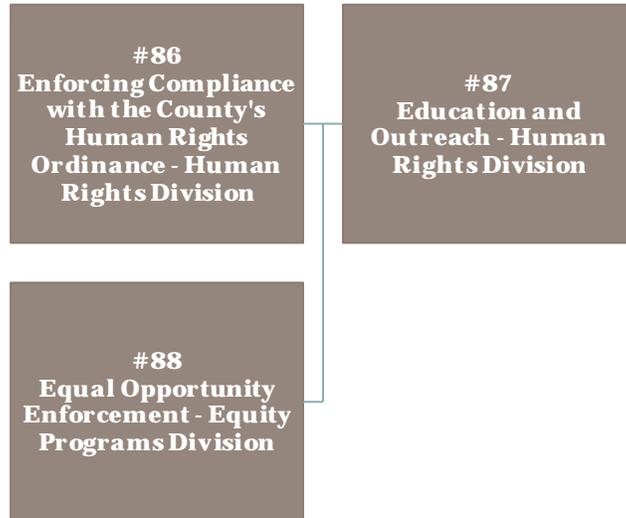


Office of Human Rights and Equity Programs



Department Overview

In July 1974, the Fairfax County Board of Supervisors adopted the Fairfax County Human Rights Ordinance (Ordinance), establishing the Human Rights Commission “to institute an affirmative human rights program of positive efforts to eliminate discrimination and provide citizen recourse for discriminatory acts.” By passing and enforcing the Human Rights Ordinance, Fairfax County established itself as an innovative leader and makes a positive impact on some of the most vulnerable members of the Fairfax County community. The original Ordinance was amended in October 2003 and again in November 2010.

The vision of the Office of Human Rights and Equity Programs (OHREP) is to promote justice, equal opportunity, diversity and inclusiveness by protecting the civil rights of all in Fairfax County. OHREP is broken into two Divisions: the Human Rights Division (HRD) and the Equity Programs Division (EPD). HRD enforces the Fairfax County Human Rights Ordinance and EPD manages the County’s Equal Employment Enforcement (EEO) Program.

Office of Human Rights and Equity Programs

Department Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
FUNDING			
Expenditures:			
Compensation	\$1,206,126	\$1,255,317	\$1,415,783
Operating Expenses	120,294	127,136	118,995
Total Expenditures	\$1,326,420	\$1,382,453	\$1,534,778
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$1,326,420	\$1,382,453	\$1,534,778
POSITIONS			
<i>Authorized Positions/Full-Time Equivalents (FTEs)</i>			
Positions:			
Regular	17 / 17	17 / 17	16 / 16
Total Positions	17 / 17	17 / 17	16 / 16

Lines of Business Summary

LOB #	LOB Title	FY 2016 Adopted	
		Disbursements	Positions
86	Enforcing Compliance with the County's Human Rights Ordinance - Human Rights Division	\$1,212,152	12
87	Education and Outreach - Human Rights Division	71,437	1
88	Equal Opportunity Enforcement - Equity Programs Division	251,189	3
Total		\$1,534,778	16

Lines of Business

LOB #86:

ENFORCING COMPLIANCE WITH THE COUNTY'S HUMAN RIGHTS ORDINANCE - HUMAN RIGHTS DIVISION

In July 1974, the Fairfax County Board of Supervisors adopted the Human Rights Ordinance, establishing the Human Rights Commission “to institute an affirmative human rights program of positive efforts to eliminate discrimination and provide citizen recourse for discriminatory acts.” The Human Rights Ordinance was amended in October 2003, and reaffirmed and amended by the Board of Supervisors on November 16, 2010.

The Human Rights Division (HRD) promotes and enforces the Fairfax County Human Rights Ordinance. This includes accepting and investigating complaints of discrimination, providing technical expertise, working to ensure compliance with federal, state, and local laws, and the endeavor to prohibit acts of discrimination, both intentional and unintentional in violation of the County’s Human Rights Ordinance.

OHREP has work-sharing agreements with both the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD).

Description

In July 1974¹, the Fairfax County Board of Supervisors adopted the Fairfax County Human Rights Ordinance, establishing the Human Rights Commission “to institute an affirmative human rights program of positive efforts to eliminate discrimination and provide citizen recourse for discriminatory acts.” OHREP is the investigative branch for the Human Rights Commission.

Caseload resolution is the primary focus of work performed by OHREP. OHREP achieves these goals by receiving and investigating each complaint filed by a person who believes that he/she has been discriminated against in Fairfax County by a private business or organization in violation of the County’s Human Rights Ordinance. Anyone can file a complaint with OHREP at no charge and an attorney is not necessary. On average, 467 cases were processed over the past three fiscal years.

Article 1 prohibits discrimination in the areas of employment, credit, public accommodation, private education, and limited housing matters not covered in Article 2. The protected classes for cases of discrimination under Article 1 are race, color, national origin, disability, age (40 years of age or older), sex, race, and marital status.

The majority of complaints, approximately 78 percent, received by OHREP are employment discrimination complaints filed under Article 1. As it pertains to employment, OHREP is a Fair Employment Practices Agency (FEPA) – meaning OHREP has a contract with the U.S. Equal Employment Opportunity Commission (EEOC) because the Ordinance is substantially equivalent to investigate claims of discrimination which are jurisdictional and fall within the protected categories of Title VII of the Civil Rights Act (Title VII), the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). The EEOC currently has approximately 90 FEPAs throughout the country.

The second most common case, approximately 13.5 percent, filed with OHREP involves housing discrimination. Article 2 provides for fair housing throughout the County, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that

¹ The Human Rights Ordinance was amended in October 2003, and reaffirmed and amended by the Board of Supervisors on November 16, 2010.

Office of Human Rights and Equity Programs

the peace, health, safety, prosperity, and general welfare of all the inhabitants of the County may be protected and insured.

As it pertains to housing, OHREP is a Fair Housing Assistance Program (FHAP) – meaning OHREP has a contract with the U.S. Housing and Urban Development (HUD) because our Ordinance is substantially equivalent to investigate claims of discrimination which are jurisdictional and fall within the protected categories of The Fair Housing Act. HUD currently has approximately 89 FHAPs throughout the country.

Intake

The role of OHREP in a discrimination investigation is to fairly and accurately assess the allegations in a charge of discrimination and then make a finding as to whether there is sufficient evidence to support that a violation of the law has occurred. OHREP does not represent either party when a complaint of discrimination is filed. Rather, we act as an unbiased fact-finder.

OHREP process begins with the employee contacting an Intake Specialist within 365 days of the alleged discrimination. The Intake Specialist will ask about the details of the incident, and will be the first gateway through which the claim of discrimination must pass. The Intake Specialist will advise the person of his or her rights, and, when necessary, draft a complaint on the complainant's behalf. The charge will provide information explaining the allegations, the unlawful employment practice, who is involved, and what law(s) are involved. For allegations over which the intake specialist/management determines OHREP does not have jurisdiction, the specialist provides referral information. If accepted as a viable complaint, the intake process is completed within 5 business days.

