

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 603

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO DEPARTMENT OF LABOR'S ADMINISTRATIVE SUPPORT FOR THE IDAHO COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO REVISE AUTHORITY OF THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5905, IDAHO CODE, TO PROVIDE DUTIES OF THE DEPARTMENT OF LABOR REGARDING THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5907, IDAHO CODE, TO PROVIDE DUTIES OF THE ADMINISTRATOR OF THE HUMAN RIGHTS COMMISSION; AND AMENDING SECTION 72-1333, IDAHO CODE, TO REVISE AUTHORITY AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS. The commission shall annually select a president and vice president. Members shall each be compensated as provided by section 59-509(h), Idaho Code. ~~The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.~~

SECTION 2. That Section 67-5905, Idaho Code, be, and the same is hereby amended to read as follows:

67-5905. ADMINISTRATIVE SUPPORT -- APPOINTMENT OF COMMISSION STAFF -- DUTIES OF STAFF DIRECTOR ADMINISTRATOR. The director of the department of labor shall provide administrative support to the commission. The director shall appoint an administrator to the commission to serve at the director's pleasure. Any decision by the director regarding the appointment and tenure of the administrator shall be made with the advice and consent of the commission. The ~~staff director~~ administrator shall attend all meetings of the commission, serve as its executive and administrative officer, have charge of its office and records, and, under the general supervision of the commission, be responsible for the administration of this act and the general policies and regulations adopted by the commission. Other subordinate staff necessary to accomplish the commission's mission shall be employees of the department of labor subject to the provisions of chapter 53, title 67, Idaho Code.

SECTION 3. That Section 67-5907, Idaho Code, be, and the same is hereby amended to read as follows:

67-5907. COMPLAINTS -- PROCEDURE ON COMPLAINT. (1) Any person who believes he or she has been subject to unlawful discrimination, or a member of the commission, may file a complaint under oath with the commission

1 stating the facts concerning the alleged discrimination within one (1) year
2 of the alleged unlawful discrimination.

3 (2) Upon receipt of such a complaint, the commission or its delegated
4 investigator shall endeavor to resolve the matter by informal means prior
5 to a determination of whether there are reasonable grounds to believe that
6 unlawful discrimination has occurred. The commission or its delegated
7 investigator shall conduct such investigation as may be necessary to resolve
8 the issues raised by the facts set forth in the complaint.

9 (3) If the commission does not find reasonable grounds to believe
10 that unlawful discrimination has occurred, it shall enter an order so
11 finding, and dismiss the proceeding, and shall notify the complainant and
12 the respondent of its action.

13 (4) If the commission finds reasonable grounds to believe that
14 unlawful discrimination has occurred, it shall endeavor to eliminate such
15 discrimination by informal means such as conference, conciliation and
16 persuasion. No offer or counter offer of conciliation nor the terms of any
17 conciliation agreement may be made public without the written consent of
18 all the parties to the proceeding, nor used as evidence in any subsequent
19 proceeding, civil or criminal. If the case is disposed of by such informal
20 means in a manner satisfactory to the commission, the commission shall
21 dismiss the proceeding, and shall notify the complainant and the respondent.

22 (5) If the commission finds reasonable grounds to believe that unlawful
23 discrimination has occurred, and further believes that irreparable injury
24 or great inconvenience will be caused the victim of such discrimination
25 if relief is not immediately granted, or if conciliation efforts under
26 subsection (4) have not succeeded, the commission may file a civil action
27 seeking appropriate legal and equitable relief.

28 (6) A complainant may request dismissal of an administrative complaint
29 at any time. Dismissals requested before three hundred sixty-five (365)
30 calendar days from the date of filing of the administrative complaint may
31 be granted at the discretion of the ~~staff director~~ administrator who will
32 attempt to contact all parties who have appeared in the proceeding and
33 consider their interests. After three hundred sixty-five (365) calendar
34 days, if the complaint has not been dismissed pursuant to subsection
35 (3) of this section or the parties have not entered into a settlement or
36 conciliation agreement pursuant to subsection (2) or (4) of this section or
37 other administrative dismissal has not occurred, the commission shall, upon
38 request of the complainant, dismiss the complaint and notify the parties.

39 SECTION 4. That Section 72-1333, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 72-1333. DEPARTMENT OF LABOR -- AUTHORITY AND DUTIES OF THE
42 DIRECTOR. (1) The director shall administer the employment security
43 law, chapter 13, title 72, Idaho Code, the minimum wage law, chapter 15,
44 title 44, Idaho Code, the provisions of chapter 6, title 45, Idaho Code,
45 relating to claims for wages, the provisions of section 44-1812, Idaho Code,
46 relating to minimum medical and health standards for paid firefighters,
47 the disability determinations service established pursuant to 42 U.S.C.
48 421, and shall perform such other duties relating to labor and workforce
49 development as may be imposed upon him by law. The director shall be the

1 successor in law to the office enumerated in section 1, article XIII,
2 of the constitution of the state of Idaho. The director shall have the
3 authority to employ individuals, make expenditures, require reports, make
4 investigations, perform travel and take other actions deemed necessary. The
5 director shall organize the department of labor which is hereby created, and
6 which shall, for the purposes of section 20, article IV, of the constitution
7 of the state of Idaho, be an executive department of the state government.
8 The director shall have an official seal which shall be judicially noticed.

9 (2) The director shall have the authority pursuant to chapter 52, title
10 67, Idaho Code, to adopt, amend, or rescind rules as he deems necessary for
11 the proper performance of all duties imposed upon him by law.

12 (3) Subject to the provisions of chapter 53, title 67, Idaho Code,
13 the director is authorized and directed to provide for a merit system for
14 the department covering all persons, except the director, the division
15 administrators, employees of the Idaho career information system, and two
16 (2) exempt positions to serve at the pleasure of the director.

17 (4) The director shall make recommendations for amendments to the
18 employment security law and other laws he is charged to implement as he deems
19 proper.

20 (5) The director shall have all the powers and duties as may have been
21 or could have been exercised by his predecessors in law, except those powers
22 and duties granted and reserved to the director of the department of commerce
23 in titles 39, 49 and 67, Idaho Code, and he shall be the successor in law to
24 all contractual obligations entered into by his predecessors in law, except
25 for those contracts of the department of commerce, or contracts pertaining
26 to any power or duty granted and reserved to the director of the department of
27 commerce, in titles 39, 49 and 67, Idaho Code.

28 (6) The director shall provide administrative support for the
29 commission on human rights pursuant to section 67-5905, Idaho Code.