

ISSUE INDEX

The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable 2004 Commission decision.

NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.

Attorney Fees

Idaho follows the "American Rule" where attorney fees are to be awarded only where they are authorized by statute.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

IDAPA 15.04.01.201.10 (DHR Rule 201.10, which is now, DHR Rule 201.11) proscribes the procedure to be followed regarding any IPC award of attorney fees and costs only if there is a statutory basis for an award of attorney fees and costs; it is not an independent basis for such an award.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

IPC hearings are not "civil actions" within the meaning of I.C. § 12-121, and, thus, attorney fees cannot be awarded in IPC proceedings under § 12-121.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Idaho Code § 67-5316(4) does not provide the IPC statutory authority for the awarding of attorney fees and costs.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Idaho Code § 12-117 provides the exclusive basis upon which a party can seek an award of attorney fees in IPC proceedings.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Attorney fees cannot be awarded against the Department of Correction, nor can the Department of Correction be awarded attorney fees, under Idaho Code § 12-117.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Burden of Proof

In cases involving Rule 190 discipline, the state must prove its case by a preponderance of the evidence.

Peska v. South Central Health District, IPC No. 03-12 (Decision and Order on Petition for Review, July 28, 2004)

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Due Process

Due process requires notice of the contemplated action and notice of the basis and evidence relied upon for the contemplated action, and an opportunity to respond.

Peska v. South Central Health District, IPC No. 03-12 (Decision and Order on Petition for Review, July 28, 2004)

A statute or agency policy violates due process on vagueness grounds where it forbids or requires doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. However, if persons of reasonable intelligence can derive a “core meaning” from a civil statute, it is not unconstitutionally vague.

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)

Prejudgment Interest

An award of prejudgment interest cannot be granted against the Department of Correction absent waiver of sovereign immunity.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

The general statute on interest, I.C. 28-22-104(1) does not automatically include the state within its purview. In order to overcome the presumption of sovereign immunity, there must be a more specific assertion by the legislature.

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

Salaries

State employees are not entitled to automatic pay increases upon reallocation to a higher pay grade.

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Upon reallocation, a state employee must be compensated at a rate that fits within the continuum of the new pay grade.

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

When an employee is promoted to a class in a higher paygrade with new duties and responsibilities, the employee shall receive an increase, although the amount of the increase is discretionary.

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Standard and Scope of Review

The Commission has no jurisdiction to hear interlocutory appeals from decisions of hearing officers.

Uresti v. Department of Health of Welfare, IPC No. 03-22 (Order Denying Appellant's Petition for Declaratory Order, April 27, 2004)

Whether the facts to be shown at a hearing on the merits present proper cause to terminate is an issue for the hearing officers.

Uresti v. Department of Health of Welfare, IPC No. 03-22 (Order Denying Appellant's Petition for Declaratory Order, April 27, 2004)

The amount of damages is an issue for the Hearing Officer.

Uresti v. Department of Health of Welfare, IPC No. 03-22 (Order Denying Appellant's Petition for Declaratory Order, April 27, 2004)

The purpose of a declaratory ruling...is to provide a procedure to allow persons to have the applicability of statutes and rules determined without being forced to risk the sanctions for violating the provisions of a statute or rule that might or might not be applicable.

Uresti v. Department of Health of Welfare, IPC No. 03-22 (Order Denying Appellant's Petition for Declaratory Order, April 27, 2004)

Upon review by the Idaho Personnel Commission, findings of fact must be supported by substantial, competent evidence.

Peska v. South Central Health District, IPC No. 03-12 (Decision and Order on Petition for Review, July 28, 2004)

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)

Idaho Dep't of Correction v. Sanchez, IPC No. 96-17 (Decision and Order on Petition for Review, December 9, 2004)

The Hearing Officer conducts a full evidentiary hearing and may allow motion and discovery practice before entering a decision containing findings of fact and conclusions of law.

Peska v. South Central Health District, IPC No. 03-12 (Decision and Order on Petition for Review, July 28, 2004)

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)

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On petition for review, the Commission may “affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.” Idaho Code § 67-5317(1).

Peska v. South Central Health District, IPC No. 03-12 (Decision and Order on Petition for Review, July 28, 2004)

Hale et al. v. Panhandle Health District, IPC No. 02-17 (Decision and Order on Petition for Review, August 11, 2004)

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)

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Termination

Prior policy violations and the fact that they went undisciplined does not evidence condonation or ratification of the employee's actions in question.

Doyle v. Dep't of Health & Welfare, IPC No. 03-01 (Decision and Order on Petition for Review, November 10, 2004)