

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

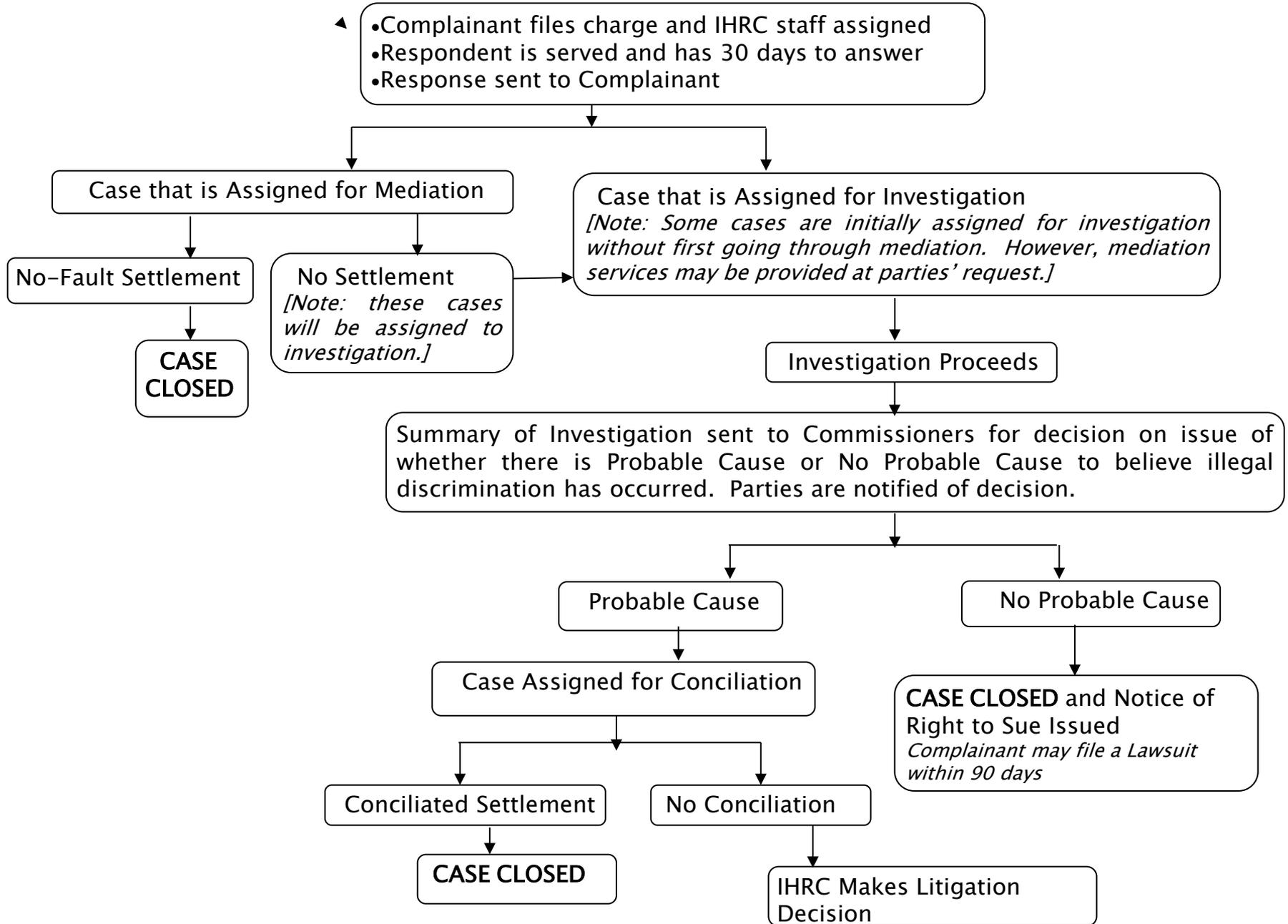


Investigation



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.

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.

Investigation

Components of an Investigation

- **Employer's Position Statement**
 - **Charging Party's Rebuttal Statement**
 - **Request for Information**
 - **Interviews**
 - **On-Site Visit**
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Investigation

Employer's Position Statement

- Information about the Employer
 - Type of Business
 - History and Ownership
 - Number of Employees
- Denial of Allegations
 - Alternative Explanation for the Employment Action
- Issues with the Charging Party
 - Performance Problems
 - Conduct Problems

Investigation

Request for Information

- Documents
 - Personnel Records of Charging Party and Others
 - Job Applications
 - Performance Evaluations
 - Disciplinary Records
 - Policies
 - Practical application

- Lists
 - Employees
 - Name, Position, Dates of Employment
 - Race, Sex, or other relevant category
 - Home Address and Home Telephone Number

Investigative Interviews

- **Managers and Supervisors**
 - Employer Representative Is Usually Present
 - Often Done After All Other Interviews
 - Could Include Affidavits

- **Employees**
 - Employer Representative Usually Not Present
 - May Provide Corroborating Documentation and/or Other Witnesses

Investigation On-Site Visit

- Tour of the Workplace
 - The Scene of the Alleged Events
- Interview Management and Supervisors
 - Get More Detail with On-Site Interviews
 - Can Review Documents with Witnesses
- Additional Requests for Information
 - Adapt to New Discoveries

