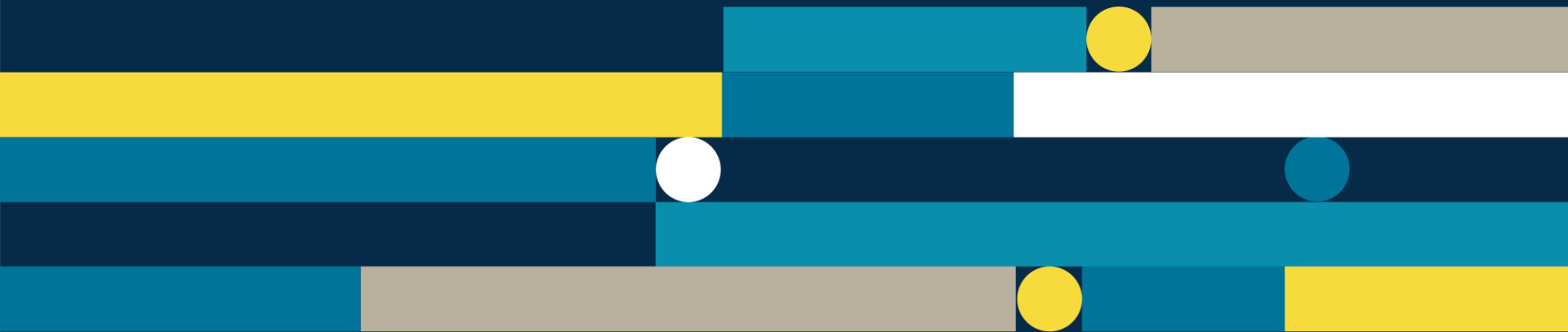


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Leading Through Change – IHRC Updates & Key Trends

	FY 2014	FY2015	FY2016	FY2017
Total Administrative Cases Filed	435	443	403	485
Issues most frequently raised				
Discharge (actual or constructive)	64%	71%	70%	73%
Sexual harassment	15%	17%	13%	12%
Harassment/Intimidation	31%	26%	29%	38%
Failure to accommodate a disability	17%	24%	18%	23%
Terms & conditions of employment	17%	13%	17%	26%



Leading Through Change – IHRC Updates & Key Trends

Intakes	FY2014	FY2015	FY2016	FY2017
Total number of IHRC contacts	2,188	1,886	1,761	2,031
Average per month	182	157	147	169
Total number of charges drafted	471	397	383	599
Average per month charges drafted	39.2	33	32	50
Percentage of drafts per month	21.5%	21%	21.7%	29.4%



Case Resolutions	FY2014	FY2015	FY2016	FY2017
Total Administrative Cases Resolved	460	494	463	418
No probable cause findings	74.8%	72.3%	75.2%	71.3%
Mediations, settlements, successful conciliations	17%	15.2%	15.8%	22%
Conciliation failures	.4%	1.4%	2.1%	1.4%
Non-jurisdictional; Notice of Right to Sue without findings; other	7.8%	11.1%	6.9%	5.3%



Leading Through Change – IHRC Updates & Key Trends

Total Claims Filed	FY 2017	485	<u>Employment</u>	<u>Public Accom.</u>	<u>Housing</u>	<u>Education</u>
			FY2016	403	465 (96%)	8 (1.6%)
FY2015	443	414 (93%)	19 (4.7%)	6 (1.5%)	2 (.5%)	
FY2014	435	407 (93.6%)	14 (3%)	13 (3%)	2 (.5%)	
			20 (4.6%)	7 (1.6%)	1 (.2%)	



Leading Through Change – IHRC Updates & Key Trends

Disability	FY2017	241 (50%)	Harassment 62 (26%)	Failure to Hire 20 (8%)	Discharge 158 (66%)	Accommodation 111 (46%)	
	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%)	
Sex	FY2017	171 (36%)	Female 107 (63%)	Pregnancy 21 (12%)	Male 35 (20%)	Sexual Orientation 6 (4%)	Gender Identity 2 (1%)
	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%)
Retaliation (all bases)	FY2017	166 (34%)					
	FY2016	107 (27%)					
	FY2015	135 (30%)					
	FY2014	126 (29%)					



