

# Idaho Human Rights Commission

A state agency.

Enforces state and federal laws  
that prohibit discrimination in  
employment.

# Unlawful Discrimination

Adverse employment actions based upon a person's

Race

Color

National Origin

Sex

Religion

Age (40+)

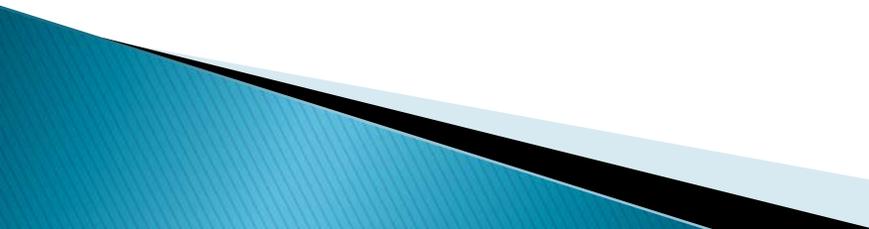
Disability

or

Retaliation for engaging in protected activity



# Adverse Employment Actions

- ▶ Failure to Hire
  - ▶ Less Favorable Job Assignments
  - ▶ Lower Wages
  - ▶ Less Favorable Terms and Conditions of Employment
  - ▶ Harassment
  - ▶ Discipline
  - ▶ Discharge (including constructive discharge)
- 

