

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.

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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.

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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.

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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.

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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.

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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.