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Lawsuit claims discriminatory hiring

CLAYWORTH JASON

STAFF

By JASON CLAYWORTH

REGISTER STAFF WRITER

Iowa's hiring practices are the focus of a class-action lawsuit filed Monday that alleges racial discrimination.

The lawsuit comes on the heels of Gov. Chet Culver's executive order issued Friday requiring all state agencies make changes to fix problems with hiring practices identified as discriminatory.

At least 14 people who were fired, not hired or denied promotions to state jobs have signed on to the lawsuit, according to a copy of the petition filed in Polk County District Court by Thomas Newkirk, a civil rights attorney whose office is in Johnston.

The lawsuit alleges that the state has, since at least 1995, engaged in "a pattern and practice of racial discrimination and retaliation" to deny black people jobs and promotions. It claims the state's practices are specifically designed to limit the number of blacks to the minimum required by affirmative action plans.

The suit alleges the state had "full knowledge" that it was violating its own affirmative action policies through such practices as using a pre-employment test that was statistically proven to reduce the number of black applicants.

It seeks an unspecified amount of damages that includes back pay, benefits and payment for loss of opportunities. Most important, it seeks change, Newkirk said. He said the governor's orders do not adequately provide assurances that blacks won't be overlooked for jobs and promotions.

"Quite simply put, the governor has created an executive order that may be based on his good intentions, but until he has people advising him that understand modern racial bias of blacks, his executive order is a meaningless exercise," Newkirk said. "It can actually work to entrench the same racial bias that has existed for the last 10 years."

Two state-commissioned reports released this year have outlined problems in the state's hiring practices. One found that three former state managers told investigators they believe blacks don't interview as well as whites for jobs. The report linked that information with illegal discriminatory hiring practices.

The other report showed that qualified minority applicants for state jobs were one-third less likely to be interviewed than whites over a three-year period.

The greatest disparity was with blacks, who represented 6 percent of the qualified pool of applicants but who filled no more than 2.8 percent of the state's jobs.

The reports were commissioned in light of a Des Moines Register investigation last year that showed claims of discrimination at Iowa Workforce Development and the Iowa Department of Human Services. Since 2000, the state has settled discrimination lawsuits with at least eight people involving those agencies, paying nearly \$500,000, the newspaper's investigation showed.

Culver issued an executive order Friday that mandated changes to halt the hiring practices criticized in the reports. His orders include creation of a state diversity council to regularly review state hiring policies and mandatory diversity training for all state employees who make hiring or promotion decisions.

The Rev. Keith Ratliff Sr., president of the Iowa/Nebraska chapter of the NAACP, last week criticized the governor's order, saying it wasn't strong enough. The governor's order does not specifically implement some of the NAACP's recommendations, including making diversity recruitment part of the performance reviews of state managers, Ratliff said.

Brad Anderson, a spokesman for the governor, referred all questions Monday to the Iowa attorney general's office. Bob Brammer, the attorney general's spokesman, said the department will be reviewing the lawsuit this week.

Waterloo resident Alex Walker is one of the people named as a plaintiff in the class-action lawsuit. Walker, 68, is an unemployment specialist for Iowa Workforce Development. He has worked for the state for 22 years and said he has been turned down for managerial positions eight times. He said he met the requirements of the jobs he has applied for but was rejected each time.

"It's very difficult when you're trying to be a decent person and you're raising children and you're told the best thing to do is get an education," said Walker, who has two bachelor's degrees. "I'm told one thing but I'm getting beat to death on the other hand because it's not true. People are not evaluated by their ability; it's according to their color."

Walker is raising four of his grandchildren. He has no plans for retirement and said he won't let the fear of losing his job stop him from taking part in the lawsuit.

"After 22 years, I really don't care," Walker said. "I have to stand up. Somebody has to. A lot of people have been refused jobs, and then you see people with inferior attitudes and education" get hired "and it just really makes you sad."

Reporter Jason Clayworth can be contacted at (515) 699-7058 or jclaywor@dmreg.com

Past lawsuits

A review of public records last year showed the state had paid about \$850,000 between 2000 and 2006 to nine people who claimed discrimination at Iowa Workforce Development, the Department of Transportation and the Department of Human Services.

Interviews with job applicants, government officials and the examination of court documents and other state records found:

--Beverly Clark, a black woman from Des Moines, was passed over for promotions at Iowa Workforce Development 56 times in four years. The state paid Clark and her lawyers \$247,000 to settle the claim.

--Yolanda Shook, another black woman from Des Moines, twice took a pre-employment test at the department -- each time scoring higher than Iowa Workforce Development's director -- but she was told she failed and would not be considered for a promotion.

--Iowa Workforce Development used a screening test -- one statistically proven to have a negative effect on the scores of minorities, particularly blacks - to weed out applicants for jobs at the agency.

--The agency continued using the test for outside applicants, even after discontinuing its use for internal promotions, when questions were raised about its fairness and possible racial bias. The agency's director took the test after questions were raised about it, and he said it was not an "appropriate or accurate" screening tool. But his staff continued to use the test for about three more years.

--State officials ignored multiple warnings that problems existed in the agency's hiring and promotion practices. Policies sometimes were ignored, and recommended changes were not made.

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