Age (40+)	FY2017	102 (21%)
	FY2016	69 (17%)
	FY2015	74 (17%)
	FY2014	78 (18%)
National Origin	FY2017	50 (10%)
	FY2016	38 (9%)
	FY2015	46 (10%)
	FY2014	47 (11%)
Race	FY 2017	43 (9%)
	FY2016	24 (6%)
	FY2015	33 (7%)
	FY2014	22 (5%)
Religion	FY 2017	32 (7%)
	FY2016	25 (6%)
	FY2015	17 (4%)
	FY2014	19 (4%)

Leading Through Change – Legal Updates & Trends: Sex & Sexual Harassment

Hussain v. Federal Express Corp., 657 F. App'x 591 (7th Cir. 2016)

- Plaintiff not selected for senior management position
- Criticized as “overly aggressive,” too emotional, using inappropriate facial expressions
- Unfounded criticism; reluctance of company to promote women
- Given reason was pretextual

Leading Through Change – Legal Updates & Trends: Sex & Sexual Harassment

Quigg v. Thomas Cty. Sch. Dist., 814 F.3d 1227 (11th Cir. 2016)

- Plaintiff, a superintendent, alleged gender-based discrimination and retaliation by refusal to renew contract
- Court ruled that gender was a “motivating factor,” citing statements by school board, including:
 - “it is time to put a man in there”
 - Recommendation to hire a “tough hatchet man”
 - Suggestion that the plaintiff hire a male assistant sup. to ensure gender balance in school admin. positions

Leading Through Change – Legal Updates & Trends: Sex & Sexual Harassment

Kincaid v. Anderson, No. 1:14CV00027, 2016 WL 1122095 (W.D. Va. Mar. 22, 2016)

- Plaintiff did not establish a prima facie case of gender discrimination, despite several isolated incidents of gender-based statements:
 - Supervisor said he would turn her into a “good southern woman”
 - He said she had worked in a “cat house” and asked how she could walk while wearing “hooker heels.”
- Court reflected on these “crass and misogynistic” comments, but noted the comments were unrelated to demotion and performance

Leading Through Change – Legal Updates & Trends: Sex & Sexual Harassment

Fabian v. Hospital of Cent. Conn., 172 F. Supp. 3d 509 (D. Conn. Mar. 18, 2016)

From the EEOC Office of Legal Counsel:

“The plaintiff, an orthopedic surgeon, brought a Title VII sex discrimination claim alleging she was not hired because she disclosed her identity as a transgender woman who would begin work after transitioning to presenting as female. Analyzing Title VII’s legislative history and case law in extensive detail, the court held that Price Waterhouse abrogates the narrow view of Title VII’s plain language that had previously excluded sex discrimination claims by transgender individuals, citing supportive rulings by the Sixth, Ninth, and Eleventh Circuits, as well as the EEOC’s decision in Macy.”



Leading Through Change – Legal Updates & Trends: Disability

Williams v. AT&T Mobility Servs. L.L.C., 847 F.3d 384 (6th Cir. 2017)

- Employer's failure to engage in interactive process is only actionable if employee can demonstrate qualification with a reasonable accom.
- Williams had extensive absences related to depression and anxiety attacks and could not demonstrate that any reasonable accom. would have made her qualified to perform her job as a customer service agent.



Leading Through Change – Legal Updates & Trends: Disability

Searls v. Johns Hopkins Hosp, 2016 WL 245229 (D. Md. Jan. 21, 2016)

- Employer required to provide a full-time ASL interpreter for a deaf nurse
- Considered reasonable, despite the hospital’s argument of undue hardship; total operations considered, not just the nursing department or unit
 - \$120,000 a year for interpreter; 0.007% of overall budget
 - Overall budget (\$1.7 billion), Dept. of Medicine (\$88 million), and unit budget (\$3.4 million) were relevant to determining hardship



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