

## 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 2008 Commission decision.*

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

### Discovery

Hiring and promotional registers are not discoverable when the Commission does not have subject matter jurisdiction regarding the issues to which the registers are relevant.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

### Hiring Process

A hiring process is based on merit if all candidates are first screened and determined by the Department of Human Resources to meet the minimum qualifications for the job.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

Creating, ranking, and certifying a hiring register creates no substantive right under I.C. § 67-5316(1)(b) for an applicant to an interview, promotion, or employment offer.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

A hiring agency may generate multiple registers from which the position may be filled during a hiring process. An adequate register must consist of at least five eligible candidates.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

A person may remain involved in interviewing other potential candidates and participating in the selection process even though he or she is excluded from participating in a particular applicant's interview.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

### Jurisdiction

The Commission's jurisdiction is limited to an appeal of a disciplinary dismissal, demotion or suspension or the failure of an appointing authority to provide a right and/or benefit to which the employee is entitled to by law. Idaho Code §§ 67-5316(1)(a)-(b).

Theories for relief based upon discrimination regarding the employee's age and gender are derived from Title VII of the Federal Civil Rights Act of 1991 and/or the Idaho Human Rights Act, and are outside the jurisdiction of the IPC. The remedy for non-disciplinary claims of discrimination, retaliation by agencies against employees, or constructive discharge remains with the Idaho Human Rights Act and the courts.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

### **Standard and Scope of Review**

When considering a petition for review, the Commission reviews the record of the proceeding below together with any briefs or transcripts submitted by the parties.

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)

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).

*Iverson v. Idaho Dep't of Parks and Recreation*, IPC No. 07-010 (Decision and Order on Petition for Review, October 16, 2008)