Jurisdiction

Under Article 1, OHREP staff will analyze the complaint itself, first to establish jurisdiction. There are three jurisdictional requirements prescribed by the Ordinance. (1) the violation must have occurred by a private entity, (2) within the geographic boundaries of Fairfax County; and (3) the last known discriminatory act must have occurred within the past 365 days. This is the first important distinction offered by OHREP not afforded by the federal government. Specifically, EEOC requires that a case be filed within 180 days if a FEPA such as OHREP did not exist. OHREP provides necessary services to employees within Fairfax County who would otherwise be excluded from civil rights protections in the area of employment due to the limited filing deadline imposed by EEOC.

Another important distinction from federal jurisdiction under Article 1 of the Ordinance, is the definition of "employer." Under the Ordinance, an employer is an entity that employs four or more employees who are not related to one another. This is different from the EEOC, which requires a minimum of 15 employees under the federal laws: Title VII or the Civil Rights Act, The Americans with Disabilities Act, and the Pregnancy in Discrimination Act. In the case of the Age Discrimination in Employment Act, federal law requires an employer to have a minimum of 20 employees. OHREP provides necessary services to employees within Fairfax County who would otherwise be excluded from civil rights protections in the area of employment due to the size of the employer.

The OHREP Director may dismiss a claim if, from the given facts, the complaint is non-jurisdictional or it fails to state a claim upon which relief can be granted.

Case Processing

The next step is for OHREP to launch an investigation into the alleged incident(s) of discrimination. How we investigate a charge depends on the facts of the case and the kinds of information we need to gather. In investigating a charge, OHREP may make written requests for information, interview witnesses, review documents, and as needed visit the facility where the alleged discrimination took place.

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ARTICLE 1

Article 1 relates to any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or any other act or failure to act or any other differentiation or preference of or for any person or any other difference in treatment which adversely affects such person because of their race, national origin, disability, age, sex, or retaliated against because a person engaged in an activity covered under Article 1 of the Ordinance. The diversity of the Fairfax County community is reflected in the types of cases filed with OHREP. For example cases filed over the past two fiscal years reflect that the protected classes represented were: race - 18.5 percent; national origin - 11 percent; disability - 16.5 percent; age - 11.5 percent; sex - 16 percent; and discriminatory retaliation - 22 percent.

Notification and Request for Information

Once a formal complaint has been filed, the investigator is required to notify both parties of the formal complaint and requests information from the respondent to begin an investigation. The investigator creates a Letter of Notification and Request for Information (LON/RFI) within one business day. The RFI includes information requests for witness statements, document review and production, and scheduling onsite visits when necessary. The LON-RFI is reviewed by management, given to the Director for approval, signature, and mailing; completing the LON-RFI process within 10 days after the complaint was filed.

Investigation

The formal investigation is conducted via interviews, review of documents, fact-findings, on-sites, requests for supplemental information, etc. After gathering all the necessary evidence, the investigator prepares a rebuttal letter (or schedules a rebuttal meeting) in which all the evidence gathered during the course of the investigation is outlined for the complainant and he/she is given 14 days to respond and provide additional information. Any additional investigation is conducted based on any new information.

Once the investigation is complete, a Final Investigative Report (FIR) is drafted and submitted for review. The FIR includes the Statement of the Allegations, The Respondent's Position, all documentary evidence, and all witness testimony. This information is analyzed against the prevailing standard of law established by the Human Rights Ordinance.

The FIR involves a three tier level of review; first the compliance supervisor, next the Deputy Director, and finally the Director issues the FIR. If at the conclusion of the investigation, the evidence does not support the issuance of a Probable Cause Finding, the Director issues a No Cause FIR. The FIR includes all of the evidence gathered during the course of the investigation. If a No Cause FIR is issued, the complainant has the opportunity to challenge the determination by a Reconsideration and/or an Appeal of the FIR.

Reconsideration and Appeal

The complainant is given 10 business days to request an Appeal or a Reconsideration of the No Cause FIR. If a Reconsideration is requested, the request and the file is given to the Deputy Director. The Deputy Director reviews the investigative file and makes a determination whether to uphold the No Cause FIR or to request additional investigation.

If an appeal is requested, the appeal request is given to the investigator to schedule the appeal with the Human Rights Commissioners. Over the past 3 fiscal years, OHREP has averaged only 5 appeal requests annually. This is an indicator that the complainant understands the investigative process and the outcome, even if they are not necessarily happy with the outcome.

If the appeal is successful, the Commissioners will outline the next step(s). If the appeal is unsuccessful, the investigator will prepare the closure letters to both parties.

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Probable Cause Findings

If at the conclusion of the investigation, the evidence supports that a violation of the Fairfax County Human Rights Ordinance has occurred, the Director issues a Probable Cause Finding FIR.

The respondent and complainant are provided with the Probable Cause FIR and the respondent is given 10 business days to contact the Director to schedule the conciliation. The investigator coordinates the scheduling of the conciliation with the assigned attorney from the Office of the County Attorney, Deputy Director, Director, and the parties. During conciliation, a staff facilitator works with the parties, in an attempt to develop an appropriate remedy for the discrimination. The parties are encouraged to take advantage of this final opportunity to resolve the charge prior more formal, lengthy and costly litigation. If the conciliation is successful, the investigator prepares the conciliation justification, the conciliation agreement, and facilitates the process steps for signatures. If the conciliation is unsuccessful, the investigator prepares the internal memorandum requesting the Commissioners' approval to hold a public hearing.

Public Hearing Held by Human Rights Commissioners

The Human Rights Commission created by the Fairfax County Board of Supervisors consists of 12 county residents. The 12 member board has one representative for each Supervisor's District. Each member serves a three-year term. Three positions are appointed by the Chairman of the Board of Supervisors. The Commission is charged with making determinations at Public Hearings whenever the Director has issued a Probable Cause finding and the parties are unable to reach a conciliation agreement.

The investigator works to schedule a public hearing and a pre-hearing conference coordinating with the Office of the County Attorney, the parties, the Deputy Director, and the Director. A Court reporter is hired for the public hearing and a public notice is placed by administrative staff. The Commission will either dismiss the complaint in whole or in part, or find that a violation of the Ordinance has occurred. If the Commission finds that there has been a violation, it shall issue a recommendation that may require the respondent to cease and desist from unlawful practices, or to take remedial action the Commission sees as necessary to overcome the effects of past discrimination.

The Commission will notify the complainant and respondent of its decision, recommendations, and provide the parties another opportunity to conciliate. During conciliation, a staff facilitator works with the parties, in an attempt to develop an appropriate remedy for the discrimination. The parties are encouraged to take advantage of this final opportunity to resolve the charge prior to more formal, lengthy, and costly litigation. If the conciliation is successful, the investigator prepares the conciliation justification, the conciliation agreement and facilitates the process steps for signatures. If the conciliation is unsuccessful, the Commission may request the County Attorney to seek enforcement of the Ordinance in the appropriate court. Public Hearings are not common as OHREP is able to amicably resolve most complaints prior to the public hearing stage.

