

## Part I – Agency Profile

### Agency Overview

The primary responsibility of the Idaho Industrial Commission is to administer the Idaho Workers' Compensation Law (Title 72, Idaho Code). In this role, the Commission ensures employer compliance with the obligation to obtain coverage and pay benefits owed to injured workers, provides rehabilitation services to those workers who have suffered permanent injuries and adjudicates contested workers' compensation claims. The Industrial Commission is also responsible for administering the Crime Victims Compensation Program and the Peace Officer and Detention Officer Disability Fund. Finally, the Commission serves as the higher authority appellate body for Idaho Department of Labor unemployment claims.

The Industrial Commission consists of three Commissioners appointed by the Governor. One Commissioner must be an Idaho licensed attorney, one represents the interests of workmen, and one represents the interests of employers. No more than two Commissioners can belong to the same political party. The Commissioners are assisted in administering day-to-day activities by a director who serves at a level between the Commissioners and staff to coordinate the activities of the four functional divisions of the agency.

The Industrial Commission employs approximately 133 employees statewide. The main office is in Boise, with ten additional field offices throughout the state. The field offices are comprised of Rehabilitation Division and Employer Compliance staff. Administrative hearings and mediations are also held in these offices.

### Core Functions/Idaho Code

**Adjudication Division** – promotes the timely processing and resolution of disputed workers' compensation claims and medical fee disputes; provides an alternative method of resolving disputes through mediation; provides judicial review of unemployment insurance appeals from the Idaho Department of Labor, and hears appeals from determinations made by the Crime Victims Compensation Program. (Title 72, Chapters 1-13, Idaho Code)

**Compensation Division** – evaluates insurance carriers requesting to write workers' compensation insurance and employers requesting to become self-insured; ensures that adequate securities are on deposit with the State Treasurer's Office to cover outstanding awards; enforces the insurance requirements of the Idaho Workers' Compensation Law; ensures that workers' compensation benefits are paid properly and timely; and resolves emergent issues between claimants, employers, and insurers on non-litigated claims. (Title 72, Chapters 1-8, Idaho Code)

**Rehabilitation Division** – assists injured workers by facilitating an early return to employment, which is as close to the workers' pre-injury wage and status that can be obtained. (Title 72, Chapter 5, Idaho Code)

**Crime Victims Compensation Program** – provides financial assistance to victims of crime for medical and mental health expenses, funeral costs, and lost wages that are incurred as a result of criminally injurious conduct. The program also pays for adult sexual assault forensic examinations. (Title 72, Chapter 10, Idaho Code)

### Revenue and Expenditures

Revenue	FY 2019	FY 2020	FY 2021	FY 2022
Industrial Administration	\$13,176,810	\$12,837,092	\$12,681,868	\$13,998,645
Peace and Detention Officer Disability Fund	\$167,816	\$148,591	\$140,532	\$142,115
Crime Victims Compensation	\$2,660,163	\$2,605,400	\$2,478,694	\$3,048,303
Federal Grant	\$1,200,000	\$1,200,000	\$1,200,000	\$984,000
Miscellaneous Revenue	\$52,827	\$40,742	\$10,263	\$44,076
<b>Total</b>	<b>\$17,257,616</b>	<b>\$16,831,825</b>	<b>\$16,511,357</b>	<b>\$18,217,139</b>

Expenditures	FY 2019	FY 2020	FY 2021	FY 2022
Personnel Costs	\$9,431,419	\$9,075,321	\$9,016,156	\$9,200,578
Operating Expenditures	\$2,365,640	\$2,654,960	\$2,904,162	\$5,387,197.21
Capital Outlay	\$560,036	\$68,862	\$127,714	\$6,754
Trustee/Benefit Payments	\$3,664,794	\$4,140,817	\$3,379,836	\$3,243,460.89
<b>Total</b>	<b>\$16,021,889</b>	<b>\$15,939,960</b>	<b>\$15,427,868</b>	<b>\$17,837,991</b>

