

IOWA CIVIL RIGHTS AGENCIES

September 1982

A monograph of the Iowa Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This monograph will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the contents of this monograph should not be attributed to the Commission but only to the Iowa Advisory Committee.

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A monograph prepared by the Iowa Advisory  
Committee to the U.S. Commission on Civil Rights

### ATTRIBUTION:

The findings and recommendations contained in this monograph are those of the Iowa Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This monograph has been prepared by the State Advisory Committee for submission to the Commission and will be considered by the Commission in formulating its recommendations to the President and Congress.

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## ACKNOWLEDGMENTS

This monograph was produced with the assistance of the Commission's Central States Regional Office. The investigation and monograph were the principal staff assignment of Etta Lou Wilkinson. The monograph was written by Malcolm Barnett. Legal sufficiency review was conducted by Elaine M. Esparza. Support services were provided by Jo Ann Daniels and Gloria O'Leary. The project was undertaken under the overall supervision of Melvin L. Jenkins, Esq., Director, Central States Regional Office.

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LETTER OF TRANSMITTAL

Iowa Advisory Committee to the  
U.S. Commission on Civil Rights  
September 1982

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Dear Commissioners:

The Iowa Advisory Committee submits this monograph of its review of State and local civil rights enforcement agency activities in Iowa as part of its responsibility to advise the Commission on civil rights issues within the State. The Advisory Committee obtained information from the Iowa Civil Rights Commission and the local enforcement agencies in Cedar Rapids, Council Bluffs, Davenport, Des Moines, Fort Dodge/Webster County, Iowa City, Mason City, Sioux City and Waterloo. The Committee also received information from the U.S. Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development on the status of their deferral arrangements with Iowa agencies. These agencies were given an opportunity to comment on a draft of this monograph and their comments and corrections have been incorporated into the final monograph.

The Advisory Committee noted that as part of the "new Federalism," the administration is considering what regulatory responsibilities for civil rights compliance could be deferred to State or local agencies. It noted that two agencies, the U.S. Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development, already have deferral arrangements for civil rights enforcement efforts within their jurisdictions. Since the State agency and most of the local agencies administer antidiscrimination laws broadly similar to Federal laws, many could assume additional deferral responsibilities. But the State and local agencies state they could not do so unless Federal financial support was provided to pay the administrative costs of additional responsibilities and training was provided to ensure that staff were able to effectively administer Federal laws and regulations. The Advisory Committee urges the Commission to undertake a comprehensive study of the existing status of State and local civil rights agencies to assess their current efforts and capacity to participate in a significantly expanded deferral process. It also should consider framing a model civil rights statute/ordinance that could be used by State and local legislatures to give their agencies the minimum legal basis for participating in Federal deferral efforts. The Commission should assess the costs of a significantly expanded deferral system and seek to determine whether Federal support of State and local efforts to replace current Federal enforcement would be cost effective or efficient.

Some agencies might need minor modifications in their statutes to assure comparability with Federal law. The Advisory Committee recommends that State and local legislatures modify their civil rights laws to minimize any need for Federal action to determine comparability.

The Advisory Committee noted that State and local civil rights enforcement agencies do not believe they receive formal complaints of discrimination in numbers proportionate to the extent of discrimination in their jurisdictions. The Committee urges a coordinated effort by the State and local agencies to ensure that those who suffer discrimination do make use of the mechanisms available.

The Advisory Committee noted that most local agencies and the Iowa Civil Rights Commission will be facing severe budget constraints and that some local agencies feel they have insufficient resources now to adequately process complaints under their existing ordinances. The Committee urges that State and local governments view funding of these agencies as a commitment to root out the lingering effects of discrimination and provide additional rather than reduced resources to this end.

We urge you to concur with our recommendations and to assist the Committee in follow-up activities.

Respectfully,

LEE B. FURGERSON, Chairperson  
Iowa Advisory Committee

## I. BACKGROUND

In March 1982 the Iowa Advisory Committee decided to undertake a review of the activities of Iowa civil rights enforcement agencies. It did so to assess the potential, capacity, and willingness of State and local agencies to assume the roles projected for them in the "new Federalism" under which the administration proposes increases in State and local administration of efforts that have been exclusively Federal. Specifically, in its proposed 1983 budget, the administration committed itself to "Increase opportunities for States to participate in assuring compliance with nondiscrimination requirements."<sup>1</sup> Although there are 22 local civil rights agencies in Iowa, the Advisory Committee limited its study to nine: Cedar Rapids, Council Bluffs, Davenport, Des Moines, Fort Dodge/Webster County, Iowa City, Mason City, Sioux City, and Waterloo. The Committee also reviewed the Iowa Civil Rights Commission.

Table 1 shows the populations of the State and local jurisdictions included in this study. It is clear that in most of the jurisdictions the minority populations are very small. Even assuming that all Hispanics are counted as white in the racial categorization, the highest proportions of minorities are only 12.7 percent in Waterloo, 11.4 percent in Des Moines and 11.3 percent in Davenport. In most communities the minority population is much smaller; the lowest are 3.7 percent in Council Bluffs and 3.5 percent in Webster County (but in Fort Dodge, the principal community in Webster County, the proportion is five percent). Small numbers or proportions do not make problems less serious; but they may become easier to overlook. The Advisory Committee believes it has selected communities that reasonably reflect the diversity of the State and its problems.

To obtain information, the Advisory Committee requested copies of the statutes/ordinances under which the agencies operated, copies of their annual reports and asked several questions about their operations. The Advisory Committee did not interview any of the officials of the agencies nor did it interview others who might have provided alternate perspectives on their operations. Thus, the monograph is limited to the official perspectives of the civil rights enforcement agencies.<sup>2</sup> The Advisory Committee did obtain information on the contractual relationships of the Iowa Civil Rights Commission with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development.

The Iowa Advisory Committee appreciates the effort which the Iowa Civil Rights Commission and the nine local civil rights agencies took to answer its questions. These ten agencies have been given an opportunity to comment on a preliminary draft of this monograph, and their comments have been fully incorporated into the final draft.

In Chapter II of this monograph, the Advisory Committee reviews the State statutes and local ordinances prohibiting discrimination and compares them to Federal law. In Chapter III the Committee reviews the role of the Iowa Civil Rights Commission and in Chapter IV it reviews the roles of the nine local agencies.

## Notes

1. Office of Management and Budget, Executive Office of the President, The Budget of the United States Government, 1983, Special Analysis J, Civil Rights Activities (February 1982), p. 13.

2. Artis I. Reis, Executive Director, Iowa Civil Rights Commission, letter to Chairperson, Iowa Advisory Committee, May 11, 1982 (hereafter cited as ICRC letter); Floyd A. Jones, Executive Director, Cedar Rapids Civil Rights Commission, letter to Chairperson, Iowa Advisory Committee, May 10, 1982 (hereafter cited as Cedar Rapids letter); Vickey Parks, Director, Council Bluffs Human Relations Department, letter to Chairperson, Iowa Advisory Committee, Apr. 15, 1982 (hereafter cited as Council Bluffs letter); Sandra Williams, Director, Davenport Civil Rights Commission, letter to Chairperson, Iowa Advisory Committee, May 6, 1982 (hereafter cited as Davenport letter); Norma J. Jackson, Executive Director, Des Moines Human Rights Commission, letter to Chairperson, Iowa Advisory Committee, Apr. 19, 1982 (hereafter cited as Des Moines letter); Phyllis A. Williams, Civil Rights Specialist, Iowa City Human Rights Commission, letter to Chairperson, Iowa Advisory Committee, Apr. 6, 1982 (hereafter cited as Iowa City letter); M.A. Mandelko, Chairman, Fort Dodge/Webster County Human Rights Commission, letter to Chairperson, Iowa Advisory Committee, Apr. 28, 1982 (hereafter cited as Fort Dodge letter); Lionel J. Foster, Human Rights Director, Mason City Human Rights Commission, letter to staff, Mar. 30, 1982 (hereafter cited as Mason City letter); John R. Stokes, Executive Director, Sioux City Human Rights Commission letter to staff, May 10, 1982 (hereafter cited as Sioux City letter); Stanley C. Kennedy, Chairperson, Waterloo Commission on Human Rights, letter to Chairperson, Iowa Advisory Committee, Apr. 12, 1982 (hereafter cited as Waterloo letter).



Table 1  
Population Statistics - 1980  
(Percent of Population)

	Total	White	Black	American Indian Eskimo & Aleut	Asian and Pacific Islander	Other	Spanish Origin*
State	2,913,387	2,838,805 (97.4)	41,700 (1.4)	5,453 (0.2)	11,577 (0.4)	15,852 (0.5)	25,536 (0.9)
Cedar Rapids	110,243	106,342 (96.5)	2,555 (2.3)	199 (0.2)	535 (0.5)	612 (0.6)	1,014 (0.9)
Council Bluffs	56,449	55,303 (98.0)	415 (0.7)	140 (0.2)	180 (0.3)	411 (0.7)	987 (1.7)
Davenport	103,264	94,469 (91.5)	6,296 (6.1)	255 (0.2)	551 (0.5)	1,521 (1.5)	2,859 (2.8)
Des Moines	191,003	172,618 (90.4)	13,054 (6.8)	566 (0.3)	1,596 (0.8)	3,179 (1.7)	3,523 (1.8)
Fort Dodge/	29,423	28,337 (96.3)	769 (2.6)	25 (0.1)	108 (0.4)	184 (0.6)	368 (1.3)
Webster County	45,953	44,783 (97.5)	797 (1.7)	36 (0.1)	120 (0.3)	217 (0.5)	475 (1.0)
Iowa City	50,508	47,678 (94.4)	990 (2.0)	81 (0.2)	1,162 (2.3)	597 (1.2)	593 (1.2)
Mason City	30,144	29,439 (97.7)	201 (0.7)	31 (0.1)	105 (0.3)	368 (1.2)	804 (2.7)
Sioux City	82,003	78,861 (96.2)	1,118 (1.4)	1,135 (1.4)	291 (0.4)	598 (0.7)	1,081 (1.3)
Waterloo	75,985	66,953 (88.1)	8,239 (10.8)	150 (0.2)	312 (0.4)	331 (0.4)	586 (0.8)

NOTES:

Percent by row is in parentheses.