# Enforcement by the Commission

Receipt of Charge



Response



Mediation

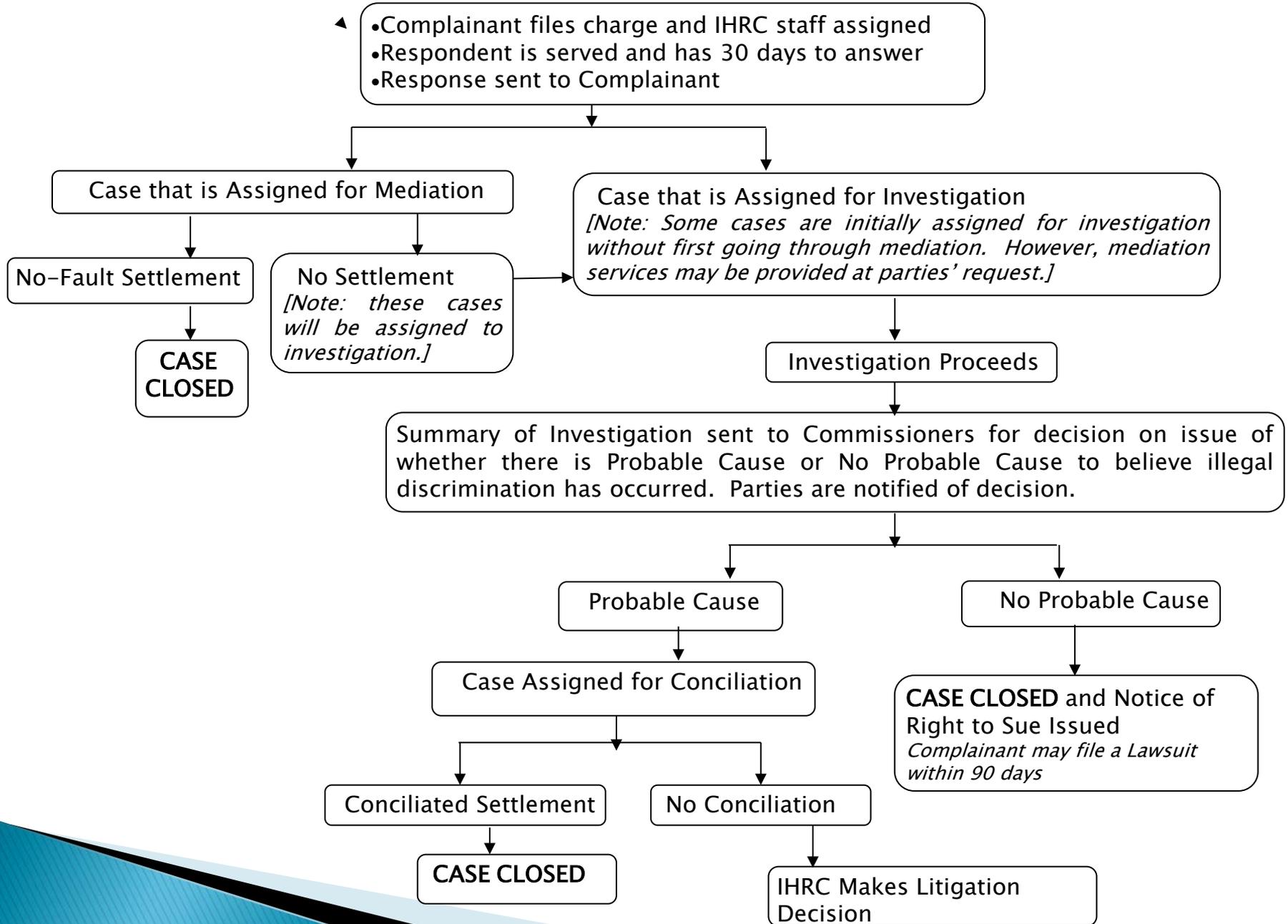


Investigation



Commission's Determination

# COMPLAINT RESOLUTION PROCEDURE



# MEDIATION

**Mediation is a process in which an impartial third party assists the parties to resolve their dispute.**

- ◆ Invites the parties to the dispute to discuss the problem;
  - ◆ Empowers the parties by facilitating problem solving, brainstorming, and mutual understanding;
  - ◆ Facilitates the development of mutually acceptable agreements;
  - ◆ Works to reduce hostilities and improve communication;
  - ◆ Encourages cooperation and respect in an informal, creative atmosphere.
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## Mediation provides advantages to other forms of alternative dispute resolution methods.

- ◆ Allows the parties to get different views and perspectives of the dispute;
  - ◆ Clarifies the issues causing the disagreement;
  - ◆ Stimulates mutual problem-solving efforts;
  - ◆ Provides the parties an uninterrupted opportunity to present their point of view;
  - ◆ Helps individuals focus on what they have in common rather than on the issues dividing them;
  - ◆ Fosters the rebuilding of a damaged relationship;
  - ◆ Enables parties to retain decision making authority, keeping it out of the hands of third parties;
  - ◆ Helps resolve conflicts in an informal expeditious and cost-effective manner;
  - ◆ Allows parties to tailor a creative solution to their dispute.
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**Mediation is voluntary; however, both parties must agree to mediate. Unless both parties agree to use the mediation process as a way to help resolve their disagreement, mediation cannot occur.**

- ◆ **Approach mediation in good faith and with an open mind;**
- ◆ **Be willing to listen and to consider all aspects of the issues;**
- ◆ **Be active participants in mediation;**
- ◆ **Develop the terms of the settlement agreement with the assistance of the mediator.**

**You should have the authority to settle, be ready to settle, and be prepared to commit any resources agreed upon.**



# For More Information Contact

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# IDAHO HUMAN RIGHTS COMMISSION -- 2015

## ***Agency Overview***

The Idaho Human Rights Commission was created by the Idaho Legislature in 1969. The act has been amended several times over the years, but the purposes of the act as set forth in Idaho Code 67-5901(2) remain unchanged: “To secure for all individuals within the state freedom from discrimination . . . and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.”



Currently, the commission has statutory authority to investigate complaints of discrimination in education, employment, real estate transactions, and public accommodations based on race, color, religion, national origin, and sex. In employment, housing, and public accommodations, it handles disability discrimination claims. Claims of age discrimination, for those who are 40 years of age or older, are processed only in employment cases. There are nine commissioners who are appointed by the Governor, representing labor, industry, and the ethnic and geographic diversity of Idaho. The commission has one office in Boise, and a staff of 10 FTEs.



## Core Functions/Idaho Code

Administrative case processing.

Idaho Code 67-5901, 67-5906, 67-5907, and 67-5908

The primary work of the commission is to investigate claims of discrimination and to advise the parties on whether there is probable cause to believe that illegal discrimination has occurred. The administrative complaint must be filed within one year of the alleged unlawful discrimination. Idaho law makes the administrative filing a prerequisite to a case being filed in court. A court claim must be filed by a private party within 90 days of the commission's issuance of administrative closure. The commission contracts with the Equal Employment Opportunity Commission to handle federal discrimination claims within the state of Idaho. The commission also has authority to file claims in court on behalf of victims of discrimination.