Mediations

OHREP is firmly committed to using alternative methods for resolving disputes in all of its activities, where appropriate and feasible. Used properly in appropriate circumstances, alternative dispute resolution (ADR) can provide faster, less expensive and contentious, and more productive results in eliminating workplace discrimination. Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by OHREP as an alternative to the traditional investigative and litigation processes. Mediation is an informal process in which a trained mediator facilitates and assists the parties to reach a negotiated resolution of a charge of discrimination. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. Instead, the mediator helps the parties to jointly explore and reconcile their differences.

Office of Human Rights and Equity Programs

One of the biggest benefits of mediation is that it allows the parties to resolve the matters in dispute in a way that is mutually satisfactory to them and meets their needs. In addition, mediation is faster than the traditional investigative process. For instance, in fiscal year 2015, successfully mediated cases were resolved in an average of 74 days in comparison to the over 270 days it took for a case to go through the traditional investigative process. Since FY 2012, OHREP's mediation program has averaged \$976,647 in settlements annually.

Participants in OHREP's mediation program indicate a high degree of satisfaction with the program. It is a fair and efficient process that can avoid a lengthy investigation and the possibility of unnecessary litigation. The process may also allow the parties to preserve or repair the employment relationship. The parties have nothing to lose by participating in mediation. If a resolution is not reached, the charge will be investigated like any other charge. Although voluntary, those who have participated have expressed a great deal of satisfaction with the agency's mediation program. In FY 2014, 87 percent of those who participated in the mediation program expressed satisfaction in the scheduling and utilization of mediation services. Those satisfied with the program rose in FY 2015, when 92 percent reported a positive experience and indicated that they would use it again.

In addition to monetary settlements, a number of mediated cases were resolved with non-monetary awards such as company policy changes, training, accommodations (disability and religious), and job references. For many complainants, a non-monetary resolution may be more important than a financial settlement.

The final agreements reached in mediation often include, in addition to any monetary relief for the complainant, a commitment by the respondent to take deliberate corrective action that improves the environment for all of the employees in a company or tenants in an apartment complex. A corrective action may result in a simple policy change with regard to an employment practice that was found to be in violation of the Ordinance. Another type of corrective action may involve training of the company's management personnel in matters relating to the kinds of employment decisions permitted under the law. Such actions are viewed as "public benefit," as it affects all of the employees or tenants and improves fairness regarding the terms, conditions, and benefits of employment or tenancy.

ARTICLE 2

The U.S. Department of Housing and Urban Development (HUD) has certified the Human Rights Ordinance as substantially equivalent to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act). This means that the fair housing protections provided for under the Ordinance mirror those afforded under the federal Fair Housing Act. As such, OHREP is one of only 89 Fair Housing Assistance Programs (FHAP) nationally and is thus eligible to file and investigate complaints under Fairfax County jurisdiction that are dual-filed with HUD. All staff members who investigate fair housing cases complete a five week training certification with the National Fair Housing Training Academy (NAFTA). Training costs are paid for by HUD. NAFTA training certification ensures that investigators become uniquely qualified to enforce federal, state, and local fair housing laws.

Under the Fair Housing Act, discrimination is prohibited on the basis of race, color, national origin, religion, handicap, marital status, elderliness, familial status, and sex. Housing discrimination cases includes failure to rent or sell housing, refusal to negotiate for housing, setting different terms, conditions, or privileges associated with housing, segregation of tenants or homebuyers, refusing to make reasonable accommodations or modifications to a dwelling for a disabled resident, failure to make dwelling accessible for persons with disabilities, discriminatory advertising in connection with housing or any real-estate related transaction, discriminatory or predatory lending or requiring sexual favors as a condition of housing or housing related services.

Unlike in employment and other cases investigated by OHREP, the Commission issues the final determination in housing cases. Thus, they hear all complaints filed. During 2012, OHREP investigated 22 housing cases. In 2013 the number of cases received by OHREP was 29, with 15 cases resolved. In 2014, 12 cases were received by this office with 15 cases closed, and in 2014 OHREP received 15 housing cases and investigated 15 cases. As of July 2015, OHREP is on track to double the number of housing cases from the 2014 closure number.

Office of Human Rights and Equity Programs

Article 2 Conciliations

Conciliation is a dispute resolution process utilized in OHREP's housing enforcement program. Much like mediation, it is a voluntary process that requires the consent of all parties. Conciliation is offered throughout the course of an investigation and is extended to the parties by investigative staff at least twice. A key mandate under the Conciliation is a dispute resolution process utilized in OHREP's housing enforcement program. Much like mediation, it is a voluntary process that requires the consent of all parties. Therefore, the Fairfax County Human Rights Commission is a party to all negotiated agreements and seeks meaningful public interest relief in the form of mandatory training, monetary or service donations to non-profit organizations that promote fair housing, alteration or creation of policies that promote fair housing, dissemination of information regarding fair housing rights and responsibilities and other such relief. In addition to the public interest relief, in some conciliated agreements, monetary relief for the complainant is obtained.

As is the case with mediation, a significant benefit of conciliation is that it allows the parties to reach a mutually satisfactory resolution regarding their matter. Housing cases may be conciliated prior to the issuance of a finding or once a reasonable cause determination has been made. Investigative staff facilitates conciliation efforts and advance the public interest on behalf of the Commission.

Fair Housing Testing

Since 2010, OHREP has conducted approximately 300 (299) fair housing tests in the rental (267) and sales (32) housing markets. Protected classes covered included disability (audio, visual, mobility: regarding willingness to rent and requests to provide reasonable accommodations or modifications) and compliance with design and construction requirements; familial status; race; national origin; and religion.

Testing methods used involved both in-person tests (including paired testing), and telephone paired testing. Paired testing involves two testers, a control tester and a protected tester, matched in every way (for example, similar income, employment, and rental history but with the protected tester always slightly more qualified for the housing than the control tester). The only significant difference between the two testers is the protected class variable. The tests are designed to make any differences in treatment attributable to the protected characteristic.

Forty-eight of the above tests were conducted in FY 2015, they included 48 matched pair, in-person tests, which were part of a series of 168 tests conducted since 2013. Twenty-two of the 48 were rental tests: 11 based on disability, 9 based on race and 2 based on national origin/religion. The remaining 26 were sales tests, they included 15 based on national origin and 11 based on race. It should be noted that generally, all fair housing testing is paid for with either federal grants and or Community Development Block Grant funding.

CONCLUSION

Protection of civil liberties and civil rights is one of the most fundamental values in American society. Under the Fairfax County Human Rights Ordinance, OHREP is the only local governmental entity in Fairfax County charged with investigating cases of discrimination. Fairfax County's OHREP is a forward-looking effort to eliminate barriers to equality.

Office of Human Rights and Equity Programs

Benefits

Fairfax County has become a more diverse community in recent years. Harmonious relations among all people who live and work in Fairfax County are essential to the welfare, health, and safety of everyone. Fairfax County must continue to be a place where people want to live. However, individuals will seek other options to live and work if Fairfax County is perceived to be a safe haven for inequity and discrimination. It is critical that all people feel welcome to live, work, and visit this community.