Persons of Spanish origin are also counted in one of the racial groups, thus the total percentage may exceed 100%.

SOURCE: Bureau of the Census, 1980 Census of Population and Housing: Advance Reports (PHC 80-V-17) Tables 2 and 3.

## II. THE ANTI-DISCRIMINATION LAWS

The Advisory Committee reviewed the ordinances of the local civil rights enforcement agencies and the Iowa Civil Rights Act of 1965 in comparison to Federal law. The results of the analysis appear in Table 2. While the broad language of these laws suggests that most of the elements of Federal law are fully covered, staff considered specific provisions equivalent only if they followed closely the Federal statutes.

Federal law prohibits discrimination in public accommodation on the basis of race, color, religion or national origin.<sup>1</sup> The State's law<sup>2</sup> and the city ordinances of Cedar Rapids,<sup>3</sup> Fort Dodge,<sup>4</sup> and Council Bluffs<sup>5</sup> add to these creed, sex, disability. The ordinances of Des Moines,<sup>6</sup> Sioux City<sup>7</sup> and Waterloo<sup>8</sup> add ancestry and Iowa City's ordinance<sup>9</sup> adds marital status and sexual orientation to the State's list of protected bases of discrimination. Mason City's ordinance<sup>10</sup> does not list the protected classes but prohibits discrimination against any person.

The Federal public accommodations law covers any inn, hotel, motel or other establishment that provides lodging to transient guests but exempts owner-occupied buildings with fewer than five rooms for rent.<sup>11</sup> The State law<sup>12</sup> and some local ordinances<sup>13</sup> contain similar exemptions. These clauses are not provided in the Iowa City, Mason City, Des Moines, Davenport and Sioux City ordinances.<sup>14</sup> Private clubs are, as in the Federal law, exempt from coverage in the State law and all the cities' ordinances.<sup>15</sup>

Only the Des Moines ordinance prohibits all the forms of discrimination prohibited by Federal law in places of public accommodation.<sup>16</sup> Both the Sioux City and Des Moines ordinances specifically prohibit segregation in public accommodations.<sup>17</sup>

The State law and the city ordinances of Mason City, Des Moines, Davenport and Waterloo<sup>18</sup> prohibit any attempt to coerce individuals or groups to violate the public accommodations clauses and all of these prohibit retaliation against a person seeking to exercise rights under the law.<sup>19</sup>

The State statute and all the local ordinances prohibit housing discrimination based on race, color, religion, sex or national origin.<sup>20</sup> State law also prohibits it on the basis of creed and disability<sup>21</sup> and Waterloo's and Sioux City's ordinances prohibit it on the basis of ancestry.<sup>22</sup> The Iowa City ordinance adds age to the State's list of prohibited bases.<sup>23</sup> The Mason City ordinance prohibits discrimination against "any person or group of persons."<sup>24</sup>

The State and local governments follow the example of the Federal Fair Housing Act<sup>25</sup> by providing an exemption for single family houses sold or rented by the owner without advertising or using an agent and for units in an owner-occupied dwelling containing no more than four units.<sup>26</sup> The State statute provides other exemptions for any bona fide religious institution,<sup>27</sup> owner-occupied dwellings containing quarters for two or fewer families,<sup>28</sup> small owner-occupied boarding houses,<sup>29</sup> restrictions based on sex in the rental or lease of housing accommodations by non-profit corporations,<sup>30</sup> and rental or lease of housing accommodations within which people of both sexes must share a common bathroom facility on the same floor of a building.<sup>31</sup> Most of the city ordinances' exemptions follow the State's. (See Table 2)

All the local ordinances and the State statute prohibit refusal to sell or rent. (See Table 2) But only the city ordinances of Iowa City,<sup>32</sup> Mason City,<sup>33</sup> Des Moines<sup>34</sup> and Sioux City<sup>35</sup> prohibit refusal to negotiate for a sale or lease and only Mason City's<sup>36</sup> and Davenport's<sup>37</sup> prohibit refusal to make a dwelling available.

Table 2: Comparison of Federal, State and Local Anti-Discrimination Laws

I. Fair Housing

42 U.S.C. sec. 3601 et. seq. and 24 C.F.R. 115.3 (1981)

	State	Cedar Rapids	Iowa City	Mason City	Council Bluffs	Des Moines	Fort Dodge	Davenport	Sioux City	Waterloo
Prohibits discrimination based on race, color, religion, sex, or national origin.	X <sup>1</sup>	X	X	X <sup>2</sup>	X	X	X	X	X	X
*Covers all housing except 1) single family houses sold or rented by the owner without advertising or using an agent, 2) units in owner-occupied dwellings containing living quarters for no more than four families.	X <sup>3</sup>	X	X	X <sup>4</sup>	X <sup>5</sup>	X <sup>6</sup>	X <sup>7</sup>	X	X	X
<u>Prohibited Actions</u>										
1. Refusal to sell or rent.	X	X	X <sup>8</sup>	X	X	X	X	X	X	X
2. Refusal to negotiate for a sale or rental			X	X		X			X	
3. Making a dwelling unavailable.				X				X		
4. Discriminating in terms, conditions, or privileges of sale or rental or in the provisions of services or facilities.	X	X	X	X	X	X	X	X	X	X
5. Advertising in a discriminatory manner.	X	X	X	X	X	X	X	X	X	X
6. Falsely representing that a dwelling is not available for inspection, sale or rental.				X						
7. Blockbusting.			X	X	X			X <sup>9</sup>		
8. Discrimination in financing.			X			X		X <sup>9</sup>	X	
9. Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations or other services			X					X		
<u>Provides Administrative Enforcement Body with Power to</u>										
1. Receive and process complaints.	X	X	X	X	X	X	X	X	X	X
2. Investigate allegations of complaints.	X	X	X	X	X	X	X	X	X	X
3. Conciliate complaint matters.	X	X	X	X	X	X	X	X	X	X
4. Seek judicial enforcement and protection of rights under the law including										
a) temporary injunction	X	X		X	X <sup>10</sup>	X	X	X	X	X
b) subpoena	X	X	X	X	X <sup>10</sup>		X	X		X

Footnotes

1. The State statute adds creed and handicap to the Federal list of protected classes; Waterloo and Sioux City add ancestry. All the remaining cities follow the State.
2. The Mason City ordinance does not set out specific bases for protection but prohibits housing discrimination against "any person or group of persons."
3. Exemptions listed under the State statute differ from the Federal on several points. The State provides an exemption for 1) any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose; 2) owner-occupied dwellings containing living quarters for two families; 3) small owner-occupied boarding housings; 4) restrictions based on sex on the rental or leasing of housing accommodations by non-profit corporations; 5) the rental or leasing of housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building. Most of the city ordinances follow the State.

Fair Housing (Cont'd)

Footnotes (Cont'd)

4. The Mason City ordinance has the single family dwelling exemption but puts no restrictions on the use of advertising or agents. It exempts a religious organization when selling its non-commercial property to persons of the same religion.
5. The Council Bluffs ordinance contains no exemptions.
6. The Des Moines ordinance exempts (in addition to the exemptions in the State) dwellings which were limited to one-sex occupancy prior to 1972 and dwellings with architectural or structural barriers which impact on disabled or handicapped constructed prior to adoption of ordinance. The Sioux City ordinance is essentially the same.
7. The Fort Dodge ordinance exempts "any bona fide hospital, nursing homes, or institutional housing, with respect to any qualification it may impose, based upon age, sex, or disability when such qualifications are related to the bona fide institutional purpose."
8. The Iowa City's ordinance does not list specific prohibitions but prohibits discrimination in any housing transaction. The city maintains the ordinance is broad enough to cover all the prohibited actions listed. (Phyllis A. Williams, memo to staff, July 26, 1982.)
9. The Davenport ordinance covers discrimination in financial matters regarding housing under its financial practices section.
10. The Council Bluffs' ordinance does not allow the human relations commission to issue its own subpoenas. Instead, it provides for written requests for documents and witnesses. Then if the requests are not complied with, the District Court can be petitioned to issue a subpoena.

\*NOTE:

Only major differences in the exemptions under either State or Federal law are noted.

II. Public Accommodations  
42 U.S.C. sec. 2000a

	State	Cedar Rapids	Iowa City	Mason City	Council Bluffs	Des Moines	Fort Dodge	Davenport	Sioux City	Waterloo
Prohibits discrimination based on race, color, religion, or national origin.	X <sup>1</sup>	X	X <sup>2</sup>	X <sup>3</sup>	X	X <sup>4</sup>	X	X <sup>5</sup>	X	X
Covers any establishment which serves the public if its operations affect commerce, or if discrimination or segregation by it is supported by State action. Included are establishments which provide lodging to transient guests, facilities which are principally engaged in selling food for consumption on the premises, and any place of exhibition or entertainment.	X	X	X	X	X	X	X	X	X	X
<u>Exceptions</u>										
1. Owner-occupied buildings with less than five rooms for rent or hire.	X <sup>6</sup>	X	X <sup>7</sup>	8	X	9	X			X
2. Private clubs in fact not open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of a covered public accommodation.	X	X	X	X	X	X	X	X	X	X
<u>Prohibited Actions</u>										
1. Discrimination in provision of services, goods, facilities, privileges, advantages or accommodations.	X	X	X		X	X	X		X	X
2. Segregation in the provision of services, goods, facilities, privileges, advantages or accommodations.						X			X	
3. Coercion or intimidation to force a person to violate the law.	X			X		X		X		X

Footnotes

1. The State law also covers creed, sex, and disability. Cedar Rapids', Fort Dodge's and Council Bluffs' ordinances follow the State example.
2. The Iowa City ordinance adds creed, sex, disability, as does the State, but also includes marital status and sexual orientation.
3. Mason City does not list the protected bases in its ordinance.
4. Des Moines', Sioux City's and Waterloo's ordinances add ancestry to the list of protected bases used by the State.
5. Davenport's ordinance adds age to its list of protected bases.
6. The State statute exempts 1) any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose and 2) the rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner if the occupant or owner or member of his family reside therein. With the exceptions noted, the local ordinances for the most part follow the State statute.
7. Iowa City's ordinance exempts only religious institutions with bona fide religious purpose and allows public accommodations to be designated specifically for the elderly and disabled.
8. Mason City's and Davenport's ordinances exempt only religious institutions with bona fide religious purpose.