## Information and referral.

Idaho Code 67-5906 (9)

The commission frequently is contacted by people in difficult situations that fall outside the scope of the commission's statutory authority. In each case, the intake officer attempts to direct the person to a resource that will be able to provide more direct assistance. The commission intake staff also receive many contacts from people who could file a formal administrative complaint with the commission, but do not want to do so at that particular point in time. Intake staff will work with them to help them resolve their problems on their own, without the necessity of filing an administrative complaint.



## Education about discrimination and the law. Idaho Code 67-5906 (9), (10) and (11)

Commission staff offer seminars, workshops, technical assistance, and training programs to help Idahoans understand discrimination law and to be able to resolve discrimination disputes on their own. The commission also has the responsibility to inform the Governor and the Legislature of any recommendations it may have for legislative or other action to effectuate the purposes and policies of the anti-discrimination law. Most of the statutory changes that have been made over the years to the Idaho Human Rights Act have come, at least in part, from commission efforts to fulfill this responsibility. Also, the commission has taken public stands on issues before the Legislature and other bodies that would impact human rights within the state.



# Revenue

Revenue comes from a federal contract with the EEOC, and the Department of Labor Penalty and Interest Fund and Employment Security Special Administration Fund.

<b>Revenue</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>Fy2016</b>
	<b>\$799,200</b>	<b>1,021,800</b>	<b>1,035,700</b>	<b>1,052,400</b>	<b>1,019,900</b>



## Profile of Cases Managed and/or Key Services Provided FY2015

<b>Cases Managed and Key Issues Raised</b>	<b>FY 2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>
Total of administrative cases filed	491	463	435	443
Issues most frequently raised in administrative cases*				
Discharge (actual or constructive)	68%	69%	64%	71%
Sexual harassment	16%	16%	15%	17%
Harassment/Intimidation**	24%	27%	31%	26%
Failure to accommodate a disability	18%	22%	17%	24%
Terms & conditions of employment	23%	19%	17%	13%

\*Some cases raise more than one issue, so the percentages may total more than 100%

\*\* Charges allege harassment or intimidation based on race, sex, color, religion, national origin, age, or disability.

In 2015, the commission resolved 494 cases of discrimination (not informal including public accommodation cases), the vast majority of which will not go into either state or federal court.

<b>Case Resolutions</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>
Total of administrative cases resolved	536*	468	460	494*
No probable cause findings	70%	67.5%	74%	72%
Mediations, settlements, successful conciliations	17.5%	19.4%	17%	15%
Conciliation failures	1.1%	1.6%	.4%	1.4%
Non-jurisdictional; Notice of Right to Sue without findings; other**	11.4%	11.5%	7.8%	11%

\*Informal processing of public accommodation cases not included.

\*\*Other includes failure to cooperate, withdrawal without benefits, and failure to locate.



Individual benefits to complainants in 2015, including non-monetary, monetary, compensatory, and punitive totaled \$2,293,282.68. In FY2015, 95% of Respondents who returned the survey expressed satisfaction with the Commission's work. Incalculable savings to the parties, the state of Idaho, and the state and federal judicial system are realized because of the administrative process developed by the IHRC, which avoids litigation in a vast number of cases.



Investigators and an intake officer field intake calls during all hours of operation.

<b>Intakes</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>
Total number of calls to IHRC*	2050	2121	2188	1,886
Average per month	170	176	182	157
Total number of charges drafted	438	450	471	397
Average per month charges drafted	36.5	37.5	39.2	33

\*Numbers do not reflect charges received from other sources i.e.: attorneys, complainants on their own behalf, and from EEOC.



# FY2015 Breakdown by Basis

Many charges allege more than one basis, so the percentage adds to more than 100%

Basis	Fiscal	Total	Breakout	Breakout	Breakout	Breakout
State/ Federal	Year					
<b>Total Claims Filed</b>	<b>FY 2015</b>	<b>443</b>	<b>Employment 414 (93%)**</b>	<b>Public Accom. 14 (3%)**</b>	<b>Housing 13 (3%)**</b>	<b>Education 2 (.5%)**</b>
	FY2014	435	407 (94%)	20 (4.5%)	7 (1.6%)	1 (.2%)
	FY2013	463				
	FY2012	491				

Bases continued...

