

# IDAHO HUMAN RIGHTS COMMISSION - 2021

## 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. 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	FY2017	FY2018	FY2019	FY2020	FY2021
	1,171,600	1,092,951	1,210,201	1,311,800	1,017,235

**IDAHO HUMAN RIGHTS COMMISSION**  
**Profile of Cases Managed and Key Services Provided FY2020**

<b>Cases Managed and Key Issues Raised</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
Total cases filed with the IHRC	502	398	309	238
Issues most frequently raised in administrative cases*				
Discharge (actual or constructive)	71%	69%	70%	66%
Sexual harassment	14%	11%	18%	13%
Harassment/Intimidation**	33%	32%	24%	27%
Failure to accommodate a disability	29%	22%	15%	20%
Terms & conditions of employment	23%	26%	18%	19%

\*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 FY2021, the Commission resolved 309 cases of discrimination (not including many informal public accommodation cases), the vast majority of which will not go into either state or federal court.

<b>Case Resolutions</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
Total of administrative cases resolved	392*	489*	358*	309*
No probable cause findings	74.5%	77.1%	84.9%	72.2%
Mediations, settlements, successful conciliations	17.4%	12.3%	9.8%	7.8%***
Conciliation failures	1.0%	2.3%	4.5%	4.5%
Non-jurisdictional; Notice of Right to Sue without findings; other**	6.9%	8.4%	8.4%	15.5%

\*Informal processing of public accommodation cases not included.

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

\*\*\*In FY21, the Commission found "probable cause" in **10%** of administrative cases resolved, compared with 6.7% in FY20.



Individual benefits to complainants in FY2021, including monetary and compensatory damages totaled \$186,710. The Commission realizes incalculable savings to the parties, the State of Idaho, and the state and federal judicial system 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>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
Total number of contacts	1,588	1,156	2,080	2,621
Average per month	132	96	173	218
Total number of charges drafted	468	301	313	360
Average per month charges drafted	39	28	26	30
Percentage of drafts per month	29.5%	29.2%	15%	13.8%

## IDAHO HUMAN RIGHTS COMMISSION: FY2021 Breakdown by Basis (State & Federal)

(Many charges allege more than one basis, so percentages may total more than 100%)

Basis	Fiscal Year	Total	Breakout	Breakout	Breakout	Breakout	
<b>Total Claims Filed</b>	<b>FY2021</b>	<b>238</b>	<b>Employment</b>	<b>Public Accom.</b>	<b>Housing</b>	<b>Education</b>	
	FY2021	238	231 (97%)	5 (2.1%)	2 (0.8%)	0 (0%)	
	FY2020	309	295 (96%)	6 (1.9%)	7 (2.3%)	1 (.3%)	
	FY2019	398	377 (95%)	12 (3.0%)	6 (1.5%)	3 (.8%)	
	FY2018	502	478 (95%)	12 (2.4%)	8 (1.6%)	4 (.8%)	
<b>Disability</b>	<b>FY2021</b>	<b>88 (37%)</b>	<b>Harassment</b>	<b>Failure to Hire</b>	<b>Discharge</b>	<b>Accommodation</b>	
	FY2021	88 (37%)	26 (30%)	4 (5%)	63 (72%)	46 (52%)	
	FY2020	112 (36%)	24 (21%)	1 (1%)	74 (66%)	44 (39%)	
	FY2019	165 (42%)	45 (27%)	3 (2%)	122 (74%)	87 (53%)	
	FY2018	252 (50%)	29 (12%)	8 (3%)	192 (76%)	133 (53%)	
<b>Sex</b>	<b>FY2021</b>	<b>86 (36%)</b>	<b>Female</b>	<b>Pregnancy</b>	<b>Male</b>	<b>Sexual Orientation</b>	<b>Gender Identity</b>
	FY2021	86 (36%)	54 (63%)	16 (19%)	10 (12%)	5 (6%)	1 (1%)
	FY2020	107 (35%)	77 (72%)	8 (7%)	16 (15%)	4 (4%)	2 (2%)
	FY2019	156 (40%)	89 (57%)	18 (12%)	65 (42%)	2 (1%)	0 (0%)
	FY2018	165 (33%)	104 (63%)	19 (12%)	33 (20%)	6 (4%)	3 (2%)
<b>Retaliation (all bases)</b>	<b>FY2021</b>	<b>65 (27%)</b>					
	FY2020	88 (28%)					
	FY2019	100 (25%)					
	FY2018	180 (36%)					
<b>Age (40+)</b>	<b>FY2021</b>	<b>41 (17%)</b>					
	FY2020	33 (11%)					
	FY2019	52 (13%)					
	FY2018	71 (14%)					
<b>National Origin</b>	<b>FY2021</b>	<b>26 (11%)</b>	<b>Mexican</b>	<b>Hispanic</b>	<b>Middle Eastern</b>	<b>Other</b>	
	FY2021	26 (11%)	7 (27%)	12 (46%)	2 (8%)	5 (19%)	
	FY2020	30 (10%)	7 (23%)	9 (30%)	3 (10%)	11 (37%)	
	FY2019	41 (10%)	6 (15%)	24 (59%)	4 (10%)	7 (17%)	
	FY2018	36 (7%)	9 (25%)	10 (28%)	4 (11%)	13 (36%)	
<b>Race</b>	<b>FY2021</b>	<b>18 (8%)</b>	<b>Black</b>	<b>American Indian</b>	<b>White</b>	<b>Other</b>	
	FY2021	18 (8%)	9 (50%)	3 (17%)	4 (22%)	2 (11%)	
	FY2020	14 (5%)	10 (71%)	0 (0%)	1 (7%)	3 (21%)	
	FY2019	32 (8%)	22 (69%)	4 (12.5%)	4 (12.5%)	2 (6%)	
	FY2018	34 (7%)	22 (65%)	0 (0%)	6 (18%)	6 (18%)	
<b>Religion</b>	<b>FY2021</b>	<b>10 (4%)</b>	<b>Other</b>	<b>Muslim</b>	<b>Jewish</b>	<b>Protestant</b>	
	FY2021	10 (4%)	6 (60%)	1 (10%)	0 (0%)	3 (30%)	
	FY2020	11 (4%)	8 (73%)	2 (18%)	0 (0%)	1 (9%)	
	FY2019	22 (6%)	19 (86%)	1 (5%)	1 (5%)	1 (5%)	
	FY2018	21 (4%)	19 (91%)	1 (5%)	0 (0%)	1 (5%)	

## ***Performance Highlights***

In FY 2021, 309 cases of discrimination were resolved, the vast majority of which will not go into either state or federal court.

During FY 2021, Commission staff filled 14 requests for technical assistance presentations (addressing more than 500 individuals), primarily on the issues of harassment in the workplace, disability discrimination, fair housing, and creating and maintaining a respectful workplace. The Commission recently completed a strategic planning process with staff and Commissioners that included refining processes and procedures in light of the Commission's Mission and Vision. As a result of this process, Commission staff have eliminated the previous backlog of investigative cases and reduced the average duration of an investigation. Governor Little also reappointed three sitting Commissioners.

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 Idaho Human Rights Commission retains independence in its operations, including the processing of discrimination cases, as established when the Idaho Legislature created the agency 50 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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