Public Accommodations (Cont'd)

Footnotes (Cont'd)

9. Des Moines' includes two exemptions not in the State law, 1) restrictions based on sex on the rental or leasing of housing accommodations by non-profit corporations and 2) restrictions based on sex on the rental or leasing of housing accommodations which the owner can show were operated for the purpose of providing housing for persons of any one sex prior to January 21, 1972.

NOTE:

42 U.S.C. sec. 2000a-3 provides for enforcement of this law by private, civil legal action with intervention by the Attorney General under certain circumstances. If there is a local ordinance or State law which would apply, no civil action can be brought before the expiration of 30 days after notice has been given to the State or local authority which has responsibility for enforcing the statute or ordinance.

III. Equal Employment Opportunity  
42 U.S.C. sec. 2000e-2, 5

	State	Cedar Rapids	Iowa City	Mason City	Council Bluffs	Des Moines	Fort Dodge	Davenport	Sioux City	Waterloo
Prohibits discrimination based on sex, race, color, religion, national origin, age <sup>1</sup> and handicap. <sup>2</sup>	X <sup>3</sup>	X	X <sup>4</sup>	X	X	X <sup>5</sup>	X	X	X	X
Covers all employers (see exemptions), all persons, including government, governmental agencies, labor unions, employment agencies, labor organizations.	X	X	X	X	X	X	X	X		X
<u>Prohibited Actions</u>										
1. Refuse or fail to hire because person is member of protected group.	X	X	X	X	X	X	X	X	X	X
2. Discriminatory discharge.	X	X	X	X	X	X	X	X	X	X
3. Discrimination in the terms and condition of employment.	X			X	X	X		X		X
4. Limit, segregate or classify in order to deprive any individual of equal opportunity.					X	X		X		X
5. Fail or refuse to refer for employment.	X	X	X	X		X	X	X	X	
6. Deny, limit, segregate or classify members or applicants in labor organizations.	X	X	X	X	X	X	X	X	X	X
7. Cause or attempt to cause an employer to discriminate against an individual in violation of the law.	X	X	X	X	X	X	X	X		X
8. Discrimination in admission to, or employment in, any program established to provide apprenticeship or other training.			X	X			X	X		X
<u>Exemptions</u>										
1. Bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.	6		X <sup>7</sup>	X	8		X	X	X	
2. Religious institutions discriminating on the basis of religion if the function of the institution is directed toward the propagation of a particular religion.	X	X	X	X	X	X	X	X	X	X
3. Bona fide seniority system or benefits program.	X	X								
4. Employers with 14 or fewer employees. <sup>9</sup>	4 less	4 less	1 more	2 more	4 less	4 more			4 less	4less
<u>Authority to</u>										
1. Receive and process complaints.	X	X	X	X	X	X	X	X	X	X
2. Investigate complaints.	X	X	X	X	X	X	X	X	X	X
3. Conciliate complaint matters.	X	X	X	X	X	X	X	X	X	X
4. Grant relief including but not limited to backpay, hiring, reinstatement.	X	X		X <sup>10</sup>	X	X	X	X <sup>11</sup>	X	X
5. Seek judicial enforcement of and protection of rights under the law including										
a) temporary injunction	X	X	X	X	X	X	X	X	X	X
b) subpoenas	X	X	X	X	X		X	X		X

Equal Employment Opportunity (Cont'd)

Footnotes

1. The Federal law protects on the basis of age from 40 to 70.
2. Federal prohibitions on discrimination against the handicapped only pertain to employment under Federal programs, grants, contracts for Federal employment. State law requires nondiscrimination on the basis of disability unless discrimination is based upon the nature of the occupation. "If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection."(Iowa Code sec. 601A(1)(a) (1971))
3. The State adds creed to its list of protected bases. Fort Dodge, Council Bluffs and Sioux City do the same. Age discrimination covers anyone over 18 with exception noted below. The city ordinances follow suit.
4. The Iowa City ordinance also protects on the bases of sexual orientation and marital status in addition to creed.
5. Des Moines and Waterloo add ancestry as well as creed to their lists of protected bases.
6. The State exempts 1) a State or Federal program designed to benefit a specific age classification which serves a bona fide public purpose; 2) age discrimination in bona fide apprenticeship employment programs if the employee is over 45 years of age; 3) any employer who regularly employs less than four individuals (not including family members); 4) the employment of individuals for work within the home of the employer if the employer or members of his family reside therein during such employment; 5) the employment of individuals to render personal service to the person of the employer or members of his family.
7. The Iowa City ordinance only recognizes sex as a bona fide occupational qualification and says the provision shall be strictly interpreted.
8. The Council Bluffs ordinance contains the same exemptions as the State but adds; "After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement."
9. The numbers on the chart indicate the smallest number of employees which would bring the employer under coverage. Fort Dodge and Davenport's ordinance do not restrict coverage on the basis of size.
10. The Mason City and Council Bluffs ordinances provide for hiring, reinstatement or upgrading but not backpay. The ordinances do provide for damages including court costs and attorneys fees.
11. Davenport's ordinance does not list specific remedies but provides instead for "adequate remedies."

NOTE:

The local ordinances are written broadly and could arguably cover all categories under prohibited actions. However the columns were marked only if the ordinances contained the specific language as contained in Title VII (42 U.S.C. sec. 2000e (1976)).



All the local ordinances and the State statute prohibit discrimination in the terms, conditions or privileges of sale or rental or in the provision of services or facilities or advertising for sale or rental in a discriminatory manner. (See Table 2) But only the Mason City and Davenport ordinances prohibit falsely alleging that a dwelling is not available for inspection, sale or rental.<sup>38</sup> Only the Mason City and Davenport ordinances prohibit blockbusting;<sup>39</sup> only Des Moines', Davenport's, Council Bluffs' and Sioux City's ordinances prohibit discrimination in financing of housing;<sup>40</sup> and, only Davenport's prohibits denying access to a multiple listing service, real estate brokers' organization or other services to an individual.<sup>41</sup>

The State and all the local ordinances prohibit discrimination in employment on the bases of sex, race, color, religion, national origin, age or handicap.<sup>42</sup> The State statute provides that if a disabled person is qualified to perform a particular occupation by reason of training or experience, unfair or discriminatory employment practices are prohibited and the nature of that occupation shall not constitute the basis for exemption.<sup>43</sup> The Iowa City ordinance adds creed, marital status and sexual orientation to the Federal list.<sup>44</sup> Under the State statute, age discrimination covers anyone over 18 (with a few exceptions) while the Federal law is limited to persons between 40 and 70.<sup>45</sup> Iowa City,<sup>46</sup> Council Bluffs,<sup>47</sup> and Cedar Rapids<sup>48</sup> follow the State example. The Mason City ordinance prohibits discrimination against any person without referencing a specific age<sup>49</sup> and the remaining city ordinances, except for Waterloo's, prohibit age discrimination in employment but do not define the covered age group.<sup>50</sup> Waterloo's ordinance does not cover age discrimination.<sup>51</sup>

All the laws prohibit refusal or failure to hire as well as discriminatory discharges. (See Table 2) All but Iowa City's, Fort Dodge's, Cedar Rapids' and Sioux City's ordinances prohibit discrimination in terms and conditions of employment.<sup>52</sup> Other specific prohibitions missing from the ordinances include actions to limit, segregate or classify people in order to deprive any individual of equal opportunity; prohibitions against failing or refusing to refer for employment; and, prohibitions against attempts to cause an employer to discriminate. (See Table 2) All the laws prohibit discrimination by labor organizations. Iowa City, Mason City, Fort Dodge, Davenport and Waterloo include in their ordinances prohibitions against discrimination in admission to or employment in an apprenticeship program.<sup>53</sup>

Iowa laws cover far more employers than does the Federal statute, which covers only employers of 15 or more persons.<sup>54</sup> The State statute<sup>55</sup> and the city ordinances of Cedar Rapids, Council Bluffs, Des Moines, Sioux City, and Waterloo exempt employers of fewer than four persons;<sup>56</sup> Mason City exempts employers with less than two workers;<sup>57</sup> and Iowa City, Fort Dodge and Davenport exempt no employees.<sup>58</sup> All the laws provide an exemption for religious institutions. The State statute and the ordinances of Iowa City, Mason City, Fort Dodge, Davenport and Sioux City provide an exemption for bona fide occupational qualifications.<sup>59</sup> The State and Cedar Rapids provide exemptions in their laws for bona fide seniority systems.<sup>60</sup>

Equal credit opportunity is broadly protected by Federal law.<sup>61</sup> The State statute contains similar provisions.<sup>62</sup> Des Moines', Sioux City's and Waterloo's ordinances have no equal credit provisions. The Iowa City ordinance is similar to the State's statute but also protects against discrimination based on sexual orientation.<sup>63</sup> Davenport's ordinance also is similar to the State's statute but adds protection based on ancestry and a prohibition of discriminatory questions on credit application forms.<sup>64</sup> Fort Dodge's ordinance coverage is similar to the State's and prohibits discriminatory questions on credit application forms.<sup>65</sup> Mason City's ordinance prohibits redlining, basing insurance rates or insurance coverage on a prohibited basis.<sup>66</sup>

