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Judge expands scope of Iowa hiring lawsuit

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DES MOINES, Iowa — A judge granted class-action status Tuesday for a lawsuit brought by almost three dozen job applicants who claim they were denied state positions because they are black.

The lawsuit, originally filed in 2007, now lists 32 plaintiffs who allege racial discrimination when they applied for a state job or sought a promotion from their existing jobs.

Polk County District Court Judge Robert Blink approved the class-action status, which could open it to far more plaintiffs.

Thomas Newkirk, the Des Moines attorney who filed the lawsuit, said the case seeks to deal with varying degrees of discrimination seen in state government.

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"It's about identifying the nature of bias or discrimination against African Americans and how it acts as a barrier to employment in a large employment system, in this case, the state of Iowa," Newkirk said. "It looks to deal with the large system with a lot of people who have different degrees or attitudes toward African Americans that can impact their decision making in a negative way."

The case was initially filed against the state and Iowa Workforce Development with 14 plaintiffs. It has grown over the past three years and expanded the number of state agencies where discrimination allegedly occurred. Those additional agencies include the departments of transportation, corrections, human services, administrative services and the Executive Branch.

A news release issued by Newkirk indicated the case encompasses more than 20,000 employment applications and potentially covers thousands of black Iowans who encountered discrimination.

Deputy Iowa Attorney General Jeff Thompson says his office encouraged the certification of the case. He says it allows the case to move forward without delay.

"We think it's a good result and we encourage the judge to do it exactly like he did," Thompson said.

Thompson said both sides agreed to focus on one claim in the class-action case and let the others be decided individually.

He said the case address what he called the "disparate impact claim." That deals with practices that may not intentionally discriminate but create a discriminatory effect.

Other claims by plaintiffs will be addressed individually, Thompson said.

Trial in the case is set for Sept. 12, 2011.

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