

## Part 1 – Agency Profile

### Agency Overview

The Idaho Human Rights Commission (IHRC) was created by the Idaho Legislature in 1969. The act has been amended several times over the years, but the general 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 IHRC 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 11 FTEs.

### Core Functions/Idaho Code

#### Administrative case processing. Idaho Code 67-5901, 67-5906, 67-5907, and 67-5908

The primary work of the IHRC 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 IHRC's issuance of administrative closure. The IHRC contracts with the EEOC to handle federal discrimination claims within the state of Idaho. The IHRC also has authority to file claims in court on behalf of victims of discrimination.

#### Information and referral. Idaho Code 67-5906 (9)

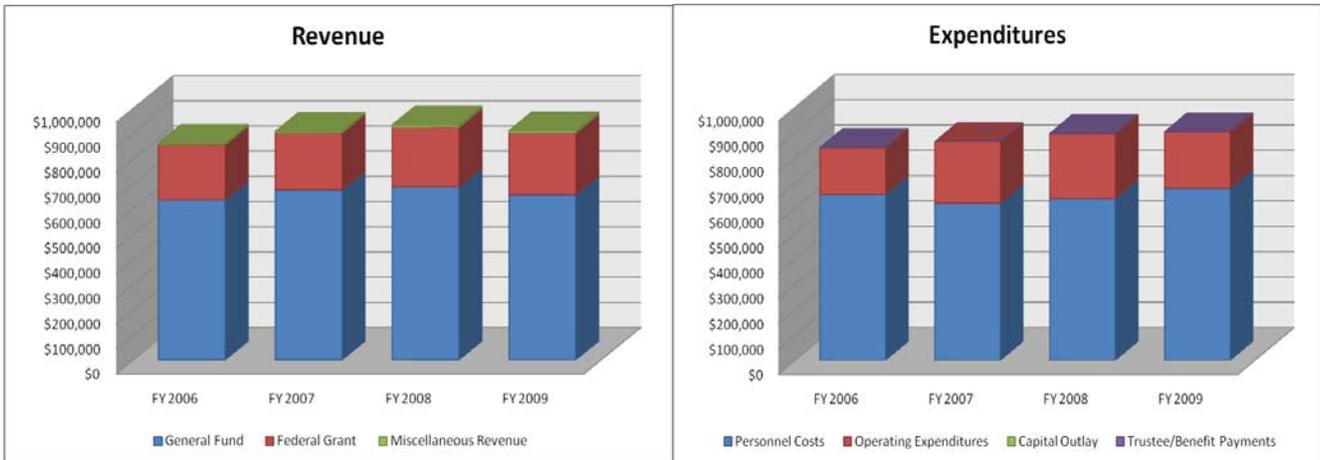
The commission frequently is contacted by people in difficult situations that fall outside the scope of the commission's statutory authority. In each case, the intake officer attempts to direct the person to a resource that will be able to provide more direct assistance. The commission intake staff also receive many contacts from people who could file a formal administrative complaint with the IHRC, 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 IHRC 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 IHRC has taken public stands on issues before the Legislature and other bodies that would impact human rights within the state.

### Revenue and Expenditures:

Revenue	FY 2006	FY 2007	FY 2008	FY 2009
General Fund	\$636,190	\$675,600	\$688,200	\$656,200
Federal Grant	\$218,500	\$225,600	\$235,600	\$245,100
Miscellaneous Revenue	\$6,700	\$6,800	\$9800	\$9,800
<b>Total</b>	<b>\$861,390</b>	<b>\$908,000</b>	<b>\$933,800</b>	<b>\$911,100</b>
Expenditure	FY 2006	FY 2007	FY 2008	FY 2009
Personnel Costs	\$655,700	\$620,292	\$638,763	\$679,349
Operating Expenditures	\$184,100	\$243,442	\$256,781	\$222,922
Capital Outlay	\$0	\$0	\$0	\$0
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$839,800</b>	<b>\$863,734</b>	<b>\$895,544</b>	<b>\$902,271</b>