Federal law prohibits a wide range of sex discrimination by educational institutions that receive Federal funds.<sup>67</sup> The State law's coverage is similar but is limited to public school facilities.<sup>68</sup> Federal law exempts certain religious institutions, military service, merchant marine training schools, fraternities and sororities, housing, certain classes and athletic programs (the latter must be equal but can be separate).<sup>69</sup> Under Iowa State law it is illegal to deny, on the basis of sex, comparable intramural and interscholastic athletic programs.<sup>70</sup> Educational institutions are not prohibited under State law "from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided."<sup>71</sup> Only Cedar Rapids' and Council Bluffs' ordinances contain provisions on sex discrimination in educational institutions and both ordinances are identical to the State statute.<sup>72</sup>

All the local ordinances and the State statute establish an agency to receive, process, investigate and conciliate complaints.<sup>73</sup> All the laws provide some kind of remedial action for discrimination. In cases of employment discrimination, however, Mason City's and Council Bluffs' ordinances do not specify backpay as a remedy but do provide for damages including court costs and attorney fees.<sup>74</sup> Davenport's ordinance does not include a list of specific remedies but instead uses the term "adequate remedies."<sup>75</sup> All the laws provide for judicial enforcement and all but Iowa City's include authorization for temporary injunctions. Only the Des Moines and Sioux City ordinances do not include provisions authorizing the agency to issue subpoenas.<sup>76</sup>

Comparisons of laws are of limited value, in part because what the law means depends in great part on its administration. Elsewhere, the Advisory Committee reports on the disparities between Federal and State or local anti-discrimination laws as perceived by the administrators. Clearly, in broad terms, Federal, State and local laws provide comparable protections. But there are exceptions. Whether these deviations have a consequence for effective enforcement of rights is not a part of this study. However, the disparities should be noted in comparison to the perceptions of the State and most local agencies, cited in subsequent sections of this monograph, that they could assume a broad range of delegations of Federal authority based on their current ordinances.

## Notes

1. 42 U.S.C. sec. 2000a(a).
2. Iowa Code sec. 601A.7, 1a (1971).
3. Cedar Rapids, Iowa, Ordinances sec. 69.06, 1.a (1980).
4. Fort Dodge, Iowa, Ordinance No. 1526 art. II, sec. 1A (1979).
5. Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 1.8.39.080.01, a (1981).
6. Des Moines, Iowa, Municipal Code sec. 2-317(a)(1) (1979).
7. Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.090(a)(1) (1977).
8. Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 201.1.a (nd).
9. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-33(a) (1979).
10. Mason City, Iowa Code ch. 17, sec. 2-17-8(a) 1 (1979).
11. 42 U.S.C. sec. 2000a(b)(1).
12. Iowa Code sec. 601A.7, 2 b (1971).
13. Cedar Rapids, Iowa, Ordinances sec. 69.06, 2.b (1980); Council Bluffs, Iowa, Municipal Code sec. 1.8.39.080.02, a (1981); Fort Dodge, Iowa, Ordinance No. 1526, art. II, sec. 1.C.2 (1979); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 201.3.b (nd).
14. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-33 (1981); Mason City, Iowa, Code ch. 17, sec. 2-17-8 (1979); Des Moines, Iowa, Municipal Code sec. 2-317 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-164 (nd); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.090 (1977).
15. 42 U.S.C. sec. 2000a(e); Iowa Code sec. 601A.2, 10 (1971); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.010(1) (1977); Iowa City, Iowa, Ordinances ch. 18, art. I, sec. 18-1 (1979); Council Bluffs, Iowa, Municipal Code sec. 1.8.39.030.09 (1981); Des Moines, Iowa, Municipal Code sec. 2-312 (1979); Mason City, Iowa, Code ch. 17, sec. 2-17-2 (1979); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 201.2 (nd); Cedar Rapids, Iowa, Ordinances sec. 69.02, 13 (1980); Fort Dodge, Iowa, Ordinance No. 1526 art. I, sec. 3.1 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-157(i) (nd).
16. Compare 42 U.S.C. sec. 2000a(a) to Des Moines, Iowa, Municipal Code sec. 2-317(a)(1) (1979).
17. Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.0906(1) (1977).
18. Iowa Code sec. 601A.11 (1971); Mason City, Iowa, Code ch. 17, sec. 2-17-11(512) (1979); Des Moines, Iowa, Municipal Code sec. a-2-317(a)(3)(4) (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-167 (nd); Waterloo, Iowa, Ordinance No. 2513 art. Two sec. 204 (nd).

19. Ibid.
20. Iowa Code sec. 601A.8 (1971); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.060 (1977); Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-32 (1979); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.090 (1981); Des Moines, Iowa, Municipal Code, sec. 2-316 (1979); Mason City, Iowa, Code ch. 17, sec. 2-17-9 (1979); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 203 (nd); Cedar Rapids, Iowa, Ordinances sec. 69.07 (1980); Fort Dodge, Iowa, Ordinance No. 1526, art. II, sec. 3 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-165 (nd).
21. Iowa Code sec. 601A.8 (1981).
22. Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 203 (nd); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.060 (1970).
23. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-32 (1979).
24. Mason City, Iowa, Code ch. 17, sec. 2-17-9 (1979).
25. 42 U.S.C. sec. 3601 et.seq.
26. It should be noted that 42 U.S.C. sec. 1982 which prohibits racial discrimination in housing does not recognize the exemption for private individual transactions. Thus a citizen can bring a private action based on race discrimination under sec. 1982. But national origin, religion or other protected groups are not covered. See Jones v. Alfred H. Mayer Co. 392 U.S. 409 (1969).
27. Iowa Code sec. 601A.12, 1 (1971).
28. Ibid., sec. 601A.12, 2.
29. Ibid., sec. 601A.12, 3.
30. Ibid., sec. 601A.12, 4.
31. Ibid., sec. 601A.12, 5.
32. Iowa City, Iowa Ordinances ch. 10, art. III, sec. 18-32(1) (1979). The ordinance covers "housing transaction" but does not list specific prohibitions.
33. Mason City, Iowa, Code ch. 17, sec. 2-17-9(A)3 (1979).
34. Des Moines, Iowa, Municipal Code sec. 2-316(a)(1) (1979).
35. Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.060(a) (1977).
36. Mason City, Iowa, Code ch. 17, sec. 2-17-9(A)2 (1979).
37. Davenport, Iowa, Ordinances art. VIII, sec. 2-165(a)(4) (nd).
38. Mason City, Iowa, Code ch. 17, sec. 2-17-9(A)1 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-165(a)(4) (nd).
39. Mason City, Iowa, Code ch. 17, sec. 2-17-9(A)6 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-165(a)(5) (nd).

40. Des Moines, Iowa, Municipal Code sec. 2-316(a)(5) (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-166 (nd); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.060(a) (1977); Council Bluffs, Iowa, Municipal Code ch. 8.36, sec. 8.39.100 (1981).
41. Davenport, Iowa, Ordinances art. VIII, sec. 2-165(b) (nd). Both Council Bluffs and Iowa City believe their ordinances can be broadly interpreted to include all prohibitions on housing discrimination. See, Council Bluffs, Iowa, Municipal Code ch. 8-36, sec. 8.39.090 (1981) and Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-32 (1979).
42. Iowa Code, sec. 601A.6 (1971); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.070 (1981); Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 1831 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-163 (nd); Des Moines, Iowa, Municipal Code sec. 2-315 (1979); Mason City, Iowa, Code ch. 17, sec. 2-17-7 (1979); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.040 (1977); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 202 (nd); Cedar Rapids, Iowa, Ordinances sec. 69.05 (1980); Fort Dodge, Iowa, Ordinance No. 1526 art. II, sec. 2 (1979).
43. Iowa Code sec. 601A.6, 1.a (1971).
44. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-31 (1979).
45. Compare 29 U.S.C. sec. 631 to Iowa Code sec. 601A.6, 4 (1971).
46. Iowa City, Iowa, Ordinances ch. 18, art. I, sec. 18-1 (1979).
47. Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.070.02, e (1981).
48. Cedar Rapids, Iowa, Ordinances sec. 69.05, 2, a (1980).
49. Mason City, Iowa, Code ch. 17, sec. 2-17-7 (1979).
50. Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.040 (1977); Des Moines, Iowa, Municipal Code sec. 2-315 (1979); Fort Dodge, Iowa, Ordinance No. 1526, art. II, sec. 2 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-163 (nd).
51. Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 202 (nd).
52. While these ordinances do not specifically mention terms and conditions of employment they use the broad phrase, "otherwise discriminate in employment." See: Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-31(a) (1979); Fort Dodge, Iowa, Ordinance No. 1526 art. II, sec. 2.A (1979); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.040(a) (1977); Cedar Rapids, Iowa, Ordinances sec. 6905 (1980).
53. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-31(b) (1979); Mason City, Iowa Code ch. 17, sec. 2-17-7(A)6 (1979); Fort Dodge, Iowa, Ordinance No. 1526 art. II, sec. 2.B (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-163(d) (nd); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 202.1.b (nd).
54. 42 U.S.C. sec. 2000e.
55. Iowa Code sec. 601A.6, 5.a (1971).