Everyone is a member of a protected class and benefits from the enforcement of anti-discrimination laws. While most of the clear and overt discrimination is gone, less obvious and often covert discrimination in society continues. The most obvious way to promote integrated communities is through enforcement of anti-discrimination laws. OHREP is charged with providing individuals recourse for discriminatory acts in employment, housing, public accommodation, private education, and credit by exercising all available means and every power at its command to redress and prevent discrimination. Everyone who visits, lives, and works in Fairfax County is served and benefits by OHREP's enforcement of the Human Rights Ordinance.

Diverse suburbs represent one hope for realizing the dream of equal opportunity. These integrated communities and neighborhoods seek to eliminate disparities in economic opportunity that have persisted for decades. Living in a location such as Fairfax County can afford people from different cultures access to better schools and resources, a clear path to living-wage employment, while fostering a sense of community that encourages civic engagement and a host of other benefits. People that grow up in diverse communities are comfortable living and working in a multicultural society. Diverse communities help to eliminate disparities in education and economic opportunity and promote positive perceptions of others in the community. OHREP's enforcement of anti-discrimination laws offer protection for people of all races and ethnicities, allowing them to participate and succeed in the educational and economic mainstream.

Mandates

With the adoption of the Human Rights Ordinance (Chapter 11, Article 1 and Article 2 of the Fairfax County Code, as amended), Fairfax County instituted an affirmative human rights program of positive efforts to provide individuals recourse for discriminatory acts. In order to secure and promote the health, safety and general welfare of individuals who work, live, and visit the county, "it is declared to be the policy of the County to ensure that all persons be afforded equal opportunity to participate, on the basis of personal merit, in the social, cultural, economic, and other phases of community life free from any discrimination..." To that end, Section 11-1-10 established the Human Rights Commission and the Office of Human Rights and Equity Programs (OHREP) Director and staff to "secure effective compliance with this Chapter."

Employment

OHREP is one of only 90 established Fair Employment Practice Agencies (FEPA). As a FEPA, OHREP has a contractual obligation with the United States Equal Employment Opportunity Commission (EEOC) to investigate cases of alleged employment discrimination under the Human Rights Ordinance (Chapter 11, Article 1), which is substantially equivalent to Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disability Act (ADA), as amended, and the Age Discrimination in Employment Act (ADEA), as amended. OHREP's current contract with the EEOC pays the office \$700 per case investigated. In 2012 OHREP resolved 191 cases of employment discrimination, in 2013 OHREP resolved 189 employment cases, and OHREP closed 175 employment cases in 2014.

All employment complaints that meet the jurisdictional requirements of the EEOC are cross-filed with that agency to preserve the federal rights of the charging parties. Because the EEOC requires each respondent employer to have a minimum of 15 employees, the only option for a charging party who has allegedly been subjected to discrimination by a respondent with 14 or fewer employees is OHREP (which, pursuant to the Human Rights Ordinance, will accept complaints if the respondent has four (4) or more employees). In addition to the protected classes covered by the above-referenced federal laws (race, color, religion, sex, national origin, disability, and age), the Human Rights Ordinance provides added protection on the basis of marital status, which is not covered under federal law.

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Housing

OHREP is also one of only 89 Fair Housing Assistance Programs (FHAP). This designation positively affects the federal funds Fairfax County receives under the Community Development Block Grant program (CDBG). As a FHAP, OHREP has contractual obligations with the United States Department of Housing and Urban Development (HUD) to investigate complaints of alleged discrimination in housing under the Human Rights Ordinance (Chapter 11, Article 2), which is substantially equivalent to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act). Eligible housing complaints taken in by OHREP are dual-filed with HUD. In addition to the protected classes covered by Title VIII, (race, color, religion, sex or national origin, disability, and familial status), the Human Rights Ordinance provides added protection on the basis of elderliness and marital status, neither of which are covered under federal law. HUD currently pays OHREP a range of \$1,400 to \$3,100, depending on the outcome of a case. During 2012, OHREP investigated 22 housing cases.

Public Accommodation, Private Education & Credit

In addition to employment and housing complaints, OHREP also investigates cases of alleged discrimination in public accommodation, private education, and credit. The following allegations of public accommodation, private education, and credit were resolved:

- 2012: Twelve (12) cases of alleged discrimination in public accommodation and two cases of discrimination in private education and credit were resolved.
- 2013: Nine (9) cases of alleged discrimination in public accommodation and one case of discrimination in private education and credit were resolved.
- 2014: Eleven (11) cases of alleged discrimination in public accommodation and no cases of discrimination in private education and credit were resolved.

Conclusion

As a FEPA with EEOC and a FHAP with HUD, OHREP is contractually substantially equivalent to the federal government in the enforcement of anti-discrimination laws with respect to employment and housing.

Without OHREP and enforcement of the Human Rights Ordinance, individuals who feel that they have been subjected to discrimination in public accommodation, private education, and credit have limited options when seeking redress. Moreover, many people who wish to file complaints of alleged discrimination prefer to contact a local office and have direct contact with the individual investigating his/her case without having to travel to the District of Columbia and interact with a federal department.

Trends and Challenges

To permit discrimination to exist unabated is a threat to the peace and positive order of Fairfax County and adversely affects the physical, economic, and social well-being of every individual. To that end, it is essential that Fairfax County continue to address the consequences of denials of equal opportunities, prevent denials of these opportunities in the future, and eliminate the underlying causes of discrimination.

Seventy percent of complaints in FY 2013 and 86 percent of complaints filed in FY 2014 were cases alleging employment discrimination. Housing complaints consisted of 19 percent of complaints filed in FY 2013 and 8 percent of cases filed in FY 2014. In FY 2013, complaints alleging public accommodation discrimination were 11 percent of the total number of cases filed and in FY 2014, 6 percent of cases involved public accommodation discrimination. Thus, these statistics demonstrate that the effects of discrimination are far reaching; not only does it have a negative impact on those individuals who reside in Fairfax County, but also those who work and visit the County.

Office of Human Rights and Equity Programs

Fairfax County is growing in population and diversity. In FY 2013, a majority of allegations of discrimination were filed on the bases of race, disability, and national origin. During FY 2014, a majority of discrimination complaints were filed on the bases of race, disability, and sex. Numerous complaints alleging discrimination on the basis of age, religion, color, familial status, marital status, and retaliation were also filed with OHREP. While this diversity has been a source of great strength, a society plagued by inequity and intolerance will challenge the community's overall stability and cohesiveness. Multicultural communities are not only some of the most desirable places to live for people from all backgrounds, but they also have strong, resilient economies. Given these trends, ensuring successful multi-cultural and diverse communities represents the best policy path for the County's educational, economic, and social success.