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

Cases Managed and/or Key Services Provided	FY 2019	FY 2020	FY 2021	FY 2022
<b>ADJUDICATION</b>				
• Workers' Compensation Complaints Filed	756	754	691	714
• Workers' Compensation Hearings Held	49	25	39	30
• Mediations Held	468	471	429	236
• Unemployment Decisions Issued (Includes Reconsiderations)	287	231	477	560
• Lump Sum Settlements	871	967	949	874
<b>COMPENSATION</b>				
• Workers' Compensation Claims Filed	36,978	33,725	33,718	34,993
o Medical Only	33,203	31,018	29,284	28,613
o Time-Loss	3,735	3,677	4,399	6,322
o Fatalities	40	30	35	44
• Employer Compliance Cases Referred to Investigator	8,698	8,106	8,416	5,486
• Employer Compliance Cases Brought Into Compliance	2,142	1,789	1,353	1,340
<b>REHABILITATION</b>				
• Injured Workers referred for Rehabilitation Services	2,060	1,942	1,866	1,929
• Workers Rehabilitated, Returned to Work as a result of Division Services	1,388	1,295	1,265	1,440
<b>CRIME VICTIMS COMPENSATION</b>				
• Crime Victims Claims Filed	2514	2640	3209*	2667
• Total Sexual Assault Examination Payments	\$454,962	\$509,857	\$622,844	\$535,823
• Sexual Assault Exam Payments for Adults	\$163,583	\$209,536	\$235,196	\$151,305
• Sexual Assault Exam Payments for Children	\$291,379	\$300,321	\$387,648	\$384,518
• Crime Victims Compensation Paid	\$2,538,067	\$2,843,902	\$2,115,793	\$1,983,023

\*Includes 465 applications from the 2021 Rigby Middle School incident

### FY 2022 Performance Highlights

#### Adjudication

1. Turnover in the Commission's mediation position stalled mediations until this position could be filled. Despite the transition to a new mediator and new mediation processes, the success rate of mediations during FY 2022 remained at 95%.
2. In response to the ongoing COVID-19 pandemic, the Commission changed its procedural rules related to hearings before the Commission, and for the submission of court documentation and lump sum settlement agreements. To comply with restrictions put in place to minimize COVID-19 community spread, the Commission shifted from requiring in-person hearings and paper filings, to allowing virtual hearings and

electronic court filings. As COVID restrictions were lifted, the Commission implemented a hybrid approach allowing for both virtual and in-person hearings and continued to accept electronic court filings. These procedural changes allowed for more efficient submissions of court documents and lump sum settlement agreements and provided constituents with preferences and flexibility on how they conducted their business with the Commission.

#### **Compensation – Benefits Administration**

1. The Benefits Department conducted three Advanced CIWCS courses; 30 new certifications and 7 recertifications were issued. One virtual Foundation CIWCS course was conducted.
2. The Commission dedicated hundreds of hours towards redesigning data elements to ensure compliance with state regulations and EDI Claims 3.1 for Idaho workers' compensation claims. In addition, the Commission developed and posted a training webinar on the Commission's website to assist trading partners with the transition to EDI Claims 3.1.

#### **Compensation – Employer Compliance**

1. The Commission signed a new extraterritorial coverage reciprocal agreement with Montana in October of 2021. The Commission will utilize this agreement as a model for updating its reciprocity agreements with several other surrounding states, including Washington, Oregon, Nevada, Utah, Wyoming, and North Dakota.
2. The Commission examined 133,227 wage data records for Idaho employers to determine compliance with workers' compensation regulations in FY2022. As a result 98,351 employers were confirmed to have proper workers' compensation coverage, and 34,878 employers were found to meet one of the exemptions listed in Idaho's Workers' Compensation law.
3. The Employer Compliance Department investigated 5,486 employers to ensure proper coverage under the workers' compensation law. Investigators worked with 1,340 employers to bring them into compliance with the law, resulting in coverage for 12,077 Idaho workers. The remaining employers were found to have met one of the exemptions provided under the law, and were confirmed compliant.