56. Cedar Rapids, Iowa, Ordinances sec. 69.05, 2.3 (1980); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.070.02, a (1981); Des Moines, Iowa, Municipal Code sec. 2-315(b)(2) (1979); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.050(b) (1977); Waterloo, Iowa, Ordinance No. 2513 art. Two, sec. 202.3.a (nd).
57. Mason City, Iowa, Code ch. 17, sec. 2-17-7(B)1 (1979).
58. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-31(d) (1979); Fort Dodge, Iowa, Ordinance No. 1526, art. II, sec. 2.E (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-163 (nd).
59. Iowa Code sec. 601A.6 (1979); Iowa City, Iowa, Ordinance ch. 18, art. III, sec. 18-31(d)(1) (1979) This ordinance recognizes only sex as a possible BFOQ.; Mason City, Iowa, Code ch. 17, sec. 2-17-7(A) (1979); Fort Dodge, Iowa, Ordinance No. 1526 art. Two, sec. 2.A (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-163(f) (nd); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.050(e) (1977) This ordinance recognizes age and certain disabilities as the only possible BFOQ.
60. Iowa Code sec. 601A.13 (1971); Cedar Rapids, Iowa, Ordinances sec. 69.11 (1980).
61. 15 U.S.C. sec. 1691 and 12 C.F.R. Part 202 (1980).
62. Iowa Code sec. 601A.10 (1971).
63. Iowa City, Iowa, Ordinances ch. 18, art. III, sec. 18-34 (1979).
64. Davenport, Iowa, Ordinances art. VIII, sec. 2-166 (nd).
65. Fort Dodge, Iowa, Ordinance No. 1526 art. II, sec. 4 (1979).
66. Mason City, Iowa, Code ch. 17, sec. 2-17-10(F) (1979).
67. 20 U.S.C. sec. 1681.
68. Iowa Code sec. 601A.9 (1971).
69. 20 U.S.C. sec. 1681.
70. Iowa Code sec. 601A.9, 2 (1971).
71. Ibid., sec. 601A.9, 4 (1971).
72. Cedar Rapids, Iowa, Ordinances sec. 69.09 (1980); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.110 (1981).
73. Iowa Code sec. 601A.3; 601A.5 (1971); Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.020 (1977); Iowa City, Iowa, Ordinances ch. 18, art. II, sec. 18-16 (1979); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.010-8.39.050 (1981); Des Moines, Iowa, Municipal Code sec. 2-313, 2-314 (1979); Mason City, Iowa, Code ch. 17 sec. 2-17-3, 2-17-5 (1979); Waterloo, Iowa, Ordinance No. 2513 art. I (nd); Cedar Rapids, Iowa, Ordinance sec. 69.01, 69.04 (1980); Fort Dodge, Iowa, Ordinance No. 1526, sec. 4 (1979); Davenport, Iowa, Ordinances art. VIII, sec. 2-158, 2-159 (nd).

74. Mason City, Iowa, Code ch. 17, sec. 2-17-5(F) (1979); Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.050.09(d) (1981).

75. Davenport, Iowa, Ordinances art. VIII, sec. 2-169.01(a) (nd).

76. The Sioux City ordinance provides that either party at the public hearing can make a written request for the production of witnesses and documents. However, there is no provision for judicial enforcement of the request. Sioux City, Iowa, Municipal Code ch. 4.04, sec. 4.04.160(f) (1977).

### III. THE IOWA CIVIL RIGHTS COMMISSION

Discrimination in Iowa was first prohibited in 1868 when the Iowa Supreme Court held that "The Board of Directors of school districts may exercise a uniform discretion equally operative upon all...but the Board cannot, in their discretion, or otherwise, deny a youth admission to any particular public school because of his or her nationality, religion, color, clothing or the like."<sup>1</sup> This prohibited discrimination against black students in Iowa public schools. Discrimination against black travelers was found to be unconstitutional in 1873.<sup>2</sup>

Prior to 1884, only three other States, Massachusetts, New York and Kansas, had enacted State statutes to guarantee minority groups equal access to places of public accommodation.<sup>3</sup> In that year the Iowa legislature enacted a law making it a crime to deny individuals equal access to specified business establishments. However, Iowa courts held that places such as reducing salons, beauty shops, parking lots, gas stations, schools, health clinics, doctors' and dentists' offices, hospitals, banks, loan companies, lawyers' offices, real estate brokers' offices, employment agency offices were exempt because they were not specifically enumerated in the statute. Only with the passage of the Fair Employment Practices Act of 1963 and Iowa Civil Rights Act, in 1965, were these many exemptions eliminated.<sup>4</sup>

A Governor's Commission on Human Relations was established by executive proclamation of Governor Herschel C. Loveless on Apr. 14, 1958. This body, purely advisory, noted the adverse consequences of the many exemptions to the prohibition against discrimination in the 1884 Act. Its work led to the passage of the subsequent legislation and the establishment, by statute, in 1965, of the Iowa Civil Rights Commission to administer the provisions of the State's antidiscrimination laws.<sup>5</sup>

The primary purpose of the Iowa Civil Rights Commission is to enforce the Iowa Civil Rights Act, as amended, by processing complaints made by persons alleging discrimination on one of the statutorily prohibited bases--race, sex, age, religion, marital status, creed, color, national origin or handicap--in the areas of employment, public accommodations or services, housing, credit and education.<sup>6</sup> In addition, the commission is authorized to conduct research "to promote good will...and to minimize or eliminate discrimination," and to recommend "legislative changes concerning discrimination."<sup>7</sup>

The commission does not believe that the level of complaints filed with it reflects the level of discrimination in the State. It stated that

The level of complaints filed only indicate the number of individuals who assert their rights. There are numerous incidents of discrimination that go unreported due to

- a) Lack of timely filing by aggrieved party;
- b) Failure of aggrieved party to return typewritten complaints to our office;
- c) Failure of individuals to complain because they are fearful of starting "trouble" by standing up for their rights;
- d) Failure of individuals to complain because they are fearful of retaliation by employers;



- e) Failure of individuals to recognize that they have been victims of a discriminatory act;
- f) Ignorance of remedies available by those who know they have been victimized;
- g) The feeling by some individuals that discrimination will end if they are "patient";
- h) The decision by individuals to change jobs or "otherwise" choose not to fight for "their cause".<sup>8</sup>

The commission reported that 887 complaints were filed in 1980 and 943 in 1981, an increase of six percent. In 1981, the bulk of the complaints (87 percent) were about discrimination in employment, with very much smaller percentages about other types (public accommodations--eight percent, housing--four percent, credit--one percent). The largest number of complaints (30 percent) alleged discrimination based on sex, an almost equal number (25 percent) alleged discrimination based on race; the balance alleged discrimination based on handicap (14 percent), age (10 percent), national origin (four percent), religion (three percent), a combination of factors (13 percent, other (one percent). In addition to processing complaints, the commission also provides public information and training on civil rights issues. In fiscal 1981 it held five public forums, nine workshops for local human rights agencies, and two training sessions for private employers.<sup>9</sup>

The commission pointed out that its resources are extremely limited compared to its duties. It stated

This agency was created in 1965. It was a very small agency until 1970-71 when its jurisdiction was substantially increased. Between 1971 and 1974 there was official support for the agency's activities and funding for staff and other necessary expenses was increased. However, much of this increase was the result of Federal financial assistance for specific activities.

Although since 1974 the agency has been required to assume a number of new responsibilities, including monitoring the affirmative action plans of all other State agencies (under the provisions of Executive Order No. 15) and reviewing compliance with civil rights laws in the A-95 Review process for all Federal grants, there has been little additional State financial assistance. Indeed, lack of funding and personnel have meant that nothing could be accomplished by the agency in its new jurisdictions. If it had not been for continued Federal funding in the compliance areas, the agency would not have been able to maintain even the status quo.<sup>10</sup>

Title VII<sup>11</sup> contains the non-discrimination in employment provisions of the Civil Rights Act of 1964. It is administered by the U.S. Equal Employment Opportunity Commission. Title VIII<sup>12</sup> contains the fair housing provisions of the Civil Rights Act of 1968 and is administered by the U.S. Department of Housing and Urban Development. Because the Iowa Civil Rights Commission has met certain requirements set out by EEOC and HUD,<sup>13</sup> it is allowed to handle complaints on housing or employment discrimination. Based on contracts it has negotiated with those agencies, the Iowa Commission is compensated for the Federal complaints it processes. During calendar year 1981, 634 cases were cross-filed with the Equal Employment Opportunity Commission and 51 with the Department of Housing and Urban Development. The commission commented

The process of referral and deferral between the Iowa Civil Rights Commission and the Federal agencies is not that complicated and has been working quite well so far as EEOC and Title VII is concerned. The fiscal arrangements have been satisfactory between EEOC and the Iowa Civil Rights Commission for many years. ICRC's relationship with HUD has been difficult, primarily because of the very tight timeframes that HUD seems to think that they have to work under and their very strict and unbending enforcement of these timeframes regardless of circumstances. The funding arrangements between HUD and ICRC are even less desirable than those between EEOC and ICRC and are not designed to be very workable. We are struggling along and trying to remedy these problems with HUD, and I think that within the next year, either they will be resolved or the arrangement will be scrapped.<sup>14</sup>

EEOC provided FY 1981 data on the productivity of the 69 fair employment practices commissions in the nation with contracts to process Title VII or other charges on behalf of EEOC. EEOC reports that these agencies took an average of 179 days to process new charges; Iowa took 133. EEOC reports an administrative closure rate average of four percent, Iowa's was 12 percent due to some special factors not expected to recur.<sup>15</sup> EEOC reports the average dollar benefit per closure was \$845; Iowa's was \$953.<sup>16</sup> Iowa was expected to process 500 charges during FY 1981 and did so.<sup>17</sup> It was processing 25 charges per month during FY 1981 and had an inventory (backlog plus new charges) of 25.4 months. These were well within the normal range for such agencies.<sup>18</sup>

Commenting on Iowa's relationship with the U.S. Department of Housing and Urban Development, HUD's Regional Office of Fair Housing and Equal Opportunity stated

The Fair Housing Assistance Program is relatively new for HUD and the State and local agencies. Like any new program it needs some time to work through organizational and institutional impediments.