Not so long ago in the United States, discrimination and segregation were out in the open and were sanctioned by the laws and official policies of the federal government. Today, discrimination is much more subtle. The mission of OHREP is to promote justice, equal opportunity, diversity, and inclusiveness by promoting the civil rights of all in Fairfax County by enforcing compliance of the county's Human Rights Ordinance. In addition the Human Rights Division provides technical expertise, education, and outreach services, training to private employers and works to ensure compliance with federal, state, and local laws. The challenge ahead is to continue the work of eradicating discrimination throughout the County via education regarding the benefits of diversity to individuals and the community as a whole. OHREP is the only agency that addresses these needs within Fairfax County.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #86: Enforcing Compliance with the County's Human Rights Ordinance - Human Rights Division			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$935,377	\$974,508	\$1,140,797
Operating Expenses	75,043	82,655	71,355
Total Expenditures	\$1,010,420	\$1,057,163	\$1,212,152
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$1,010,420	\$1,057,163	\$1,212,152
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	13 / 13.5	13 / 13.5	12 / 12.5
Total Positions	13 / 13.5	13 / 13.5	12 / 12.5

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Cases processed	488	429	484	450	450
Decrease in the number of cases over 270 days old	5%	(3%)	29%	10%	10%
Average investigative staff hours per case closed	28	44	38	44	44
Cases processed per investigator	98	107	136	120	120

LOB METRIC INDICATOR – HRD CASES PROCESSED

The number of cases processed in OHREP has increased from 429 (FY 2014 Actual) to 484 (FY 2015 Actual). As Fairfax County continues to grow and its population becomes more diversified, discrimination continues to be an ever present problem in the county. In addition, the number of dual filed employment cases that were transferred from the EEOC to OHREP has increased and the number of Housing cases filed directly with OHREP has grown.

LOB METRIC INDICATOR – DECREASE IN THE NUMBER OF HRD CASES OVER 270 DAYS OLD

The decrease in the number of cases of 270 days old has gone from -3 percent (FY 2014 Actual) to a reduction of 29 percent (FY 2015 Actual). This dramatic decrease in the number of aged cases is due, in part, to the investigative staff focusing on completing older cases. In addition, the number of Housing cases filed in the office, with the 100 day target to complete those investigations as mandated by HUD, contributed to the reduction.

LOB METRIC INDICATOR – AVERAGE INVESTIGATIVE STAFF HOURS PER HRD CASE CLOSED

The average number of staff hours per case closed decreased from 44 hours (FY 2014 Actual) to 38 (FY 2015 Actual). This reduction was the result of staff retention; as the staff gains more experience, they are able to utilize methods to reduce time spent on the investigatory process, i.e. reviewing documents, interviewing witnesses, weeding out irrelevant information, etc. In addition, the staff has become more adept at writing the Final Investigative Report, a skill that improves with experience.

LOB METRIC INDICATOR – HRD CASES PROCESSED PER INVESTIGATOR

The number of cases processed per investigator has increased from 107 (FY 2014 Actual) to 136 (FY 2015 Actual). In addition to the explanation regarding the “Average investigative staff hours per case closed,” this can be explained by the internal training that is conducted at regular intervals by management staff to review, update, and coach the investigators with respect to all aspects of the internal process, investigations, and writing clear and comprehensive Final Investigative Reports. In addition, the intake process has been changed to provide standardized complaints that articulate well-defined issues, which, in turn, provide distinct guidance for the investigation and the Final Investigative Report.

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LOB #87:

EDUCATION AND OUTREACH - HUMAN RIGHTS DIVISION

Purpose

As part of its affirmative efforts to eliminate discrimination through enforcement of the Fairfax County Human Rights Ordinance and ensure equal opportunity within Fairfax County, the Office of Human Rights and Equity Programs (OHREP's) conducts outreach and provides education services to the public.

Description

OHREP has established a robust education and outreach program to ensure that those who live, work, and visit Fairfax County are aware of the rights afforded to them and those who employ others, operate businesses within the county, or serve as housing providers, are aware of their responsibilities under the Fairfax County Human Rights Ordinance. In that regard, OHREP continues to build a broad network of outreach partners and participates in a variety of outreach activities. OHREP has conducted 200 outreach events since 2012. A summary of the different types of outreach activities is described below.

Presentations

Since 2012, agency staff has conducted, facilitated and participated in approximately 65 presentations about discrimination. Our fair housing presentations were designed to educate residents; vulnerable populations; housing providers; representatives from the private, non-profit and public sectors working in the housing field; and others in the community about fair housing laws and related issues. Presentations were also made to those involved with employment matters. Information about the role of the agency in fair housing enforcement, and the educational services and outreach activities available were also provided.

Specific activities included providing and facilitating training and workshops about fair housing laws to housing providers and other professionals operating in real estate and related markets; housing counselors working with residents in transitional housing to obtain permanent residences; local civic organization concerned with issues of discrimination; participants at workshops organized by local non-profits that provide members of the minority community with information on rental and home ownership opportunities; builders, developers, architects, code inspectors, and other professionals and individuals impacted by or concerned with fair housing accessibility requirements and related issues; members of local minority business groups; representatives of various County Boards and Commissions who represent a variety of populations and groups who have an interest in or concerns about fair housing and related matters; and members of the Virginia Bar Association. OHREP also facilitated training provided to job seekers, employment and labor law attorneys, service providers who serve clients seeking employment opportunities and other such groups on equal employment laws and the enforcement activities of the agency.

To further promote the resources and services available and to increase awareness about the agency, staff members participated in 59 resource fairs held throughout the County since 2012. Agency staff members managed booths, interacted with attendees, distributed brochures and other informational materials, and answered questions. Resource Fairs are a core element of OHREP's outreach and engagement efforts. OHREP has used resource fairs as a means to gain direct access to those in the community that are most likely to require the agency's services and to meet those individuals in their own communities. OHREP has provided resource information at Community Days and multicultural celebrations, Back to School Fairs, Job Fairs, Fair Housing Expos, Health Fairs and at religious gatherings and services.

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Brochures/Publications

A key component of OHREP's outreach efforts are providing printed materials that provide an overview of the Human Rights Ordinance and the services the office provides. OHREP provides such materials in eight languages (English, Amharic, Arabic, Chinese, Korean, Somali, Spanish, and Vietnamese). OHREP makes available three main brochures, a general brochure providing a broad overview of all of the areas in which OHREP receives and investigates complaints, a Fair Housing brochure focused on housing discrimination and an Employment Discrimination brochure that provides an overview of discrimination in employment.

OHREP has partnered and worked closely with The Equal Rights Center to develop three new fair housing publications designed to educate and empower individuals about their fair housing rights, and to promote self-advocacy in the County. The publications included: A disability toolkit, "Fair Housing: Know Your Rights, Fairfax County Office of Human Rights and Equity Programs Reasonable Accommodations and Modifications Self-Advocacy Toolkit;" an informational sheet, "Fair Housing for People with Disabilities;" and a brochure "Harassment Free Housing It's Your Right." One thousand copies of each publication were printed and distributed to a variety of County agencies, non-profit groups, organizations that work closely and interact with communities and individuals who might benefit from the information, and other venues.

All brochures are available for download on OHREP's website.

In addition to distributing brochures at resource fairs, training sessions and workshops, meetings and other venues, OHREP regularly responded to requests for brochures for distribution in a variety of languages from a wide range of organizations, agencies, schools, and centers located in the County. Examples included but were not limited to requests from a local housing authority, a community group serving the Hispanic community, a parent liaison for a local high school, and an Islamic center. Brochures were also provided for distribution at several planned homebuyer education classes conducted on behalf of the Virginia Housing Development Authority.

Fair Housing Display/Proclamation/Annual Fair Housing Month Forum

As part of efforts to educate the public on fair housing laws and to further promote the role of the agency and the services and resources available, each year OHREP staff members organize and participate in a number of fair housing month activities in April. Undertakings included erecting a fair housing display in the main lobby of the Fairfax OHREP.