**Profile of Cases Managed and/or Key Services Provided**

Cases Managed and/or Key Services Provided	FY 2006	FY 2007	FY 2008	FY 2009
Total of administrative cases filed	517	474	497	512
Issues most frequently raised in administrative cases*				
Discharge (actual or constructive)	68%	66%	71%	71%
Sexual harassment	21%	24%	25%	24%
Harassment/Intimidation**	28%	34%	27%	26%
Failure to accommodate (disability)	15%	18%	13%	14%
Terms & conditions of employment***		25%	16%	19%

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

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

\*\*\* This category was added for 2007 because of the substantial percentage of claims that were filed raising the issue.

**Performance Highlights**

The commission resolved 472 cases of discrimination, the vast majority of which will not go into either state or federal court. The commission surveys all parties, who may answer anonymously, at the close of every case about their experience in working with the commission. We are pleased to report that in FY 2009, 100% of the Respondents (business owners) and Complainants who returned the survey expressed satisfaction with the commission's work.

During FY 2009, commission staff filled 25 requests for technical assistance presentations, primarily on the issues of harassment in the workplace, disability discrimination, and creating and maintaining a respectful workplace. We joined with the EEOC and the ADA Task Force to present a conference that addressed updates on the ADA Amendments that went into effect on January 1, 2009. We also partnered with the City of Boise and private human rights organizations to present the Martin Luther King/Idaho Human Rights Day celebration at Boise City Hall. The IHRC 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 also celebrated its 40<sup>th</sup> anniversary at the Idaho Black History Museum by bringing together past governors; present and past commissioners, directors, and employees; and many representatives of private human rights organizations. This year, long-time Director Leslie Goddard retired; and Governor Otter reappointed three commissioners and appointed five new commissioners.

**Disability Discrimination in Places of Public Accommodation.** Effective July 1, 2005, the Human Rights Act was amended to prohibit discrimination against people with disabilities in places of public accommodation. Although federal law already required accessibility, the Legislature chose to establish a state law and enforcement system that would be more effective than relying on federal processes. In response, the commission

designed 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. Our experience with this jurisdiction and resolution system is summarized as follows:

	FY 2006	FY 2007	FY2008	FY2009
Informal Complaints received:	27	23	13	17
Informal Resolutions:	18	20	10	8
Formal complaints filed:	1	6	4	4
Formal complaints closed:			9	6

## Part II – Performance Measures

Performance Measure	2006	2007	2008	2009	Benchmark
1. Case inventory, July 1	9 mo.	9 mo.	8.1 mo.	10	7.5 mo.
2. Cases closed based on mediation or conciliation agreements	25%	21%	23%	26%	27%*
3. Respondents reporting satisfaction with commission's case handling	89%	100%	100%	100%	85%
4. Public presentations on human rights issues	33	31	35	25	24
5. Average closure rates (Sr. Invs.) <i>This is a new measure for FY 2007</i>		8.6	9.6	7.8	8 cases per month or more
6. Age of case load (Sr. Investigators) <i>This is a new measure to FY 2007</i>		114 days	119 days	111 days	93 days or less
7. Average closure rates (Investigators) Average closure rates (newly hired investigators) <i>This is a new measure to FY 2007</i>		4.0 1.8	3.7 3.1	3.7 2.6	5 cases per month 3 cases per month
8. Age of case load (Investigators) <i>This is a new measure for FY 2007</i>		136 days	126 days	130 days	155 days or less

**Performance Measure Explanatory Note:** Case inventory is calculated on July 1 of each year. It is a measure of how long it would take to close the entire case load, based on the previous year's rate of closure.

\*This benchmark was adjusted downward in FY2008 based on the very high percentage of claims filed that involve a discharge issue. We believe that when parties have an ongoing relationship, mediation is a more inviting resolution tool.

### For More Information Contact

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