We at HUD are aware of the State and local agencies' need for a continuing program of technical assistance and consultation. We are also cognizant of the various constraints these agencies have that sometimes make it difficult for them to totally adjust to our procedures. For example, we are currently experiencing some rough spots in the administration of the program by the Iowa Civil Rights Commission, but we are optimistic that the positive attitude and professionalism of both staffs will enable us to work through the difficulties and produce a successful Fair Housing Assistance Program in Iowa. Although the concept of a strong, working relationship between HUD and State and local entities is a mutual goal, time and successful experience are necessary to carry out an effective program.<sup>19</sup>

The Iowa Civil Rights Commission believes State laws against discrimination are similar to Federal, except that an amendment would be necessary to the State law prohibiting discrimination based on age to parallel Title III of the Age Discrimination Act.<sup>20</sup>

When asked whether the commission could assume additional jurisdiction to administer Federal statutes it noted

This would only dilute our already meager efforts. That's what created our current problem--the adding of jurisdictions without additional funding.<sup>21</sup>

In addition, the commission noted

If the Commission began administration of other local or Federal laws, it would require lengthier in-service training as well as external training. Our current training budget does not provide for the additional training needed to enforce any other mandate. Such training would require additional funding.<sup>22</sup>

Currently, commission staff receive 5-7 days of in-service training and orientation when they join the agency and commissioners are given written descriptions of their roles, discrimination, and the processing of complaints.<sup>23</sup> The commission noted that although it continues to receive State funding, across-the-board budget cuts have decreased its resources and make Federal financial support essential for any increase in role.<sup>24</sup>

The Iowa commission stated that at the present time there are no deferral or referral arrangements between it and local agencies. However, it noted that such a program was being developed and that if the Federal government began to fund local agencies directly such arrangements would be necessary.<sup>25</sup> The Iowa commission believes that the Ames, Burlington, Cedar Rapids, Council Bluffs, Des Moines, Iowa City, Mason City, Sioux City, Davenport, Dubuque and Waterloo human relations commissions are effectively administering their own ordinances and, with additional funding, could "withstand the added burden" of administering Federal or State antidiscrimination laws.<sup>26</sup> At the present time, State commission assistance to these local agencies includes training on processing complaints and improving community relations.<sup>27</sup>

Notes

1. Clark v. Board of Directors (24 Iowa 266 (1866)).
2. Coger v. Northwest Union Packet Co., ---Iowa---(1873).
3. ICRC letter.
4. Ibid.
5. Ibid.
6. Iowa Civil Rights Commission, Mission Statement, June 23, 1980.
7. Ibid.
8. ICRC letter.
9. Ibid.
10. Ibid.
11. 42 U.S.C. sec. 2000e, et.seq.
12. 42 U.S.C. sec. 3601, et.seq.
13. See 29 C.F.R. sec. 1601.70 (1981) and 24 C.F.R. sec. 115.3 (1981).
14. ICRC letter.
15. Administrative closure rates include charges closed for lack of jurisdiction or because the agency is unable to locate the complainant. John E. Rayburn, Jr., Director, State and Local Division, Office of Field Services, EEOC, letter to staff, attachments, June 8, 1982.
16. Ibid.
17. Ibid.
18. Ibid.
19. Troilus C. Warren, letter to staff, July 20, 1982. The Fair Housing Assistance Program is the complaint referral system under 42 U.S.C. sec. 1601 et.seq. mentioned earlier.
20. ICRC letter; 42 U.S.C. 6102. This statute prohibits age discrimination in federally funded programs.
21. ICRC letter.
22. Ibid.
23. Ibid.
24. Ibid.

25. Ibid.

26. Ibid; and Artis Reis, letter to staff, July 27, 1982.

27. ICRC letter.

#### IV. LOCAL CIVIL RIGHTS ENFORCEMENT AGENCIES

The Advisory Committee sought the views of the local civil rights enforcement agencies on what they do, what they could do, what resources they had and what resources they might need to assume additional responsibilities.

Most of the agencies reviewed see their principal role as enforcers of the local civil rights laws. Staff of the Council Bluffs human rights commission stated

I see the principal mission of the agency as civil rights enforcement. Specifically, investigation, complaint processing, and conciliation take up the majority of our time. We have devoted some time to educational programs for agencies and businesses.<sup>1</sup>

Davenport, Des Moines, Iowa City, Fort Dodge, Mason City, Sioux City and Waterloo had similar views.<sup>2</sup> But Iowa City and Mason City at least implied that education and outreach were paramount and complaint processing was secondary.<sup>3</sup>

Although the municipal agencies see complaint processing as their principal function, none believe the number of complaints accurately reflected the level of discrimination in their communities. Staff of the Council Bluffs commission stated

I do not believe that the number of complaints filed with our office accurately reflects the level of discrimination in our community. There are too many instances where we have to convince people to file complaints. There are instances where interviews are scheduled but the parties don't show up. There have been cases where complainants did not get to the agency before the statutory time had elapsed. Our location in close proximity to a large metropolitan area in another State has caused a lot of public confusion and misunderstanding as to where people should go to file a complaint. I believe that the current economic situation has had an impact on persons who would file discrimination complaints. People don't want to make any waves right now for fear that they will lose their jobs and possibly not be able to find another one.<sup>4</sup>

Staff of the Des Moines commission stated

Discrimination is rampant in the working environment, housing, public accommodation, credit and education. Because of its subtlety discrimination is now more difficult to recognize. In addition, the system does not allow much hope for timely resolution of complaints, in many instances discourages the filing of complaints.<sup>5</sup>

Staff of the Iowa City commission stated

No, [we do not believe that the level of complaints reflects the level of discrimination] and there are a number of reasons for this phenomenon including that residents are unaware of the existence of our agency, residents are unaware they have been or are being discriminated against, and some residents feel filing a complaint is useless. The majority of our complaints are in the area of employment and I would venture to say that with the economic situation as it is, some residents are glad to have a job and do not want to jeopardize their employment status by filing a complaint.<sup>6</sup>

Staff of the Davenport commission stated

Our client representation does not appear to reflect accurately the number of Hispanics in the community. This is an area that needs attention. In addition, there appears to be a noticeable absence of disability and housing complaints.<sup>7</sup>

Staff of the Sioux City commission stated

No, I do not believe the number of complaints accurately reflects the level of discrimination in Sioux City. The reason, I think, is that most complainants are afraid of the reactions of respondents, community, and society in general.<sup>8</sup>

Staff of the Cedar Rapids commission stated

In conversations with citizens of this community, they have indicated that, in many instances, discrimination occurs but no one complains because the victims feel helpless and lack power. In other instances, there are those who are not completely aware of the range of powers and rights they have available to obtain redress for discrimination.<sup>9</sup>

The chairperson of the Fort Dodge commission stated

It is difficult to ascertain from the number of complaints received the level of discrimination in Fort Dodge. The commission found probable cause in three of 12 cases in 1981. Citizen feedback indicates that there are more possible violations of our ordinance, but parties have been unwilling to file. Some reasons for this are lack of knowledge of their rights, fear of reprisal and apathy.<sup>10</sup>

Staff of the Mason City commission stated they also do not believe the level of complaints reflect the level of discrimination because "Inadequate funding inhibits public relations which in turn lowers the visibility of the local commission."<sup>11</sup>

Waterloo also did not believe that its caseload reflects the level of discrimination. It stated the reasons for this are

1. lack of awareness of our existence
2. our invisibility
3. people's ignorance of their rights
4. our credibility -slowness of the procedure  
-legalese  
-limitations of our ordinance<sup>12</sup>

The actual level of complaints range from 6.3 per thousand population in Sioux City to 0.5 per thousand population in Fort Dodge (Webster County). Counting only formal complaints, Mason City reported the highest ratio, 1.4 per thousand, while Des Moines reported the lowest, 0.3 complaints per thousand population. (See Table 3)

Although the level of complaints and costs (one dollar or less per inhabitant) are relatively low, the level of municipal support for the local human rights agencies has remained constant. Only Council Bluffs and Des Moines commission's staffs reported increased support since their creation--Council Bluffs staff cited provision of staff and resources, Des Moines staff noted increased cooperation between it and the local chamber of commerce.<sup>13</sup> Mason City and Davenport staff indicate a decline in support,

**Table 3**  
**Cases, Budgets and Population**  
**1980**

	Formal & Informal Cases	No. of Formal Cases	No. of Informal Cases	Budget	Population	Formal Cases Per 1,000 Population	Informal & Formal Cases Per 1,000 Population	Cost Per Person in the Population
Cedar Rapids	95	95	NI	106,314	110,243	0.9	1.2 <sup>f</sup>	\$0.96
Council Bluffs	160	27	133	21,088	56,449	0.5	2.9	0.37
Davenport	388	45	343	66,680	103,264	0.4	3.8	0.65
Des Moines	174	56	118	156,569	191,003	0.3	0.9	0.82
Fort Dodge/ Webster County	15	15	NI	27,474	29,423 <sup>a</sup> 45,953 <sup>b</sup>	0.5 0.3	0.5 <sup>f</sup>	0.93 0.60
Mason City	43	43	NI	14,636	30,144	1.4	1.4 <sup>f</sup>	0.49
Iowa City	30	30	NI	24,170	50,508	0.6	0.6 <sup>f</sup>	0.48
Sioux City <sup>c</sup>	519	78	441	56,003	82,003	1.0	6.3	0.68
Waterloo	473	36 <sup>d</sup>	437 <sup>e</sup>	76,054	75,985	0.5	6.2	1.00

. City only

. City and County

c. The informal caseload was calculated using the 1979-80 workload report in the 1980-81 budget.

d. These are actual cases filed. They are also cross-filed with the Iowa Civil Rights Commission and appropriate Federal agencies.

e. The total number of referrals was used to measure totals. From this was subtracted the number of formal cases.

This assumes all formal cases were cross-filed. These contain some complaints that are formal in other jurisdictions, e.g.

. ICRC, Cedar Falls, etc. and are referred to those agencies (civil/human rights).

f. This number may be lower than reality because no informal cases were reported.

