

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

<p>MARY ELIZABETH (BETSY) BRANDSGARD and SHARON MOORE</p> <p>Plaintiffs,</p> <p>v.</p> <p>QUAD CITIES CHAMBER OF COMMERCE, INC., PAUL RUMLER, and KRISTIN GLASS</p> <p>Defendants.</p>	<p>CASE No.</p> <p>PETITION AT LAW AND JURY DEMAND</p>
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COME NOW Plaintiffs, by and through counsel, bring their claims against Quad Cities Chamber of Commerce, Paul Rumler, and Kristin Glass, and hereby state to the Court as follows:

INTRODUCTION AND JURISDICTION

1. This is an action brought under the Iowa Civil Rights Act.
2. The unlawful practices alleged below were committed in Scott County, Iowa.

VENUE

3. Venue is properly laid in this judicial district pursuant to Iowa Code § 616.18, in that the injury or damage was sustained in Scott County.

PARTIES

4. At all times material to this complaint, Plaintiff Betsy Brandsgard (“Brandsgard”) was a citizen and resident of Scott County, Iowa.
5. At all times material to this complaint, Plaintiff Sharon Moore (“Moore”) was a citizen and resident of Scott County, Iowa.

6. At all times material to this complaint, Defendant Quad Cities Chamber of Commerce, Inc. (“Chamber”) was a corporation with its principal place of business located in Scott County, Iowa.
7. At all times material to this complaint, Defendant Paul Rumler (“Rumler”) was a citizen and resident of Scott County, Iowa.
8. At all times material to this complaint, Defendant Kristin Glass (“Glass”) was a citizen and resident of Scott County, Iowa.

PROCEDURAL REQUIREMENTS

9. On March 20, 2019, within 300 days of the acts of which she complains, Plaintiff Moore filed a charge of employment discrimination with the Iowa Civil Rights Commission against Defendants.
10. On March 26, 2019, within 300 days of the acts of which she complains, Plaintiff Brandsgard filed a charge of employment discrimination with the Iowa Civil Rights Commission against Defendants.
11. On September 17, 2019, less than 90 days prior to the filing of this Petition, the Iowa Civil Rights Commission administratively closed Plaintiffs Brandsgard’s and Moore’s cases and issued to them an Administrative Release and Letter of Right-to-Sue pursuant to Iowa Code Chapter 216.16 with respect to such charges of discrimination.
12. Joinder of these Plaintiffs is proper as common questions of law or fact exist among and with respect to all of them.

FACTUAL BACKGROUND – ALL PLAINTIFFS

13. Plaintiffs are two former Quad Cities Chamber of Commerce employees.

14. On April 16, 2018, Defendant Rumler began his tenure as President and Chief Executive Officer of the Chamber.
15. Defendant Rumler replaced Glass, who served as interim CEO from July 2017 until April 2018.
16. In April 2018, Defendant Rumler convened an all-staff meeting during which he announced his aspiration to “win the next generation” by becoming the kind of Chamber that is “more responsive to members, modern” and hip. Defendant Rumler announced he would be deploying a new management system called Entrepreneurial Operating System (“EOS”). Defendant Rumler announced Defendant Glass would take on the newly created role of Chief Strategy Officer, making her second in command.
17. On June 28, 2018, Defendants Chamber, Rumler, and Glass terminated five employees, all of whom were female and four of whom were older.
18. On June 28, 2018, both Plaintiffs were terminated. Two additional employees, Jason Gordon and Greg Aguilar, met with Defendant Rumler and a representative from Honkamp Krueger, a Human Resource firm on contract with the Chamber.
19. Gordon was 43 years old at the time of the meeting. Gordon was told that his position of Vice President of Military and Public Affairs was being changed to the lesser title of Director of Military and Public Affairs. Gordon received a commensurate pay reduction; however, he would remain the top government affairs official in charge of that line of work.
20. Aguilar was 38 years old at the time of the meeting. Aguilar was told his position of Director of Talent Attraction and Retention would be eliminated, but he was offered, and accepted, a lateral move to Director of Q2030.

21. The only two men caught in the restructuring were retained.
22. Both Gordon and Aguilar accepted their new positions.
23. Alternative positions were neither offered nor suggested to any of the five women affected by the restructuring.
24. Neither Paul Rumler nor the Honkamp representative provided information on any open positions nor did they advise Plaintiffs Brandsgard or Moore of the process or timeline for applying for any new positions at the Chamber.
25. Immediately after Plaintiffs' termination, Defendant Chamber began advertising and filling five positions which brought it back to the identical full-time equivalent ("FTE") count.
26. When later asked about the lack of severance by several business leaders, Defendant Rumler contended the Chamber "simply could not afford to provide severance."
27. Defendant Rumler and Defendant Glass continued to make financial choices inconsistent with any financial challenges.
28. For example, on June 28, 2019 the same day as Plaintiffs' termination, it was announced at an all staff meeting that all employees would receive a 3% raise.

FACTUAL BACKGROUND – PLAINTIFF BETSY BRANDSGARD

29. Plaintiff Brandsgard began working for Defendant Chamber in 1995, and most recently held the position of Chief Operating Officer.
30. Prior to June 28, 2018, Defendant Rumler began to move some of Plaintiff's key position functions and authorities to Defendant Glass, though Glass had limited familiarity or knowledge of these duties and required training and orientation from Plaintiff Brandsgard to undertake them.