Other activities sponsored by the agency during Fair Housing Month included OHREP's Annual Fair Housing Forum. In 2013 and 2014, the event was offered in collaboration with Northern Virginia Association of Realtors (NVAR) and the Equal Rights Center (ERC). Both organizations worked with the agency to promote the event and NVAR sponsored the prizes for the high-school winners of the fair housing Art/Poster and Essay contests held by the Student Human Rights Commission that are awarded at the event. The annual fair housing month event includes a fair housing training session in the morning, and a luncheon program and keynote address. Officials from the U.S. Department of Housing and Urban Development were in attendance and addressed the audience about current enforcement activities and emerging issues. Over 160 individuals attended the event each year, approximately 120 of whom also attended the morning fair housing training sessions.

Media

The agency collaborated with Channel 16 to produce a short Public Service Announcement (PSA) on fair housing and group homes. The PSA broadcasts regularly and is available for viewing anytime with video on demand and via OHREP's website. In addition, the station continues to broadcast several public service announcements, interviews, and other programs designed to educate the public, housing providers, housing seekers, real-estate professionals, housing counselors, and others about fair housing laws and related issues, produced in cooperation with OHREP. The broadcasts include:

- PSA: Fair Housing. The program includes information about the protected classes covered under Fairfax County fair housing law, describes fair housing protections accorded all citizens, and gives examples.

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- PSA: Human Rights Commission. A public service announcement about the role and resources available through the agency, including information about fair housing laws, as well as the complaint and enforcement processes, education and outreach, and other services and resources offered.
- An interview titled “Fair Housing for Seniors with Disabilities” featuring a member of the Human Rights Commission, the Deputy Director and a Fair Housing Specialist.
- Know Your Rights “*Vea Conozca Sus Derechos.*” An interview conducted entirely in Spanish with one of the agency’s Fair Housing Specialists. The HUD Regional Director for the agency also participated in the interview.
- “No Place Like Home: The Foreclosure Crisis and Predatory Loans.”

In addition to the above, the agency’s director provided interviews, including a segment on Channel 16’s Rotary Times TV Program.

In 2014 OHREP was awarded a federal grant to partner with El Tiempo Latino, the Washington, D.C. Metropolitan area’s leading Spanish-language newspaper, in an effort to increase awareness and knowledge about fair housing discrimination within the Hispanic community. As part of the partnership, OHREP worked with El Tiempo Latino to create four (4) print advertisements on fair housing which were published and disseminated in El Tiempo Latino’s printed newspaper. A total of twenty nine (29) print advertisements ran from June 6, 2014, through May 28, 2015. The advertisements were also included as rotating links on El Tiempo Latino’s website from June 2014 through May 2015. In addition to the advertisements, OHREP worked with El Tiempo Latino to create two (2) public service announcement videos, both in English and Spanish, which ran on El Tiempo Latino’s website from November 8, 2014 through May 2015. Links for the Spanish version of the PSA’s are as follows:

Yo Soy el Condado de Fairfax:

<http://eltiempolatino.com/videos/2014/nov/08/2784/>

La Renta Perfecta

<http://eltiempolatino.com/videos/2014/nov/08/2783/>

El Tiempo Latino also conducted an interview (in Spanish) on OHREP and its Fair Housing activities which aired as a video link on El Tiempo Latino’s website on November 23, 2014, and was included in *Asi Es Mi Gente*, a program that is broadcast by CentroAmerica TV, Saturdays at 5pm Eastern time (Channels: DirectTV 428, Xfinity 661, Comcast 588, Dish Latino 832, Verizon 1703, Cox 432) on November 29, 2014.

OHREP and its fair housing enforcement efforts were also featured in an article in El Tiempo Latino’s December 5, 2014, print edition, on its Facebook page during December 2014 and on its website.

As a result of the partnership, El Tiempo Latino also distributed OHREP’s General and Fair Housing Brochures at its kiosk during the Peruvian Festival on July 27, 2014, the Bolivian Festival on August 31, 2014, and the Salvadorian Festival on September 14, 2014.

In June 2014, OHREP began running fair housing ads in both English and Spanish on Fairfax Connector, Fairfax County’s local transit bus service. These ads continue to run throughout 2015.

Fairfax County Human Rights Commission Awards Ceremony

Annually, the Human Rights Commission holds an awards ceremony to recognize those who have made significant strides to advance human rights within Fairfax County throughout the year. While honoring the efforts of others, the event also serves as another opportunity to develop new partnerships and further enhance existing relationships with individuals and organizations whose missions and activities are closely aligned with those of the agency. It also serves to provide greater exposure to the issues of discrimination and the work of the agency.

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Other Outreach Activities/Meetings

As part of OHREP's efforts to establish relationships and opportunities to conduct outreach and promote equal opportunity, agency staff continued to meet with community leaders and representatives from organizations serving minority populations, participated on committees, and attended neighborhood meetings throughout the community. OHREP staff members also facilitated and attended the Human Rights Commission's Fair Housing Taskforce meetings. The taskforce generally convenes on a quarterly basis. Members include stakeholders from the housing industry; representatives from community associations, non-profit groups and the public sector; and County residents. The meetings ensure that regular contact and working arrangements are created and maintained with those with an interest in fair housing and provides a forum for discussion and clarification of the fair housing needs of various communities and organizations operating in the County that is helpful to the work of OHREP and the Commissioners. In addition, agency representatives participated in the Fairfax Building for All Committee (BFAC) meetings, which meet monthly. BFAC comprises a coalition of County agencies and groups concerned with accessibility issues both in terms of new renovations and new construction. The group has a wide range of networks and has been helpful in assisting the agency with its efforts to provide information, promote workshops, disseminate information on fair housing accessibility requirements, and related issues to professionals in the housing and building industry.

OHREP also participated in service provider partnership meetings and community dialogues held in the Culmore community, one of the most diverse communities in Fairfax County. Through its participation in the partnership, OHREP is able to ensure that other service providers serving this community understand discrimination and how to assist clients that may be in need of OHREP's services. Ongoing participation also provides an opportunity to interact with and learn directly from community members their self-identified needs and to explore and share how OHREP can be a resource.

OHREP also hosted Heritage Month Proclamations to recognize and celebrate the contributions of various ethnic groups to the Fairfax community.

Fairfax County Student Human Rights Commission

The Fairfax County Student Human Rights Commission is the region's first commission comprised entirely of high school students with the mission of:

- Promoting dialogues on diversity among youth;
- Fostering a greater understanding and appreciation of differences;
- Creating exposure to human and civil rights laws, such as the Fairfax County Human Rights Ordinance and the Fair Housing Act; and
- Encouraging leadership and active participation in government.

OHREP, in partnership with Fairfax County Public Schools, launched the Student Human Rights Commission (SHRC) program over 6 years ago, and the program continues to grow year after year. Each school year, the SHRC meets on a bimonthly basis and hosts events, plans activities, and facilitates campaigns at their schools in support of its mission.