Determination

- Standard: “Probable Cause”
 - “More Likely Than Not” that Discrimination Occurred

- No Probable Cause (Insufficient Evidence)
 - IHRC Takes No Further Action
 - Notice of Right to Sue Issued to Charging Party
 - Charging Party May Sue Privately

- Probable Cause (Violation)
 - Conciliation Efforts Made

Conciliation

Settlement After “Probable Cause” Determination

- IHRC No Longer Neutral
- IHRC and Charging Party Agree Not to Sue
- Terms of Conciliation Can Include
 - Hiring or Reinstatement
 - Training of Supervisors, Managers or Employees
 - Discipline of Discriminating Individual
 - Posting of a Notice
 - Policy Changes
 - Damages to the Charging Party
 - Lost Wages
 - Compensatory Damages
 - Punitive Damages
 - Non-economic Damages

Litigation

- Review by Staff and DAG
 - Decision to Litigate Made by Commissioners
 - Lawsuit May be Filed in State District Court
 - DAG Represents Both IHRC and Charging Party
 - Case No Longer Confidential
 - Pre-Trial Settlement
 - Trial
- 



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.

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



Profile of Cases Managed and/or Key Services Provided FY2016

Cases Managed and Key Issues Raised	FY 2013	FY2014	FY2015	FY2016
Total of administrative cases filed	463	435	443	403
Issues most frequently raised in administrative cases*				
Discharge (actual or constructive)	69%	64%	71%	70%
Sexual harassment	16%	15%	17%	13%
Harassment/Intimidation**	27%	31%	26%	29%
Failure to accommodate a disability	22%	17%	24%	18%
Terms & conditions of employment	19%	17%	13%	17%

*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 2016, the commission resolved 463 cases of discrimination (not informal including public accommodation cases), the vast majority of which will not go into either state or federal court.

Case Resolutions	FY2013	FY2014	FY2015	FY2016
Total of administrative cases resolved	468*	460*	494*	463*
No probable cause findings	67.5%	74.8%	72.3%	75.2%
Mediations, settlements, successful conciliations	19.4%	17%	15.2%	15.8%
Conciliation failures	1.6%	.4%	1.4%	2.1%
Non-jurisdictional; Notice of Right to Sue without findings; other**	11.5%	7.8%	11.1%	6.9%

*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 FY2016, including monetary, compensatory, and punitive damages totaled \$1,335,955.90. In FY2016, 91% of respondents who returned an opinion 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.

Intakes	FY2013	FY2014	FY2015	FY2016
Total number of calls to IHRC*	2121	2188	1,886	1,761
Average per month	176	182	157	147
Total number of charges drafted	450	471	397	383
Average per month charges drafted	37.5	39.2	33	32
Percentage of drafts per month	21.2%	21.5%	21%	21.7%

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



FY2016 Breakdown by Area and Basis

Basis State/ Federal	Fiscal Year	Total	Breakout	Breakout	Breakout	Breakout
			Employment	Public Accom.	Housing	Education
Total Claims Filed	FY 2016	403	376 (93.3%)**	19 (4.7%)**	6 (1.5%)**	2 (.5%)**
	FY2015	443	414 (93%)	14 (3%)	13 (3%)	2 (.5%)
	FY2014	435	407 (93.6%)	20 (4.5%)	7 (1.6%)	1 (.2%)
	FY2013	463				

Bases continued...

Age	FY2016	69 (17%)*					
	FY2015	74 (17%)					
	FY2014	78 (18%)					
	FY2013	103 (22%)					
National Origin	FY2016	38 (9%)*	Mexican 6 (16%)**	Hispanic 18 (49%)**	Middle Eastern 1 (2%)**	Other 13 (34%)**	
	FY2015	46 (10%)	9 (20%)	14 (30%)	1 (2%)	22 (49%)	
	FY2014	47 (11%)	16 (34%)	10 (21%)	1 (2%)	21 (44%)	
	FY2013	55 (12%)	11 (20%)	29 (53%)		15 (27%)	
Race	FY 2016	24 (6%)*	Black 15 (63%)**	Asian 2 (8%)**	White 4 (17%)**	American Indian 3 (13%)**	
	FY2015	33 (7%)	15 (45%)	6 (18%)	6 (18%)	6 (18%)	
	FY2014	22 (5%)	13 (59%)	2 (9%)	7 (32%)	6 (18%)	
	FY2013	27 (6%)	13 (48%)	4 (15%)	10 (37%)		
Religion	FY 2016	25 (6%)*					
	FY2015	17 (4%)					
	FY2014	19 (4%)					
	FY2013	22 (5%)					



FY16 Performance Highlights

- Filled 20 requests for technical assistance presentations (addressing more than 2,700 individuals), on the issues of harassment, disability discrimination, fair housing, and creating and maintaining a respectful workplace
- Improved 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
- Launched an online intake questionnaire form in both English and Spanish
- Presented Idaho's official ceremony to celebrate Martin Luther King/Idaho Human Rights Day
- Reduced the average case processing time to 10 months

For More Information Contact

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