NI - No information

SOURCES: Table 1-1 and data supplied by the commissions, on file at CSRO.



which they attribute to hard economic times and the general concern about inflation.<sup>14</sup> Other cities indicate support has remained constant.<sup>15</sup>

As a test of the level of support, the Advisory Committee asked the local agencies to predict their future funding levels. Cedar Rapids, Des Moines and Waterloo representatives think their agencies' appropriations will be maintained at current levels, with appropriate allowances for inflation.<sup>16</sup> Council Bluffs staff thinks its commission too will retain its current level of support with a provision for inflation, provided the city does not have to make too drastic budget reductions because of reduced revenues.<sup>17</sup> Iowa City staff does not expect its legislature to make provision for inflation but noted the commission expects to receive additional Federal funding that would effectively increase its resources.<sup>18</sup> Mason City staff stated their agency expects to lose funding, possibly to the point of elimination. They noted, "As you are aware there is a national trend to de-emphasize the importance of civil rights enforcement. In that vein, our local legislature is no different."<sup>19</sup> The chairperson of the Fort Dodge commission is similarly pessimistic, stating that

The local legislature is leaning toward a more conservative budget and it is not likely that it will approve any increase. The local legislature probably will not make any sizable provision for inflation, if at all. As to the likelihood of an increase or decrease in available resources, this is impossible to predict at this time.<sup>20</sup>

Staff of the Davenport commission also anticipates its funding may be jeopardized by the city's fiscal situation.<sup>21</sup> Staff of the Sioux City commission commented that they had to fight for its budget each year.<sup>22</sup> These agencies' budgets, expressed as cost per resident, ranged from \$1.00 in Waterloo to 37 cents in Council Bluffs.

The Advisory Committee wondered whether even existing levels of support were adequate. Agencies were asked whether they had sufficient resources to do their job properly. Many think they do not have adequate resources. Staff of the Council Bluffs commission stated that

The resources for our agency are not sufficient at this time. There is a need for investigative staff. However, because Fair Housing staff are assigned to the Human Relations Department, the arrangement is much more suitable than it has been in the past when the Director was the only staff person. Many calls and complaints received by our agency are referred to other community organizations but the referral activity still takes time. All of our complaints are cross-filed with the Iowa Civil Rights Commission, EEOC or HUD. Those complaints where we have jurisdiction are processed by our agency. It would be helpful to have support staff to work on contract compliance, investigation, and affirmative action. However, in view of the City's bleak financial situation, I don't see that the funds necessary to expand staff in the Department will be available in the near future.<sup>23</sup>

Staff of the Mason City commission stated that it needs additional funding so that it can conduct human relations forums and expedite complaints.<sup>24</sup> The chairperson of the Waterloo commission stated it needs additional legal help, clerical help, adequate salaries for its staff and additional staff to do community education and research.<sup>25</sup> Staff of the Iowa City commission stated it has sufficient staff:

There are enough resources to fulfill the agency's legal responsibilities. The one full-time staff person, however, has other responsibilities not specifically related to administering the nondiscrimination ordinance. Specifically, the staff person is also responsible for providing staff support to the Human Rights Commissioners and involvement with the Commissioners' various projects, such as the human rights forum held this fiscal year; training of Commissioners; and, the writing and distribution of a newsletter. Additional responsibilities include developing and monitoring the City's contract compliance program and coordinating the development of a Women/Minority Business Enterprises program. The staffperson also provides the general public with referrals to their inquiries which are out of the jurisdiction of the Human Rights Commission.<sup>26</sup>

The chairperson of the Fort Dodge commission stated it too has sufficient resources but could use some additional funding to train commission members.<sup>27</sup> Staff of the Des Moines commission implied it has sufficient funding by listing its many activities.<sup>28</sup> Staff of the Davenport commission stated that

As a result of a cut in the budget from general funds, the Commission lost one full-time staff person who was needed in light of our responsibility to the Minority Business Enterprise Program. Operation funds are adequate. However, one more staff person would allow us time to perform necessary projects.<sup>29</sup>

Staff of the Sioux City commission stated it would need an additional investigator to do its job properly.<sup>30</sup> Staff of the Cedar Rapids commission stated it needs an attorney who would represent solely the local commission.<sup>31</sup>

Representatives of several agencies reported they had received training from the Iowa Civil Rights Commission and/or the International Association of Human Rights Agencies.<sup>32</sup> Others reported they received little or none.<sup>33</sup> Only Des Moines and Council Bluffs expended significant amounts of money on training.<sup>34</sup>

The Advisory Committee sought to determine whether the local agencies could and would assume responsibility for enforcement of State and/or Federal antidiscrimination laws. Commenting on this possibility, staff of the Mason City commission stated that

As you are aware from your experiences in the area of civil rights enforcement, complaints originate at the local level. Too often in the past the emphasis has been placed on the State and Federal administrative agencies to combat discrimination in employment, housing, etc. Additionally, the Federal and State agencies have refused and continue to refuse to provide funding, training, and general support for most local agencies' efforts.

If the purpose of this questionnaire is to determine whether or not the local agencies can, in fact, "do the job", my biased opinion is yes, much better than the State or Federal civil rights agencies. As you screen the responses from the nine local human rights agencies, I am positive that you will see that we are in unanimous agreement that (1) we are improperly funded from the Federal and State levels, (2) we do not receive proper recognition from the Federal or State agencies for our ability to resolve the problems of discrimination, and (3) if civil rights enforcement is to

continue at full strength, the Federal and State agencies MUST direct their emphasis and support toward the local commissions.<sup>35</sup>

Staff of the Cedar Rapids, Davenport, Des Moines, Iowa City, Fort Dodge and Mason City agencies stated that their existing ordinances provide a legal basis under which they could process Federal or State law based allegations of discrimination.<sup>36</sup> Indeed, staff of the Mason City commission asserted its local ordinance is already "much more stringent" in its prohibitions than Federal or State statutes.<sup>37</sup> Staff of the Council Bluffs commission believes its ordinance would have to be amended to provide subpoena power and minor additions to jurisdiction but that it is otherwise sufficient.<sup>38</sup> Staff of the Sioux City commission also stated it would need subpoena power.<sup>39</sup> Staff of the Iowa City commission asserted that

It would not be a matter of resources needed, it would be a problem with jurisdiction. We lack jurisdiction over employment complaints involving county, State or Federal employees or over discriminatory acts which occurred outside the City of Iowa City.<sup>40</sup>

The chairperson of the Waterloo commission felt it would not have the necessary power, primarily because it does not believe a local commission has sufficient clout.<sup>41</sup>

Most agencies' representatives reported they would need some additional resources to administer Federal laws. Staff of the Council Bluffs commission stated that

Obviously, more staff would be needed to process a complaint in a manner that would meet the standards of EEOC or HUD. This would require more funding. Additional training would also be necessary in order to process cases properly within the scope of additional civil rights areas.<sup>42</sup>

The chairperson of the Fort Dodge commission agreed.<sup>43</sup> The chairperson of the Waterloo commission stated it would need "the same resources available to EEOC, HUD, OCR in Department of Education, etc."<sup>44</sup> Staff of the Mason City commission thought it would need more funding.<sup>45</sup> Staff of the Des Moines commission thought it would need more staff, money, authority and power.<sup>46</sup> Staff of the Cedar Rapids commission stated it would need additional staff funding.<sup>47</sup>

With varying degrees of ambiguity, those agencies that think they would need additional funding to make possible local enforcement of Federal statutes against discrimination stated that they would not enter into deferral agreements without financial support from the Federal Government.<sup>48</sup> But most agencies agree that their local legislatures would authorize such activity, if funding were available.<sup>49</sup> Only the chairperson of the Waterloo commission thinks even this would not be sufficient to get local legislative approval for local enforcement.<sup>50</sup>

But all the agencies, except Des Moines and Davenport, agreed that without fiscal support they would refuse to process State agency cases. Staff of the Davenport commission stated it routinely cross-files with the State. Staff of the Council Bluffs commission stated that

The Human Relations Commission and Director would agree to process cases filed under the State law provided that either 1) the Iowa Civil Rights Commission paid to our agency the amount EEOC pays it for closing a case as long as that case is processed by our agency in accordance with EEOC standards, and, this relationship was set-up on a contractual basis, or,

2) the Iowa Civil Rights Commission provided the field staff to do the investigative and supportive work for processing cases.<sup>51</sup>

The chairperson of the Fort Dodge commission stated that "the agency would agree to process cases upon deferral if reimbursement would be made...."<sup>52</sup> Staff of the Iowa City commission stated whether it would assume such responsibility

would depend on how many cases were deferred to us. An increase of five or more cases per year would require additional staff and the State Civil Rights Commission would have to assist in funding the additional staff.<sup>53</sup>

Staff of the Mason City commission stated that

The Mason City HRC would agree to participation only under a contractual agreement whereby the Federal dollars now received by the Iowa Civil Rights Commission would be funneled to the local commissions. I might add, however, that under an unwritten agreement we presently cross-file complaints with the State commission.<sup>54</sup>

The chairperson of the Waterloo commission insisted it would want "assurance we had resources--staff, money, equipment (e.g. computer capability) to perform at least adequately. If we can't help people, at least we can't hurt them."<sup>55</sup> Sioux City said it would need an additional investigator.<sup>56</sup>

Only staff of the Iowa City commission thought it would not need additional training to assume responsibility for State or Federal law administration.<sup>57</sup> Typical of the responses of the remaining agencies were those of Council Bluffs and Mason City. Staff of the Council Bluffs commission stated that

If our agency was to assume responsibility for administering State or Federal laws, I would hope that the bulk of the training would come from those agencies. It would be difficult to speculate what specific training would be needed without knowing what the additional responsibilities would entail. I would hope that we could obtain grants for some of this training so we could attend the expensive seminars companies seem to be attending, provided by such organizations as the Professional Seminar Associates and the Equal Employment Educational Programs. Without the grants, we could not participate in this training. I would also like to see EEOC be required to provide training to local agencies regardless of whether or not we have 706 status. I would expect the Regional Council, EEOC, OFCCP, the various State Commissioners, various law schools, and private companies would provide training in civil rights to local agencies.<sup>58</sup>

Staff of the Mason City commission stated that

The local Commission needs more extensive training on procedures for public hearings and the litigation process. Without question, grants would be needed for this type of training. The National Association for Human Rights Commission or the Iowa Administrative Hearing Officers Organization could provide this training.<sup>59</sup>

Staff of the Davenport commission stated that

If we were unable to rely on Federal and State back-up on cases we would need continuous training. Funds would have to be provided for this. There exists a broad range of resources available for training. Various packages could be put together for that purpose.60

Notes

1. Council Bluffs letter.
2. Davenport letter, Des Moines letter, Waterloo letter, Iowa City letter, Fort Dodge letter, Mason City letter, Sioux City letter.
3. Iowa City letter, Mason City letter.
4. Council Bluffs letter.
5. Des Moines letter.
6. Iowa City letter.
7. Davenport letter.
8. Sioux City letter.
9. Cedar Rapids letter.
10. Fort Dodge letter.
11. Mason City letter.
12. Waterloo letter.
13. Council Bluffs letter; Des Moines letter.
14. Davenport letter; Mason City letter.
15. Fort Dodge letter, Iowa City letter, Sioux City letter.
16. Cedar Rapids letter, Waterloo letter, Des Moines letter.
17. Council Bluffs letter.
18. Iowa City letter.
19. Mason City letter.
20. Fort Dodge letter.
21. Davenport letter.
22. Sioux City letter.
23. Council Bluffs letter.
24. Mason City letter.
25. Waterloo letter.
26. Iowa City letter; emphasis in the original.
27. Fort Dodge letter.

