OHR launched the **We All Belong** initiative and made public education, outreach and awareness one of its top priorities. The vision is to increase awareness, measured by the number of cases docketed, and to eventually decrease complaints as a result of education efforts. Towards this vision, OHR continued aggressive outreach throughout FY09 and FY10, initiating innovative programs such as the **OHR in the Community** initiative that placed investigators on-site at various locations throughout DC to increase accessibility of OHR's services. OHR recorded 585 new complaints filed in FY09 and 463 in FY10. OHR also secured numerous community partnerships and conducted more than 27 outreach and education events in FY10 to maintain a strong community presence.

In FY10, OHR also expanded its enforcement function by using the authority granted to the agency Director under the Human Rights Act, known as the Director's Inquiry, and allocated specific resources to investigate allegations or possible patterns of discrimination in the District. The Director's Inquiry provision allows the Director of OHR to be proactive in protecting the rights of people that live, work or visit the District. The use of the provision on an ongoing and strategic basis in FY10 was a first in the agency's history and resulted in positive outcomes for some of DC's most underrepresented populations, including the Gay, Lesbian, Bisexual and Transgender community and persons with disabilities. A total of **36** Director's Inquiries were docketed in FY10. Similarly, OHR used, for the first time, its authority to audit agencies of District government to bring them into compliance with District laws and regulations, including the DC Language Access Act.



In FY10, OHR completely **eliminated its case backlog**. This was the first time that OHR's case backlog was reduced to zero in fifteen years. The reduction of backlogged cases was particularly significant in light of the fact that a record number of cases of any single year were filed with OHR in FY09. The reduction, while a significant achievement for the agency, is also a strong message for the public that their cases will be addressed in a timely and efficient manner. OHR maintained its high standard of customer service while reducing the backlog. In FY10, 92% of Intake Customer Satisfaction surveys rated "Good" or higher. In addition, in FY10 85 cases were reviewed as part of OHR's system for reviewing cases investigated by the agency for quality assurance. Of the cases reviewed, 95% (81 cases) were rated as "Very Good" or higher. Of that percentage, 74% (63) of the cases were rated as "Excellent".

#### **Additional Agency Highlights:**

- In FY10 OHR recorded a 80% increase in the number of Language Access complaints filed and trained 697 DC government employees on the Language Access Act's requirements
- Continuing the FY09 initiative aimed at making the District government a model Equal Employment Opportunity (EEO) employer, OHR conducted training for 448 DC government employees designated with EEO responsibilities from over 50 agencies, representing an increase of 35% in the total number of employees trained as compared to FY09
- In FY10, 60% of all cases filed with OHR (463) were initiated online with District residents utilizing the OHR web site as compared to 42% in FY09
- OHR continued to use mass media to increase community awareness, including WMATA posters throughout the transit system and multilingual radio, television and print advertisements. OHR was also featured in a two-part series on NPR focusing on the rise of discrimination complaints over the last two years
- In FY10, the Mediation program recorded a 13% increase in the total number of settlement awards for a total of \$1,703,710

## **E-LEARNING**

OHR continues to identify ways to serve the public more efficiently. In FY09, 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 of diversity, inclusion and Equal Employment Opportunity. After one year of implementation, OHR's E-learning program experienced a 1,700% increase in the number of users in FY10. The online learning courses are accessible and free

of cost through the agency's website. In FY10, more than **7,000** users from District government and the private sector participated in the program. OHR's use of training technology includes courseware on diversity, Equal Employment Opportunity, and Language Access rights and compliance. The online training maximizes limited human resources, while ensuring that OHR continues to increase awareness and education efforts.

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# HOW WE SERVE

OHR provides the following services:



1

Training, awareness, and information on the District's human rights laws and policies to the community at large.

2

Mediation, investigation and adjudication of complaints of discrimination in employment (private entities and District government), housing, public accommodations, and educational institutions.

3

Compliance monitoring and review of diversity and affirmative action plans of entities seeking to conduct business with District government.

4

Compliance monitoring, training, and technical assistance to District government entities required to comply with the DC Language Access Act.

5

Proactive public enforcement to address widespread or systemic discrimination occurring in the District.