<b>Disability</b>	<b>FY2015</b>	<b>187 (42%)*</b>			<b>Discharge</b> <b>161 (86%)**</b>	<b>Accommodation</b> <b>96 (51%)**</b>	
	FY2014	185 (42%)			130 (70%)	73 (39%)	
	FY2013	204 (44%)			136 (66%)	101 (49%)	
	FY2012	188 (38%)			59 (31%)	90 (48%)	
<b>Sex</b>	<b>FY2015</b>	<b>146 (33%)*</b>	<b>Female</b> <b>90 (62%)**</b>	<b>Pregnancy</b> <b>26 (18%)**</b>	<b>Male</b> <b>24 (16%)**</b>	<b>Sexual Orientation</b> <b>4 (2%)**</b>	<b>Gender Identity</b> <b>2 (1%)**</b>
	FY2014	156 (35%)	100 (64%)	14 (9%)	35 (22%)	5 (3%)	2 (1%)
	FY2013	168 (36%)	104 (62%)	24 (14%)	40 (24%)		
	FY2012	176 (36%)	109 (62%)	21 (12%)	46 (26%)		
<b>Retaliation (all bases)</b>	<b>FY2015</b>	<b>135 (30%)*</b>					
	FY2014	126 (29%)					
	FY2013	131 (28%)					
	FY2012	124 (25%)					

Bases continued...

<b>Age</b>	<b>FY2015</b>	<b>74(17%)*</b>					
	FY2014	78 (18%)					
	FY2013	103 (22%)					
	FY2012	120 (24%)					
<b>National Origin</b>	<b>FY2015</b>	<b>46 (10%)*</b>	<b>Mexican</b> <b>9 (20%)**</b>	<b>Hispanic</b> <b>14 (30%)**</b>	<b>Middle Eastern</b> <b>1 (2%)**</b>	<b>Other</b> <b>22 (49%)**</b>	
	FY2014	47 (11%)	16 (34%)	10 (21%)		21 (44%)	
	FY2013	55 (12%)	11 (20%)	29 (53%)		15 (27%)	
	FY2012	55 (11%)	18 (33%)	17 (31%)		20 (36%)	
<b>Race</b>	<b>FY 2015</b>	<b>33 (7%)*</b>	<b>Black</b> <b>15 (45%)**</b>	<b>Asian</b> <b>6 (18%)**</b>	<b>White</b> <b>6 (18%)**</b>	<b>American Indian</b> <b>6 (18%)**</b>	
	FY2014	22 (5%)	13 (59%)	2 (9%)	7 (32%)		
	FY2013	27 (6%)	13 (48%)	4 (15%)	10 (37%)		
	FY2012	34 (7%)	16 (47%)	7 (20%)	11 (32%)		
<b>Religion</b>	<b>FY 2015</b>	<b>17 (4%)*</b>					
	FY2014	19 (4%)					
	FY2013	22 (5%)					
	FY2012	28 (6%)					



# *Performance Highlights*

During FY2015, commission staff filled 17 requests for technical assistance presentations (addressing more than 1,100 individuals), primarily on the issues of harassment in the workplace, disability discrimination, fair housing, and creating and maintaining a respectful workplace. The commission continues to improve its website as a source of information to the public about discrimination law, as well as information about upcoming events related to human rights issues. The commission presented Idaho's official ceremony to celebrate Martin Luther King/Idaho Human Rights Day once again in the Statehouse rotunda with Lt. Governor Little delivering the proclamation; and it co-sponsored the celebration of the 25th Anniversary of the Americans with Disabilities Act. Governor Otter reappointed two commissioners.



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As a result of economic circumstances, the Legislature approved legislation that merged the commission with the Idaho Department of Labor, which took effect on July 1, 2010. In June 2010, the commission moved to the Department of Labor's Main Office at 317 W. Main Street, Boise, Idaho. The Department of Labor provides administrative and logistical support, while the commission retains independence over discrimination disputes as established when the agency was created 46 years ago.



## **Disability Discrimination in Places of Public Accommodation**

The Human Rights Act also prohibits discrimination against people with disabilities in places of public accommodation. Although federal law already required accessibility, the Legislature chose to establish a state law enforcement system that would be more effective than relying on the federal processes. In response, the commission has an informal resolution system designed to address accessibility issues quickly and easily whenever possible. Complainants are offered the alternative of filing an informal or formal complaint.



## **For More Information Contact**

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