#### **Rehabilitation**

1. In FY 2022, the Rehabilitation Division had 1,929 cases referred for services. 93% of referrals (1,799) were determined to be eligible for Rehab services. Of the 1,799 cases worked, 97.8% (1,759) received significant services, consisting of client interviews, medical monitoring, Job Site Evaluations by the Rehabilitation Consultants.
2. Approximately 75% of the eligible injured workers who participated in rehabilitation services were successfully returned to work.
3. Since 2016, the Rehabilitation Division has successfully reduced the timeframe from referral to eligibility determination from 5 business days to 3 business days, demonstrating the department's ability to quickly contact parties to the claim and determine the level of Rehab services needed.

#### **Crime Victims Compensation Program**

1. The Crime Victim Compensation Crisis Response Team responded to a second mass casualty event in FY22 at the Boise Towne Square Mall. The team received 44 applications from this incident. The team provided onsite services to victims, parents, mall personnel, and community leaders to assist individuals in accessing benefits and support services. Program staff continues to assist eligible victims from both mass casualty incidents on an ongoing basis.

**Part II – Performance Measures**

Performance Measure		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
<b>Adjudication Division Goal</b>						
<i>Promote the timely processing and resolution of disputed workers' compensation claims and medical fee disputes, and provide judicial review of unemployment insurance appeals from the Idaho Department of Labor</i>						
1. Issue workers' compensation decisions in a timely manner.	actual	89	98	101	96	
	target	< 90-day average	< 90-day average	< 90-day average	< 90-day average	< 90-day average
2. Average age of pending unemployment appeals at less than 40 days.	actual	20	19	16	34	
	target	< 40-day average	< 40-day average	< 40-day average	< 40-day average	<40-day average
<b>Benefits Administration Department Goal</b>						
<i>Ensure workers' compensation benefits are paid accurately and timely; resolve emergent issues between claimants and sureties on non-litigated claims; and maintain statutory claim records</i>						
3. Issue Lump Sum Settlement Decisions timely.	actual	5.03	7.21	5.89	6.44	
	target	7	7	7	7	7
<b>Employer Compliance Department Goal</b>						
<i>Enforce the insurance requirements of the Idaho Workers' Compensation Law</i>						
4. Percentage of employers who obtained insurance as a result of an Employer Compliance investigation.	actual	97.3%	97.1%	97%	97%	
	target	95%	95%	95%	95%	95%
<b>Rehabilitation Division Goal</b>						
<i>Assist injured workers by facilitating an early return to employment that is as close to the workers' pre-injury wage and status as can be obtained</i>						
5. Eligible injured workers who returned to work as a result of services provided.	actual	70.75%	72.74%	71.9%	81.90%	-----
	target	60%	65%	65%	65%	65%
6. Percentage of pre-injury wages restored for injured workers who returned to work.	actual	92.51%	94.83%	94.87%	96.13%	-----
	target	90%	90%	90%	90%	90%
<b>Crime Victims Compensation Program Goal</b>						
<i>Provide financial assistance to victims of crime for medical expenses, mental health expenses, funeral costs, lost wages, and sexual assault exams that are incurred as a result of criminally injurious conduct</i>						
7. Determine eligibility of crime victims' applications within 30 days of receipt of required documentation.	actual	27	33	32	44	-----
	target	< 30 days	< 30 days	< 30 days	<30 days	<30 days
8. Pay eligible victims' claims within 120 days of the date the application was received.	actual	137	159	140	140	-----
	target	< 120 days	< 120 days	< 120 days	<120 days	<120 days
9. Pay sexual assault forensic examination claims within 45 days from the date of receipt of application.	actual	48	50	51	41	-----
	target	< 45 days	< 45 days	< 45 days	< 45 days	< 45 days

**Performance Measure Explanatory Notes**

1. The Industrial Commission strives to administer the workers' compensation and crime victims compensation cases promptly, professionally, and fairly. Turnover in 40 critical positions (30% turnover rate) and difficulties filling positions, due to a limited job seeker pool and record low state unemployment rates, have impacted the Commission's ability to quickly fill vacant positions and to consistently meet performance goals for FY 2022.

**For More Information Contact**

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