

DesMoinesRegister.com

September 17, 2009

Conclusions about discrimination removed from report

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Officials of Iowa Workforce Development rewrote an investigative report involving allegations of racial discrimination against two people who applied for jobs with the department and removed conclusions that substantiated the applicants' claims, a court document shows.

An official on the staff of Attorney General Tom Miller acknowledged Wednesday that changes were made between the preliminary and final versions of the report.

Based on the rewritten report, the Iowa Civil Rights Commission found no probable cause of discrimination against the two black applicants. That finding limited their legal options, their lawyer said.

The case was reopened last year by Administrative Law Judge Mary Cowdrey, who said that Workforce Development officials had failed to share the evidence of discrimination with the Civil Rights Commission.

The omissions came to light Wednesday in interviews with Thomas Newkirk, who is heading a two-year-old class-action lawsuit against the state that involves 32 people who have alleged job discrimination based on race.

A motion to add nine more people to the lawsuit is pending. A hearing is scheduled for Oct. 7.

Deputy Attorney General Jeff Thompson acknowledged Wednesday that the report was rewritten before it was given to the Civil Rights Commission for its investigation.

Thompson said his office investigated the report's revision and hired an independent consultant to review it, too. The attorney general's office and the consultant concluded there was no wrongdoing in the revisions being made to the report, he said.

Thompson said "the management disagreed" with some of the investigators' findings.

"In other words, the process involved investigators, and then investigators meeting with management, and management deciding what position they (management) needed to take with respect to internal complaints of employment-related issues," Thompson said.

Copies of the initial report, written in 2002, and the report given to the Civil Rights Commission later that year have not been made public because they are part of an ongoing civil rights investigation.

Newkirk said the reports were nearly identical except that three key conclusions were removed: findings that confirmed retaliation and discrimination as well as information affirming the credibility of a white manager who alerted the applicants that discrimination was occurring.

The manager was later fired.

"There is such a psychological pull from state government for everyone to believe it's something else than race," Newkirk said. "So when you have even a few key findings removed, that's all a person needs to believe it's not true."

A spokeswoman for Iowa Workforce Development did not return a request for comment Wednesday.

Typically, complete investigation reports are given to civil rights investigators, noted Ralph Rosenberg, the head of the state commission.

The commission's key duty is to enforce state and federal laws that prohibit discrimination.

Discrimination lawsuits have cost taxpayers hundreds of thousands of dollars in recent years. Between 2000 and 2006, such claims at Iowa Workforce Development and the Iowa Department of Human Services cost the state almost \$500,000, according to an investigation by The Des Moines Register. Updated costs were not available Wednesday.

Two state reports released in 2007 outlined problems with the state's hiring practices, which pushed Gov. Chet Culver to issue an executive order requiring changes, such as diversity training.

In January, a state report showed the state was close to meeting federal minority hiring standards but still lagged in offering interviews to blacks.

Culver, through spokesman Troy Price, declined to comment Wednesday about the rewritten investigative report since it is a matter of an ongoing review by the Civil Rights Commission.

Russell Lovell, a Drake University law professor and a spokesman for the Des Moines branch of the National Association for the Advancement of Colored People, was not aware of the rewritten report but said it raises concerns.

"The failure of Workforce Development to provide their complete report, at least in a judicial proceeding, would be a substantial concern by the court about the integrity and honesty of the individuals involved," Lovell said.

Additional Facts

About the two job applicants

In 2001, Linda Barnes Pippen and Violet Ann LeFlore applied for jobs or promotions with Iowa Workforce Development but were denied.

LeFlore, who was a work force associate in the department, filed a complaint with the Iowa Civil Rights Commission after she allegedly learned of an attempt by some Iowa Workforce Development managers to put pressure on her so she would quit.

She learned of the plan from Carl Scharff, an executive in the agency who lost his job two weeks before his probationary period ended in 2001.

Scharff, now a member of the Independence City Council, said he was meeting with regional supervisors when he heard them discuss an idea to promote LeFlore and then put pressure on her in hope that she would quit.

He said those supervisors thought she was lazy, but he protested after looking at her employment record, which contradicted the statements.

"What so upset me about what they did to Ann was that she was well qualified," Scharff said in 2006. "... They were talking, 'This gal is black,' and one of the statements made was, 'These kinds of people don't get things done.' "

Since then, public records indicate that LeFlore has been promoted. The latest state employment database shows she is a work force adviser in Linn County, making \$45,772 a year.

Linda Pippen is also working as an adviser, making \$37,579.

Newkirk said both women were denied promotions throughout their careers with the state at various times.

LeFlore, for example, applied for a supervisor position this summer, but the job was ultimately given to a less qualified white person who was allowed to apply past the closing date for applications, Newkirk said.

Pippen, LeFlore and Scharff could not be reached for comment Wednesday. Officials of Iowa Workforce Development also did not respond to a request for an interview.

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