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Benefits

OHREP is committed to providing training, technical assistance, outreach and education programs to assist employers, employees, housing providers, and stakeholder groups understand and prevent discrimination. Education and outreach is also designed to inform individuals of their rights to live and work in a community free of discrimination. An informed public via education and outreach is a critical component to developing strategies to combat discrimination. Further, strong community partnerships aid in the effort of ensuring equal opportunity within Fairfax County.

OHREP's work with the Student Human Rights Commission promotes diversity, equal opportunity, community engagement and active participation in government among the youth within Fairfax County. OHREP must institute an affirmative human rights program of positive efforts to eliminate discrimination through education and outreach. The Human Rights Ordinance (Chapter 11, Article 1 and Article 2 of the Fairfax County Code, as amended).

As one of only 90 Fairfax Employment Practice Agencies and one of 89 Fair Housing Assistance Programs (signifying the Fairfax County Human Rights Ordinance is substantially equivalent to the Federal Fair Housing Act), OHREP has contractual obligations with its federal partners, the United States Equal Employment Opportunity Commission and the U. S Department of Housing and Urban Development to conduct education and outreach in Housing discrimination and Employment discrimination. Fairfax County has been designated as a Fair Housing Assistance Program, which positively affects the federal funds Fairfax County receives under the Community Development Block Grant program.

Trends and Challenges

As Fairfax County continues to gain population and diversify, the greater the need for additional education and outreach. New and creative methods for engaging our more insulated and new immigrant communities will need to be developed. The use of social media as a means of providing information and communicating with the public has become essential. OHREP will have to work on developing a greater social media presence as part of its outreach efforts. Additionally, as OHREP's current outreach achievements demonstrate, partnerships with community groups, nonprofit service providers, housing industry professionals and other such organizations is essential to spreading the message that discrimination in Fairfax County will not be tolerated. OHREP will have to maintain and build upon its current network of outreach partners to reach a broader spectrum of the population.

Enforcement data shows that complaints filed on the basis of disability are on the rise and is the number one basis of discrimination in housing complaints. Increased outreach with a focus in this area is needed to address this trend. The data also shows that outreach efforts will also need to focus on insulated communities in order for members to receive information, learn about their civil rights, and pursue enforcement of their civil liberties. These efforts will continue to increase the demand on OHREP's budget and staff time.

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Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #87: Education and Outreach - Human Rights Division			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$40,905	\$43,236	\$47,652
Operating Expenses	25,015	27,552	23,785
Total Expenditures	\$65,920	\$70,788	\$71,437
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$65,920	\$70,788	\$71,437
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	1 / 0.5	1 / 0.5	1 / 0.5
Total Positions	1 / 0.5	1 / 0.5	1 / 0.5

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Outreach activities/meetings	49	38	59	45	45
Number of participants/attendees	1,570	2,538	2,004	2,000	2,000

LOB METRIC INDICATOR – OUTREACH ACTIVITIES/MEETINGS

The number of outreach activities/meeting has increased from 38 (FY 2014 Actual) to 59 (FY 2015 Actual). As the staff has been able to make inroads with new and different cultural communities in the County, the office has been able to schedule and staff more outreach events and cultural fairs. These efforts are focused on providing educational information to members of these communities as well as responding to inquiries about the role of OHREP. As people become more educated about their rights through the outreach events, they are learning to protect those rights by contacting OHREP and exploring their options if they feel they have been discriminated against. In addition, OHREP routinely provides outreach and education to the business community in an effort to reduce instances and/or allegations of discrimination.

LOB METRIC INDICATOR – NUMBER OF PARTICIPANTS/ATTENDEES

Actual number of participants/attendees at outreach events in which the Agency participated.

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LOB #88:

EQUAL OPPORTUNITY ENFORCEMENT - EQUITY PROGRAMS **DIVISION**

Purpose

The hallmark of every great organization is its capacity to attract and retain a diverse workforce. OHREP is committed to ensuring that the County's work environment is free from discrimination and dedicated to the principles of equity and diversity for all its employees.

Description

Education and Training

OHREP provides County managers and employees with comprehensive EEO and diversity training. These trainings are mandatory and are designed to help managers and employees understand and prevent discrimination and harassment in the workplace by ensuring they know what is considered discrimination, how to report suspected discrimination, and that discrimination will not be tolerated. OHREP staff conduct the following live trainings:

- ADA Customer Service Workshop for Employees – this course is designed for frontline employees and focuses on the “Spirit of the ADA” and the County’s role and responsibility in providing good customer service to persons with disabilities.
- ADA Workshop for Managers and Supervisors – this two hour training course focuses on the “Spirit of the ADA” and the County’s role and responsibility related to the employment and the provision of services to persons with disabilities.
- Prevention of Sexual Harassment for Employees – this two hour workshop is designed to inform employees about the legal definition of sexual harassment and the responsibility of preventing and correcting this conduct.
- Prevention of Sexual Harassment for Managers and Supervisors – this two hour workshop is designed to inform managers about the legal definition of sexual harassment and management’s responsibilities in responding to complaints of sexual harassment.
- Overview of EEO laws and policies for Managers and Supervisors – this course focuses on managers’ and supervisors’ roles and responsibilities for identifying, eliminating and preventing discrimination in the workplace. The material outlines the federal laws and the County’s antidiscrimination policies.
- A Diversity Workshop – this two hour interactive workshop is designed to provide an overview of the principles and the definition of diversity. Participants also learn how a culturally diverse workforce affects everyone on a daily basis.

In 2015, and in collaboration with Human Resources’ Office of Development and Training, OHREP began offering online alternatives to its live mandatory trainings. This increased the number of County employees that received EEO and diversity training by 19 percent from 2,838 in FY2014 to 3,382 in FY 2015. OHREP continues to conduct live trainings for agencies seeking a more thorough understanding of EEO laws and principles. In FY 2015, OHREP conducted 55 live trainings for 1,311 County employees. OHREP also updates agency ADA and EEO representatives on any changes to antidiscrimination policies annually. Through comprehensive education and training, OHREP has been able to significantly reduce the number of non-sexual harassment complaints filed.

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Narrative Reports and Statistical Analysis

OHREP analyzes EEO workforce distribution data to determine under representation and/or underutilization of diverse groups in the workforce. This includes identifying employment patterns, and uncovering problems/barriers that impede equal employment opportunities.

OHREP also maintains and provides ongoing assessment and evaluation of agency-specific diversity plans. The objective of diversity plans are to:

- Provide an analysis of the Department's workforce by race and gender for each of the eight EEO categories.
- Identify, analyze, develop, and implement goal setting target dates for action steps that will attempt to improve the equality and diversity of employment.

Goals include appropriate action steps addressing the underutilization of minorities and women, and the encouragement of workplace diversity.

The use of diversity plans have resulted in the recruitment and retaining of a workforce that more closely reflects the changing demographics of the customers served by the County.

Additionally, in accordance with reporting requirements under Title VII of the Civil Rights Act of 1964, OHREP reports to the EEOC biennially the County's employment totals, employees' job category and salary by sex and race/ethnic groups to indicate the composition of the County's work force by sex and by race/ethnic category.