6

Forums and hearings on major issues affecting the protection and promotion of human rights.

7

Assessments and opinions on the impact of local and federal civil rights policies.

8

Recommendations to the Mayor and the Council of the District of Columbia on systemic patterns of discrimination.

# ENFORCEMENT

In FY10, OHR docketed 463 new cases. The numbers and complaint categories were:

- 415 Employment
- 24 Housing
- 11 Public Accommodation
- 4 Educational Institution
- 9 Language Access

# EMPLOYMENT

OHR works to ensure that all employers abide by the requirements of the Human Rights Act. In FY10, OHR docketed 415 employment cases. Of those cases, complaints involving race (104 cases), sex (101 cases), age (80 cases), and retaliation (149 cases) were the top four bases. Employment discrimination cases for FY10, organized by protected classes, are as follows:

Employment Cases	
Basis	Total
Retaliation	149
Race	104
Sex	101
Age	80
Disability	56
National Origin	44
Sexual Orientation	21
Family Responsibilities	18
Color	17
Religion	13
Personal Appearance	12
Marital Status	6
Political Affiliation	3
Matriculation	3
Gender ID/Expression	1
Familial Status	0
Genetic Info	0
Source of Income	0







# PUBLIC ACCOMMODATION

There were a total of **11** Public Accommodation cases docketed in FY10, as compared to 41 in FY09. The bases for the majority of the cases included race (4 cases), age (3 cases) and disability (2 cases). The bases for other cases included color, personal appearance, religion and retaliation.

# EDUCATION

In FY10 OHR docketed a total of **4** education cases. The bases for these cases included national origin, disability and religion.

# DCFMLA

OHR enforces several other laws in addition to the Human Rights Act, including the **DC Family and Medical Leave Act (DCFMLA)**. DCFMLA ensures that families have the protections needed to care for family members. In FY10, OHR docketed a total of **20** DCFMLA cases, a **40%** increase from FY09. OHR also launched an education campaign in FY10 for DCFMLA. The campaign, which continues through FY11, focuses on training. OHR conducted three training sessions in FY10 for District of Columbia Public Schools, all District of Columbia General Counsels, Human Resource Specialists, and the District of Columbia Department of Human Resources.

# MEDIATION

DC's Human Rights Act requires that all cases are mediated. Mediation is an alternative dispute resolution (ADR) program implemented by OHR. In FY10, OHR successfully mediated **140** cases with a combined settlement total of **\$1,703,710.00**, a 13% increase from FY09. OHR's Mediation Division is highly successful and is currently being modeled in a World Bank project training mediators for the City of Perm in the interior of Russia. The complete list of cases mediated compared to those that were eventually settled in FY10 is as follows:

Amount of Cases Mediated	Cases Settled
<b>388</b>	<b>140</b>



# COMMISSION ON HUMAN RIGHTS

## Commissioners

The DC Commission on Human Rights commissioners consists of a 15-member volunteer body appointed by the Mayor for a term of two years, (see list below for FY10 Commissioners), and a staff of three Administrative Law Judges.

The following individuals served as Commissioners in FY10:

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

**Nimesh Patel, Vice Chair (Ward 2)**  
Federal Government Official

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

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

**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)**  
Government Official

## New Cases Certified to the Commission in FY10

In FY10, 5 cases were certified or recertified to the Commission. These 5 cases raise allegations of discrimination in employment, public accommodation and educational institutions with respect to race, gender, sexual harassment/hostile work environment, gender identity, age, national origin and retaliation.

## Case Closures for FY10

In FY10, the Commission closed 6 cases and the Commission's Administrative Law Judges, acting as Hearing Examiners, closed 2 additional cases involving District government employees and 2 cases involving the DC Family and Medical Leave Act.

## Pending Inventory in FY11

At the close of FY10, the Commission had 15 active pending cases in its inventory. The protected categories under the Human Rights Act at issue in these cases are:

- Race – 4 cases
- Sex – 4 cases
- Disability – 4 cases
- National Origin – 2 cases
- Sexual Orientation – 1 case
- Age – 2 cases
- Familial Status – 1 case

In addition, there is one former Commission case pending to determine the appropriate award of attorneys' fees; there are 4 Office of Human Rights cases involving District government employees pending, and there are 37 Criminal Background Check cases pending before the Commission and its 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 FY10, OHR docketed **24** fair housing complaints. The docketed cases involved four issues: failure to accommodate, discriminatory financing, discriminatory advertising, statements and notices and denial of service.

