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Employment bias lawsuit against state gets class-action status

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Litigation filed against Iowa's state government for discriminatory hiring practices was certified as a class-action lawsuit Tuesday by a Polk County district judge.

The action clears the way for the lawsuit to move forward and potentially cover thousands of black Iowans who allegedly encountered systemic discrimination when applying for jobs and promotions in state government.

"I'm absolutely elated," said Des Moines resident Tereasa Jefferson, a secretary at the state's labor services division. "I couldn't be happier, but more importantly, I'm hoping for change. I have children who will enter this work force, and we just want a fair shake."

Read the Linda Phippen v. State of Iowa court order.

Jefferson believes she was wrongly terminated from a position as an executive officer in the state's personnel department in 1998. She spent years trying to get another job with the state and says she now earns less than she did 12 years ago. She has worked in her current position for about three years.

Thirty-two plaintiffs are named in the case, including Jefferson. They can proceed with their specific claims of discrimination in addition to the class-action lawsuit. The class-action lawsuit specifically addresses alleged systemwide discriminatory practices such as barriers that exist in the hiring and promoting of black employees in state government.

The potential cost to taxpayers could be "millions upon millions of dollars," said Thomas Newkirk, the attorney for the group.

"That is a side issue compared to the desire of this group to basically make people face up to the nature of what discrimination is in the modern world and deal with it in a responsible and modern way," Newkirk said.

The lawsuit was filed in October 2007 by 14 people

who said they were not hired, were fired or were denied promotions in state jobs.

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.

A review of public records by The Des Moines Register in 2006 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.

Tuesday's ruling was signed by Polk County District Judge Robert Blink. It allows black people who after July 1, 2003, applied for a job or who held a position with the state government's executive branch to become part of the lawsuit if they believe they were discriminated against. The ruling excludes the Iowa Board of Regents.

The ruling cuts roughly 13 years of potential liability from the state. Previously, the proposed class definition would have gone back to 1990.

Jeff Thompson, deputy attorney general, said the action is a procedural step that will allow the state to focus on the merits of the overall claim. The state has not settled any discrimination lawsuits for at least two years, he said.

Thompson said there is no fair way to quantify the

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possible liability taxpayers face.

"We still intend to defend the case on the merits," Thompson said. "We'll continue down the path of litigating the claim on its merits."

A trial in the case is tentatively scheduled for Sept. 12, 2011.

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