31. In April 2018, in the first EOS team meeting, Plaintiff Brandsgard was questioned by Defendant Rumler publicly on whether she had the desire to continue in a leadership role at the Chamber. Plaintiff Brandsgard expressed her interest in continuing with her leadership role.
32. Defendants Rumler and Glass devised and imposed financial cutbacks. Upon hearing discussion of proposed cutbacks, Plaintiff Brandsgard suggested to VP of Finance Leslie Anderson certain cutbacks “might disproportionately impact older employees,” or that in substance.
33. In approximately May or June 2018, Defendant Glass described to Plaintiff Brandsgard a conversation between Defendant Rumler and herself where they discussed how to handle terminating an employee in a manner that would limit exposure and unwanted community conversation and a potential age discrimination claim.
34. Glass informed Plaintiff Brandsgard that the idea of “restructuring” was floated by Defendant Rumler as an acceptable pretext in order to eliminate unwanted persons in a protected class rather than eliminate actual positions.
35. Though Plaintiff Moore was serving as Executive Assistant, Defendant Glass expressed to Plaintiff Brandsgard that Jessica Webb would be a great executive assistant to support her and Defendant Rumler’s roles. Jessica Webb was 32 years old at the time.
36. On June 28, 2018, Plaintiff Brandsgard was called into a meeting by Paul Rumler. Present in the meeting was Defendant Rumler and a human resource representative from Honkamp Krueger.
37. Plaintiff Brandsgard was told that she was terminated effective immediately.

38. Plaintiff Brandsgard was told her position was being eliminated due to alleged restructuring and that there would not be an overall reduction of FTEs at the Chamber.

39. Plaintiff Brandsgard was denied severance pay, including wages and health benefits following her termination.

40. Plaintiff Brandsgard was not offered any alternative position or even told of the process or timeline for applying for any new positions at the Chamber.

FACTUAL BACKGROUNDS – PLAINTIFF SHARON MOORE

41. Plaintiff Moore began working for Defendant Chamber in 2008, and most recently held the position of Executive Assistant to the President and CEO.

42. Before April 2018, Defendant Glass informed Plaintiff Moore that when she agreed to serve as interim CEO she did so on the condition that she would not serve in a “lesser role” when a permanent CEO was hired, thus she may have to move Plaintiff Brandsgard along somehow, meaning that she would need to find a way to get rid of her.

43. Prior to June 28, 2018, under Defendant Rumler’s new management system “EOS Team,” Plaintiff Moore was informed she would no longer need to attend management team meetings.

44. On June 28, 2018, Plaintiff Moore was called into a meeting by Paul Rumler. Present in the meeting was Defendant Rumler and a human resource representative from Honkamp Krueger.

45. Plaintiff Moore was told that she was terminated effective immediately.

46. Plaintiff Moore was told her position was being eliminated due to alleged restructuring and that there would not be an overall reduction of FTEs at the Chamber.

47. Within a month of Plaintiff Moore's position being eliminated, the Chamber had posted an advertisement online seeking to hire a new Executive Assistant. The duties and pay range were almost identical to Plaintiff's former position. The position was offered to another Chamber employee, Jessica Webb, age 32, who accepted the position.

48. Plaintiff Moore was denied severance pay, including wages and health benefits following her termination.

49. Plaintiff Moore was not offered any alternative position or even told of the process or timeline for applying for any new positions at the Chamber.

COUNT I
VIOLATION OF IOWA CODE 216.6:
AGE AND GENDER DISCRIMINATION – ALL PLAINTIFFS V. ALL DEFENDANTS

50. Defendants discriminated against Plaintiffs with respect to their employment based on their age and gender in violation of Iowa Code Chapter 216.6.

51. Defendants engaged in a continuing pattern and practice of age and gender discrimination in violation of the Iowa Civil Rights Act, Iowa Code Chapter 216.

52. Plaintiffs' age and gender were motivating factors in the discrimination.

53. The Defendants' violation of Iowa Code Chapter 216 is the cause of the injuries suffered by the Plaintiffs.

54. As a result of Defendants' acts, Plaintiffs have and will continue to suffer damages including but not limited to, mental and emotional harm and anguish, humiliation, embarrassment, and loss of enjoyment of life. Plaintiffs have and will continue to suffer loss of past and future wages and benefits, other emoluments of employment, and may include past and future medical expenses.

WHEREFORE, Plaintiffs request the following relief:

- a) That Defendants' conduct be declared to be in violation of Plaintiffs' rights as outlined in Iowa Code Chapter 216;
- b) That Defendants and their officers, employees, agents, attorneys, successors and assigns, and those acting in concert therewith be enjoined from any conduct violating Plaintiffs' rights or the rights of others similarly situated as secured by Chapter 216 of the Iowa Code, and that the Court order such other injunctive relief as necessary to prevent Defendants from continuing their discriminatory practices and to protect others similar situated;
- c) That Plaintiffs be awarded compensatory damages;
- d) That Plaintiffs be made whole by providing them appropriate lost earnings and benefits with pre-judgment interest, past and future emotional distress damages, and other affirmative relief;
- e) That Plaintiffs be awarded reasonable attorneys' fees and costs incurred in prosecuting this action; and
- f) That Plaintiffs be awarded such additional and further relief as is just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury in this matter.

/s/ Roxanne Conlin
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