OHR, the DC Department of Housing and Community Development (DHCD) and the Equal Rights Center co-hosted the District's 9th Annual Fair Housing Symposium on April 6, 2010. The theme was "Furthering Fair Housing – Pathway to Opportunity." The event included three panel discussions designed to increase awareness of issues relevant to advancing equality and fairness in housing: "To Further and Affirm: A Fair Housing Mandate," "Fair Housing makes Good Mortgage, Lending, and Real Estate Sense," and "The Integration Debate: Competing Futures for American Cities." The event was attended by members of the community, activists and government employees. The keynote speaker was

John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity, US Department of Housing and Urban Development.

Fair Housing Cases	
Basis	Total
Disability	16
Race	8
Retaliation	4
Sex	3
National Origin	2
Religion	2
Personal Appearance	1
Family Responsibilities	0
Political Affiliation	0
Sexual Orientation	0
Marital Status	0
Color	0
Genetic Information	0
Gender Identity or Expression	0
Matriculation	0
<b>Total Complaints in Area</b>	<b>36</b>



# LANGUAGE ACCESS

The United States of America, a nation that thrives on its cultural diversity, is now considered one of the most multicultural and multilingual nations in the world. The nation's capital is a city bolstered by a multicultural community made up of immigrants mainly from Africa, Asia, and Latin America. In an effort to support the integration of the District's immigrant communities, the city passed the DC Language Access Act of 2004.

The Language Access Act is an important piece of civil rights legislation designed to address Limited English Proficient or Non-English Proficient (LEP/NEP) residents' language needs that operate as artificial barriers to full and meaningful participation in public services, programs, and activities. The Council of the District of Columbia identified six languages spoken largely by the District's immigrant community to be covered under the Language Access Act: Spanish, Chinese, Vietnamese, French, Korean and Amharic.

Throughout its six years of overseeing and enforcing the Language Access Act, OHR continues to observe systemic improvements in the equitable provision of services by the government. This is most evident in the launch of one of OHR's top FY09 Initiatives, the Public Accommodations Testing Project. Used as a by-product of the Mayoral Initiative to

conduct random customer service testing, ensuring all agencies meet optimal customer service, OHR conducts testing to examine the accommodations agencies afford LEP/NEP constituents that require their services. Since implementation in FY09, considerable improvements have been made in agencies' test scores, as well as in translations and interpretations options available to LEP/NEP residents. In FY10, OHR observed a 14% increase District wide in spending for Language Access. OHR has also recorded a significant increase in government employees' use of OHR's Language Access E-Learning modules, which prepare frontline agency employees for their encounters with LEP/NEP customers. By the end of FY10, 79% of Language Access "covered" agencies introduced the E-learning module to their staff and a total of 1,209 District government employees completed the modules.



**63%** of agencies improved their Public Accommodations Telephone Test scores in FY10.

**48%** of agencies have shown improvement in their Face-to-Face Customer Service Tests scores in FY10.

**10%** increase in Language Access staff training in FY10.

**37%** increase in outreach activities afforded to LEP/NEP communities in FY10.

The Language Access Act requires DC covered agencies to provide, as needed, live interpretation, telephonic interpretation and written translation. The total cost for all covered DC government agencies for FY09 and FY10 were as follows:

Type of Service	Total Cost FY 2009	Total Cost FY 2010	Comparison
Live Interpretation	\$86,551.00	\$208,266.24	Increase
Telephonic Interpretation	\$539,977.07	\$529,363.40	Decrease
Written Translation	\$237,866.45	\$251,696.38	Increase
<b>Total Cost</b>	<b>\$864,394.52</b>	<b>\$989,326.02</b>	<b>Increase</b>

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Protecting the Human Rights of Every Individual

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Adrian M. Fenty, Mayor



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