

IDAHO HUMAN RIGHTS COMMISSION -- 2016

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 also 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.

Revenue	FY2013	FY2014	FY2015	FY2016	FY2017
	1,021,800	1,035,700	1,052,400	1,019,900	1,193,300

IDAHO HUMAN RIGHTS COMMISSION
Profile of Cases Managed and/or Key Services Provided FY2015

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 including informal 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.

IDAHO HUMAN RIGHTS COMMISSION: FY2016 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						
Total Claims Filed	FY 2016	403	Employment	Public Accom.	Housing	Education	
	FY2016	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 (4.6%)	7 (1.6%)	1 (.2%)	
	FY2013	463					
Disability	FY2016	171 (42%)*	Harassment	Failure to Hire	Discharge	Accommodation	
	FY2016	171 (42%)*	41 (24%)**	11 (6%)**	135 (79%)**	73 (43%)**	
	FY2015	187 (42%)		6 (3%)	161 (86%)	96 (51%)	
	FY2014	185 (42%)			130 (70%)	73 (39%)	
	FY2013	204 (44%)			136 (66%)	101 (49%)	
Sex	FY2016	139 (35%)*	Female	Pregnancy	Male	Sexual Orientation	Gender Identity
	FY2016	139 (35%)*	96 (69%)**	15 (11%)**	23 (17%)**	2 (1%)**	3 (2%)**
	FY2015	146 (33%)	90 (62%)	26 (18%)	24 (16%)	4 (2%)	2 (1%)
	FY2014	156 (35%)	100 (64%)	14 (9%)	35 (22%)	5 (3%)	2 (1%)
	FY2013	168 (36%)	104 (62%)	24 (14%)	40 (24%)		
Retaliation (all bases)	FY2016	107 (27%)*					
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	FY2015	135 (30%)					
	FY2014	126 (29%)					
	FY2013	131 (28%)					
Age (40+)	FY2016	69 (17%)*					
	FY2016	69 (17%)*					
	FY2015	74 (17%)					
	FY2014	78 (18%)					
	FY2013	103 (22%)					
National Origin	FY2016	38 (9%)*	Mexican	Hispanic	Middle Eastern	Other	
	FY2016	38 (9%)*	6 (16%)**	18 (49%)**	1 (2%)**	13 (34%)**	
	FY2015	46 (10%)	9 (20%)	14 (30%)	1 (2%)	22 (49%)	
	FY2014	47 (11%)	16 (34%)	10 (21%)		21 (44%)	
	FY2013	55 (12%)	11 (20%)	29 (53%)		15 (27%)	
Race	FY 2016	24 (6%)*	Black	Asian	White	American Indian	
	FY2016	24 (6%)*	15 (63%)**	2 (8%)**	4 (17%)**	3 (13%)**	
	FY2015	33 (7%)	15 (45%)	6 (18%)	6 (18%)	6 (18%)	
	FY2014	22 (5%)	13 (59%)	2 (9%)	7 (32%)		
	FY2013	27 (6%)	13 (48%)	4 (15%)	10 (37%)		
Religion	FY 2016	25 (6%)*					
	FY2016	25 (6%)*					
	FY2015	17 (4%)					
	FY2014	19 (4%)					
	FY2013	22 (5%)					

*percentage of all claims filed

** breakout: percentage of claims filed under individual bases

Performance Highlights

In FY 2016, 463 cases of discrimination were resolved, the vast majority of which will not go into either state or federal court.

During FY 2015, commission staff filled 20 requests for technical assistance presentations (addressing more than 2,700 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. In addition, the commission launched an online intake questionnaire form in both English and Spanish that is available through the website. 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. Governor Otter reappointed one sitting commissioner and appointed one new commissioner.

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 47 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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