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More state bias claims uncovered

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Allegations of harassment, fear of punishment found at DOT in '02

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A study of discrimination claims at the Iowa Department of Transportation found employees alleging harassment and fearing retribution if they complained.

"Employees speak of sexist and/or potentially racist behaviors in the workplace and they often speak of a fear of speaking up," states a study conducted in 2002 for the Department of Transportation. A copy of the study was recently obtained by The Des Moines Register.

DOT officials hired Boddy Media Group, a Des Moines company, to conduct the study after an Iowa State University survey in 2001 indicated some employees believed they had experienced discrimination, according to an e-mail that then-Director Mark Wandro sent to all DOT employees on Dec. 5, 2002.

Gov. Tom Vilsack was never made aware of the report, Rodell Mollineau, Vilsack's communications director, said Tuesday.

The DOT is the third state agency facing claims of discrimination. This month, the Register reported about such claims at Iowa Workforce Development and the Department of Human Services. Since 2000, the state has paid out nearly \$500,000 to settle eight race discrimination claims against those agencies.

IWD faces 11 more complaints filed with the Iowa Civil Rights Commission that claim systemic discrimination.

On Friday, Vilsack ordered an investigation of all state hiring and promotion procedures to look for possible discriminatory practices. The initial report is due within 90 days. The Iowa chapter of the National Association for the Advancement of Colored People is participating in the review.

In the Boddy report, minorities described a culture of "backlash" at the DOT.

"Minority and women respondents say that even if they do get a promotion, they often have to live with the demeaning attitude from some co-workers that they earned the slot because of their race or gender," the report said. "This does not appear to be based only on perception. Time and time again, respondents speak of being told that the reason they didn't get the job was because a woman, person of color, or ... person with a disability was given the job."

The study added: "Nearly all of these respondents say the DOT has a long way to go before it truly embraces diversity for the talents and opportunities a diverse work force can offer the agency. They rate the DOT at the bottom of a four-point scale, saying the organization merely 'tolerates' diversity."

In response to the report, DOT officials held a diversity conference and required all supervisors to attend, agency spokeswoman Dena Gray-Fisher said Tuesday. Records show such conferences were held in 2003 and 2005.

In addition, the agency developed a diversity policy. She said she didn't remember any follow-up studies to see whether the remedies addressed the issues raised.

In 2005, former DOT employee Farrokh Fattahi won a discrimination lawsuit against the department. The jury awarded \$230,000 to Fattahi in a case that involved his supervisor calling him a "towel head" and a "camel jockey."

The Boddy study was conducted after the 2001 ISU study found concerns about discrimination among employees. The ISU study recommended that the DOT look into why minority employees were not moving more quickly into higher pay grades compared with whites.

The 2001 report said minorities were "disproportionately being affected ... they are experiencing even longer time frames in the same pay grade."

The study noted that in 1993, minorities were moving to higher pay grades at a quicker rate than whites. "In 2001, these means were virtually reversed with minorities exhibiting a higher number of years at the same pay grade (i.e., 9.42) than majority group members (i.e., 7.41 years)," the report said.

In 2005, the DOT had 3,112 full-time employees, of which 4.4 percent were classified as minorities.

Nearly 80 people participated in the Boddy study, which said: "Respondents generally confirm the findings of the quantitative data, which indicated employees view the DOT as struggling with issues of a lack of opportunity and harassment and the sense that retribution will surely follow when these issues are raised."

The report goes on: "At the heart of it all, many of these respondents say, is a culture of favoritism. The 'favorites' get the golf dates with the boss and subsequently the promotions and the pay raises. Because the DOT - and the engineering field in general - is traditionally a white male environment, it's the white males who are picking the favorites. And they tend to pick people who look and act like them."

Wandro told employees he was circulating the report so that people could see what needed "to be addressed and eliminated at the DOT."

Send us your stories

Are there problems in hiring and promotion of employees in state government? Where should investigators - and The Des Moines Register - focus their attention? If you have information that should be made public, go to DesMoinesRegister.com/IWD to share it on our message board. Or, e-mail tips or documents to reporter Tim Higgins at thiggins@dmreg.com.

The story so far

THE ISSUE: The Des Moines Sunday Register reported that 13 people had complained about racial discrimination at Iowa Workforce Development. Last year, the state settled with three of those people, paying out a little more than \$250,000. The biggest share went to Beverly Clark and her lawyers. She was passed over for at least 56 job promotions in four years.

THE NEWSPAPER FOUND:

- Iowa Workforce Development was using a test - proven to have an adverse impact on minorities - to weed out applicants for the agency's most popular job.

- The agency used the test from 1998 to 2003, even after the agency's director and a review team said in 2000 that its use should be stopped. "I ... just didn't think it was the most appropriate or accurate tool of measuring ability for customer service kinds of positions," said Richard Running, then agency director.

- State officials ignored warnings that problems existed in the agency's hiring and promotion practices.

LAST WEEK: A former Iowa Workforce Development employee who worked in the human resources division said in Thursday's paper that she remembered administering the controversial test for other state agencies, including possibly the Department of Human Services.

The department has faced several racial discrimination lawsuits in recent years, settling five since 2000 and paying out more

than \$200,000. Rodell Mollineau, Gov. Tom Vilsack's communications director, brushed off questions about the issue, referring to it as "Iowa's version of 'Roots.' "

Some cases settled; review in progress

- Since 2000, the state has paid out nearly \$500,000 to settle eight race discrimination claims against Iowa Workforce Development and the Department of Human Services.

- IWD still faces 11 complaints filed in May with the Iowa Civil Rights Commission that claim systemic discrimination at the agency.

- On Friday, Gov. Tom Vilsack ordered an investigation of all state hiring and promotion procedures to look for discriminatory practices. An initial report is due within 90 days. The NAACP is participating in the review. More details, Page 8A

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