28. Des Moines letter.
29. Davenport letter.
30. Sioux City letter.
31. Cedar Rapids letter.
32. Council Bluffs letter, Des Moines letter, Iowa City letter, Sioux City letter, Waterloo letter.
33. Davenport letter, Fort Dodge letter, Mason City letter.
34. Fort Dodge letter, Waterloo letter.
35. Mason City letter, original emphasis.
36. Cedar Rapids letter, Davenport letter, Des Moines letter, Iowa City letter, Fort Dodge letter, Mason City letter.
37. Mason City letter.
38. Council Bluffs letter. The Council Bluffs ordinance provides for a written request for presentation of witnesses or documents. If the request is not complied with the ordinance provides that the District Court can be petitioned to issue a subpoena. (Council Bluffs, Iowa, Municipal Code ch. 8.39, sec. 8.39.050.07 (1979)).
39. Sioux City letter.
40. Iowa City letter.
41. Waterloo letter.
42. Council Bluffs letter.
43. Fort Dodge letter.
45. Mason City letter.
46. Des Moines letter.
47. Cedar Rapids letter.
48. Council Bluffs letter, Cedar Rapids letter, Fort Dodge letter, Mason City letter, Waterloo letter.
49. Cedar Rapids letter, Council Bluffs letter, Des Moines letter, Mason City letter.
50. Waterloo letter.
51. Council Bluffs letter.
52. Fort Dodge letter.

53. Iowa City letter.
54. Mason City letter.
55. Waterloo letter.
56. Sioux City letter.
57. Iowa City letter.
58. Council Bluffs letter.
59. Mason City letter.
60. Davenport letter.



## CONCLUSION

A review of the data on jurisdiction shows that the Iowa State and local laws are, by and large, as extensive as Federal law in their protection of the rights of individuals. Indeed, in many instances, they are more extensive. Responsible State and local agencies, representative of the diverse interests of their communities, believe themselves qualified to investigate and enforce compliance with Federal antidiscrimination laws.

The capacity of the local agencies is untested. They process relatively few complaints per year thoroughly; only Cedar Rapids, Des Moines, and Sioux City report more than 50 formal cases in FY 1980 and none processed as many as 100 (the minimum level for an EEOC contract). The Iowa Civil Rights Commission has a track record and it does process a reasonably large number of complaints. But, as it points out, it has been perpetually starved for funds to carry out the wide variety of missions assigned to it. Its compliance efforts are virtually the product of Federal funding.

The State and local agencies asserted that they would not accept any deferral arrangements for administering Federal antidiscrimination law unless the Federal government assumes the costs. It is clear that those costs would include extensive training for commissioners and staffs as well as increases in the size of some agency staffs (assuming an increase in workload is expected to result from deferrals). There may be a saving to the extent that State and local government workers may be paid somewhat less than their Federal counterparts. But deferral might require additional coordinating activities at the national level involving relatively higher cost workers in Washington. Moreover, the number of local agencies would determine the level of cost--if agencies with smaller caseloads were accepted, staff and cost per case would rise. In short, any extensive deferral arrangements will require some hard thinking by the Federal government to determine the appropriate level to which the delegation should occur and the acceptable cost of that delegation. For example, the Federal government might choose to delegate its authority solely to State agencies, allowing them in turn to make sub-delegations and appropriate financial arrangements with local agencies. This would minimize the costs to the Federal government, since it would have to monitor the activities of only 50 units and could set national cost reimbursement estimates.

The Advisory Committee has not reviewed the actual performance of the Iowa Civil Rights Commission and the local agencies to determine the impact of their complaint rulings. A risk in delegation, from the national perspective, is that State (and local) agencies will vary in their views of equality and the national standards will be replaced by regional, State or local. Some of this could be controlled by careful rulemaking; some is inevitable and perhaps should be accepted as the reasonable cost of diversity.

In short, increased use of deferral arrangements covering a wider area of antidiscrimination law represents a leap into the unknown. Serious thought needs to be given to the implications of localizing enforcement and to the extent to which national standards can and should be maintained in the process.

## FINDINGS AND RECOMMENDATIONS

The following findings and recommendations are submitted under the provisions of Sec. 703.2(e) of the Commission's regulations, empowering the Advisory Committee to "Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied."

The Advisory Committee presents the findings and recommendations for consideration by the Commission in its national program planning and for its consideration in advising the President and Congress on matters within its jurisdiction.

Finding 1: The Advisory Committee notes that, as part of the "new Federalism," the Federal government is considering what regulatory responsibilities for civil rights compliance could be deferred to the State or local civil rights enforcement agencies. Two agencies, the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, already have deferral arrangements for civil rights enforcement efforts within their jurisdictions. The Advisory Committee notes that the State law and many of the local antidiscrimination laws in Iowa are broadly similar to Federal statutes and thus the Iowa Civil Rights Commission and many of the local civil rights enforcement agencies could assume deferral authority under a variety of Federal statutes. However, the State and local agencies state they could not assume deferral authority unless Federal financial support was provided to pay the administrative costs of additional responsibilities and training was provided to ensure that staff were able to effectively administer Federal laws and regulations.

Recommendation 1: The Advisory Committee urges the Commission to undertake a comprehensive study of the existing status of State and local civil rights agencies to assess their current efforts and capacity to participate in a significantly expanded deferral process. As part of that study, the Commission should consider framing a model civil rights statute/ordinance that could be used by State and local legislatures to give their agencies the minimum legal basis for participating in Federal deferral efforts. In addition, given the State and local agencies' expressed concerns about financing and training, the Commission should assess the costs of a significantly expanded deferral system and seek to determine whether Federal support of State and local efforts to replace current Federal enforcement would be cost effective or efficient.

Finding 2: The Advisory Committee finds that there are some limited discrepancies between Federal antidiscrimination law and State or local law.

Recommendation 2: The Advisory Committee urges State and local authorities to amend their laws to assure comparability with Federal legislation, thus minimizing the need for Federal action to determine comparability.

Finding 3: The Advisory Committee notes that State and local agencies are not receiving formal complaints of discrimination in numbers proportionate to their assessment of the scope of discrimination in their jurisdictions.

Recommendation 3: The Advisory Committee urges the Iowa Civil Rights Commission and the local agencies to discuss ways to insure that persons who suffer discrimination do make use of the mechanisms available under State and local laws.

Finding 4: The Advisory Committee notes that most local agencies and the Iowa Civil Rights Commission will be facing severe budget constraints.

Recommendation 4: The Advisory Committee urges State and local governments to recognize the importance of human rights agencies and minimize the cutbacks facing such units of government. Further, the Advisory Committee hopes that State and local governments will consider an additional investment in such agencies as a way to root out the lingering effects of discrimination.

Finding 5: The Advisory Committee notes that some local agencies feel they have insufficient resources to process complaints adequately under their existing ordinances.

Recommendation 5: The Advisory Committee urges that the resources of local agencies be strengthened so that they can, at a minimum, effectively enforce existing ordinances.

## APPENDIX

Table A shows that the staffs and commissions of the Iowa State and local human rights agencies are broadly representative of their communities. Because the totals are so small, and the proportions of most minority groups in the communities are very small, representation is hardly surprising.

Appendix A

Composition of Commissions and Staffs of Selected Iowa Civil Rights Agencies  
(Number and Percent by Row)

	White Male	Black Male	Hispanic Male	Asian Male	Indian Male	White Female	Black Female	Hispanic Female	Asian Female	Indian Female	Total
Iowa CRC-Commissioners	3(43)	1(14)				2(29)	1(14)				7
Staff Members	7(18)	5(13)	2(5)	1(3)		16(41)	7(18)	1(3)			39
Cedar Rapids CRC-Commissioners	2(22)	3(33)				2(22)	2(22)				9
Staff Members	1(20)	1(20)				2(40)	1(20)				5
Council Bluffs HRC-Commissioners	1(11)	2(22)	2(22)			3(33)		1(11)			9
Staff Members						1(33)	2(67)				3
Davenport HRC-Commissioners	1(14)	1(14)	1(14)			1(14)	1(14)				7(2 vacan.)
Staff Members	1(25)					2(50)	1(25)				4
Des Moines HRC-Commissioners	3(30)	1(10)	1(10)			2(20)	2(20)		1(10)		10
Staff Members	1(17)					3(50)	2(33)				6
Fort Dodge/Webster County HRC-Commissioners	2(29)	1(14)				3(43)	1(14)				8
Staff Members	1(50)					1(50)					2
Iowa City HRC-Commissioners	3(33)	1(11)				4(44)		1(11)			9
Staff Members						1(50)	1(50)				2
Mason City HRC-Commissioners	3(33)		1(11)			3(33)	1(11)	1(11)			9
Staff Members	1(50)					1(50)					2
Sioux City HRC-Commissioners	6(55)	1(9)				3(27)				1(9)	11
Staff Members		1(50)					1(50)				2
Waterloo CHR-Commissioners	2(20)	4(40)				3(30)	1(10)				10
Staff Members		1(25)					2(50)	1(25)			4

NOTE: Percent by row is in parentheses.

SOURCE: Data supplied by agencies, on file at CSRO.