Investigations

OHREP conducts prompt, thorough, and impartial investigations of discrimination complaints filed by County employees, applicants and citizens. OHREP's anti-discrimination policies and complaint procedures identify the investigation process, including where to file the complaint, who will conduct the investigation, and who will make the decision for corrective action. OHREP investigative reports are written clearly and comprehensively, reflecting all of the evidence gathered and providing a basis for a determination. OHREP is aggressive in resolving EEO complaints; conducting an average of 25 EEO investigations, annually and closing nearly all of its investigations in less than 30 days.

ADA-DOJ Compliance Efforts

OHREP leads the DOJ-ADA Compliance Team to support the County's efforts to improve access to all aspects of civic life for persons with disabilities. OHREP has effectively leveraged the ADA-DOJ Compliance Team's expertise and resources to make significant progress towards achieving full ADA compliance. The ADA-DOJ Compliance Team's many achievements include:

- Ensuring parking, routes into the building entrances, service areas and counters, restrooms, and drinking fountains accessible to individuals with disabilities.
- Implementing a comprehensive plan to improve the accessibility of the County's sidewalks and pedestrian crossings by installing accessible curb ramps throughout Fairfax County.
- Ensuring that the County's official website and other web-based services are accessible to individuals with disabilities.
- Ensuring equal, integrated access to emergency management for individuals with disabilities, including emergency preparedness, notification, evacuation, sheltering, response, clean up and recovery.
- Ensuring that County programs for victims of domestic violence and abuse are accessible to individuals with disabilities.

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- Providing accessible polling places, including curbside voting for seniors and individuals with disabilities pursuant to Virginia Code §24.2-649 and ensuring that individuals with disabilities also have the option of voting by absentee ballot pursuant to Virginia Code §24.2-700(4).
- Providing auxiliary aids and services to ensure effective communication with individuals who are blind, including publications in alternative formats (e.g. Braille, large print, audio formats).
- Providing auxiliary aids and services to ensure effective communication with individuals who are deaf or hard of hearing, including the use of sign language interpreters and/or assistive listening devices.

Agency Guidance

- OHREP works closely with the Office of the County Attorney (OCA) and the Department of Human Resources (DHR) to provide agencies with leadership, guidance, and technical assistance on EEO workplace issues, including the County's policy and procedures for responding to reasonable accommodation requests from employees and applicants with disabilities to assure that agencies remain compliant with all EEO laws and the County's anti-discrimination policies.

Grievances

OHREP works closely with DHR and OCA to timely respond to requests to grieve complaints before the Civil Service Commission.

Benefits

An organization's success and competitiveness depends upon its ability to embrace diversity and realize the benefits. When organizations actively assess their handling of workplace EEO issues, and develop and implement diversity plans, multiple benefits are reported such as:

Increased adaptability

Organizations employing a diverse workforce can supply a greater variety of solutions to problems in service, sourcing, and allocation of resources. Employees from diverse backgrounds bring individual talents and experiences in suggesting ideas that are flexible in adapting to fluctuating markets and customer demands.

Broader service range

A diverse collection of skills and experiences (e.g. languages, cultural understanding) allows the County to identify, assess, and evaluate its customer's needs.

Variety of viewpoints

A diverse workforce that feels comfortable communicating varying points of view provides a larger pool of ideas and experiences enabling the County to draw from that pool to meet its strategic needs and the needs of its customers more effectively.

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More effective execution

Companies that encourage diversity in the workplace inspire all of their employees to perform to their highest ability. Company-wide strategies can then be executed; resulting in higher productivity, profit, and return on investment.

Additionally, preventing discrimination from occurring in the first place is preferable to remedying the consequences of discrimination. By addressing EEO issues before they happen or at the initial stages of a complaint, OHREP reduces litigation and court costs expended by the County to defend against civil actions. Moreover, failure to take strong action to address discrimination can reduce productivity when employees feel disheartened, resulting in a drop in morale, trust and confidence in employers. People with exceptional talents, skills, and abilities are not attracted to work at jobs where they may be subjected to discrimination.

Mandates

Fairfax County Policies and Procedures:

- Memorandum 39-01 Policy and Procedure of Sexual Harassment
- Memorandum 39-02 Policy and Procedure Relating to Pregnancy and Childbirth
- Memorandum 39-03 Policy and Procedure for Religious Accommodation in the Workplace
- Memorandum 39-04 Policy and Procedure for the Reasonable Accommodation Process in Employment
- Memorandum 39-05 Policy and Procedure for Reasonable Accommodation of Services and Devices
- Memorandum 39-06 Policy and Procedure on Harassment
- Memorandum 39-07 Equal Employment Opportunity Reporting Requirements

Trends and Challenges

Taking full advantage of the benefits of diversity in the workplace is not without its challenges. Some of those challenges are:

- Communication - Perceptual, cultural and language barriers need to be overcome for diversity programs to succeed. Ineffective communication of key objectives results in confusion, lack of teamwork, and low morale.
- Resistance to change - There are always employees who will refuse to accept the fact that the social and cultural makeup of their workplace is changing. The “we’ve always done it this way” mentality silences new ideas and inhibits progress.
- Implementation of diversity in the workplace policies - This can be the overriding challenge to all diversity programs. Armed with the results of employee assessments and research data, they must build and implement a customized strategy to maximize the effects of diversity in the workplace for their particular organization.

Additionally, as Fairfax County continues to train employees, applicants, and citizens about their civil rights, it is anticipated that the number of complaints filed with OHREP will continue to increase. As a result, there will need to be a greater focus and allocation of resources towards resolving EEO issues including, requests for and issues surrounding ADA accommodations, including access to services, buildings, and public events.

Office of Human Rights and Equity Programs

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #88: Equal Opportunity Enforcement - Equity Programs Division			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$229,844	\$237,573	\$227,334
Operating Expenses	20,236	16,929	23,855
Total Expenditures	\$250,080	\$254,502	\$251,189
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$250,080	\$254,502	\$251,189
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	3 / 3	3 / 3	3 / 3
Total Positions	3 / 3	3 / 3	3 / 3

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Employees trained	2,355	2,934	3,382	3,000	3,000
Training programs/sessions presented	94	96	61	20	20
Percentage satisfied with quality of training	N/A	98%	96%	85%	85%

LOB METRIC INDICATOR – EMPLOYEES TRAINED

The number of employees trained increased from 2,934 (FY 2014 Actual) to 3,382 (FY 2015 Actual) in part because county employees now have easier access to take training classes online at their convenience.

LOB METRIC INDICATOR – TRAINING PROGRAMS/SESSION PRESENTED

The number of training programs/sessions presented has decreased from 96 (FY 2014 Actual) to 61 (FY 2015 Actual). Online alternatives to the county’s live mandatory trainings were made available to county employees beginning on January 1, 2015. Consequently, many county employees opted to satisfy their mandatory training requirements by completing the online training. OHREP continues to provide agencies with live trainings when requested.

LOB METRIC INDICATOR – PERCENTAGE SATISFIED WITH QUALITY OF TRAINING

The percentage of employees satisfied with the quality of training went from 98 percent (FY 2014 Actual) to 96 percent (FY 2015 Actual), but is still far above the targeted 85 percent level.