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Island woman wins suit against fire department

Feb 03 2009

In a resounding judgment against the fire department, a King County judge ruled Monday that volunteer firefighter Lanora Hackett was routinely harassed, treated as inferior and wrongly denied a paid position at Vashon Island Fire & Rescue.

Superior Court Judge Cheryl Carey awarded the former insurance broker \$150,000 in emotional distress damages as well as six years' pay — roughly \$250,000, Hackett's lawyer estimated — for the job Hackett was denied because she is a woman. The fire department will also be ordered to pay Hackett's legal fees, the lawyer noted.

The judge, speaking from the bench at the Maleng Regional Justice Center in Kent, said Hackett, a volunteer firefighter, suffered discrimination in her effort to get a paid position because of an overriding male culture that permeated the fire department and that the top administration "failed to take reasonably prompt action to correct the problem."

"The plaintiff's gender was a substantial factor in VIFR's decision not to hire her in November 2006 — in violation of Washington's gender discrimination laws," Carey said. "The fire department is liable for causing her hostile working environment."

In an apparent reference to court testimony, she added, "The boys didn't think she could do a man's job."

A volunteer since 2005, Hackett was twice passed over for paid firefighter positions in the Island's fire department over the last two years, despite having scored higher on tests than the two men who were hired instead of her and responding to more calls as a volunteer than anyone else.

When weighing candidates for the position, Carey said, members of a department hiring panel "overemphasized male attributes" to determine which job applicant would "best fit in" at VIFR.

"This court finds that 'best fit' means having values most like the men in the department," Carey said in her judgment.



Lanora Hackett, flanked by her husband David, her two daughters and her lawyer Kathy Goater, leaves the courtroom after the judge issued the verdict Monday afternoon. Amelia Heagerty/staff photo

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Chief Hank Lipe, reached shortly after the verdict was handed down, said he couldn't comment on the judge's ruling but added that he wants to see the department put the case behind it as quickly as it can. He also said that he's seen no sign of discriminatory behavior since he took over the reins of the department last September.

Even so, he added, the department is already taking measures to address potential discrimination.

"We have already begun receiving additional training on our anti-harassment and anti-discrimination policies, which I assure you, will be rigorously enforced," he said.

Fire board chair Neal Philip, a lawyer and former volunteer firefighter, acknowledged that Monday's decision reflected the judge's opinion "that VIFR had a significant problem" but noted that the leadership has changed with Lipe's arrival.

Philip said it was impossible to predict whether the five-member fire commission would appeal the decision but added that he, too, wants to close this difficult chapter.

"I'd just like to move on," he said. "Personally, I'd just rather be done with this thing and get on with it. ... We have to figure out what's best for the department."

The department's insurance company will likely cover part of the judgment award, Lipe said. VIFR's insurance policy carries a \$10,000 deductible and a requirement the department pay 20 percent of the award.

Hackett, who sat before the judge next to her lawyer, Kathy Goater, appeared tearful as the judge handed down the decision. Shortly before exiting the courtroom, she hugged her husband, David Hackett, and her two daughters, Megan and Merideth, who sat quietly through the proceeding a few rows behind her.

"I'm glad it's over," Hackett said. "My hope is that this will change things (at VIFR). That's the whole reason I did this."

David Hackett said the judge's verdict was an unqualified win for his wife.

"It's been a very long, hard road, and we feel completely vindicated," he said. "We hope the fire department, the commissioners in particular, will finally do something about this."

A King County deputy prosecutor, he said the scathing, across-the-board judgment against VIFR is something he's rarely seen.

"You just don't hear judges deciding things that clearly based on evidence, unless there's really something there," he said. "So we're happy, but also sad it had to come to this."

Mike Kirk, VIFR's former assistant chief who filled in for nearly a year before Lipe was hired, also sat before the judge next to VIFR's lawyer, Michael Bolasina. Kirk's wife Patti Kirk, a longtime fire department volunteer, was also in attendance.

Carey, who spoke calmly and easily from the bench for 25 minutes, described a culture of hostility aimed at Hackett, a culture top brass did little to attempt to alter.

Hackett, she noted, had "excellent qualifications for being a firefighter."

Even so, she was twice passed over for a paid position, Carey said. The second time, instead of Hackett, staff chose a man who had been fired from another fire department for a drunk driving conviction, according to court documents.

The judge said each time a

man was chosen over Hackett, gender was a major factor. Carey said Hackett should have been hired three years ago, and ruled that she's entitled to three years' back pay. Carey also awarded Hackett three years front pay, since it will likely take her that long to find a paid position elsewhere.

When Hackett asked why she had not been chosen, her workplace environment quickly soured, Carey said.

Male staff apparently ganged up against Hackett, making things tough for her at every turn, Carey said.

Fire staff "engaged in retaliatory action against Ms. Hackett of which (department administration) was aware," Carey told the court-

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room. Administrators "did not do anything to dispel misconceptions" Hackett was unfit for a paid firefighter job, though they knew "she had passed all tests and had full qualifications."

"The relationship between Ms. Hackett and the career and volunteer firefighters changed. Firefighters were hostile to Ms. Hackett," Carey said.

Hackett reported to Kirk that "people questioned whether she could perform her duties" during a severe windstorm in December 2006, Carey said. Despite findings confirming the incidents, no action was taken against her male peers.

In April 2008, Hackett was the first responder to an injury call. Procedure requires the second wave of responders to take a report from the first person on the scene. But when medics arrived, they discounted Hackett's opinion and essentially barred her from assisting at the scene, Carey noted. While an investigation into the situation found they had "acted unprofessionally," no discipline was taken against them, Carey said.

What's more, Carey said, other women apparently experienced hostility from their male counterparts, incidents they reported to VIFR management to no avail, according to documents and testimony.

One female volunteer, Shannon Larson, was at the Island fire department in 2005. Then-chief Jim Wilson told her "she should make it easy on herself and resign," Carey said. "Eventually, she got fed up and quit. She refused to be mistreated any longer."

Larson was replaced by firefighter Chris Huffman, who, according to Carey, is one of the most flagrant and frequent perpetrators of gender discrimination in the department. Carey cited his out-of-line behavior repeatedly in her ruling.

VIFR firefighter and paramedic Leslie Pohl struggled with her relationship with Huffman. Pohl believed Huffman was insubordinate and uncooperative, according to Carey.

"I have been extremely tolerant" with Huffman, she wrote in a complaint to Kirk, said Carey, reading from documents. "I don't feel like the administration is backing me up."

Kirk testified that because Huffman denied any wrongdoing, action against him was not taken, Carey noted. He continues to be employed at VIFR.

Another female employee, paramedic Gina Ball, left Vashon for a fire department where she was paid less, partly because of the poor treatment she received at VIFR, the judge said.

Carey also noted that the ordeal has been hard on Lanora Hackett, who eventually "became anxious and depressed" as a result of the repetitive and prolonged mistreatment and the "embarrassment and loss of dignity" she suffered in the fire department, Carey said.

Hackett, after the verdict, said she's not sure if she'll continue to volunteer with the fire department.

"I love the work, and I love to serve the community. I'll just have to move forward and see what kinds of changes they make," she said.

Looking at her daughters, she said she's been thankful for her family's support.

"I was glad to have my girls here," she added. "It was a big thing for us."

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davidsova 2 years ago

When we started our EMT class we were mature students with advanced degrees and considerable life experience. Early on our instructors asked us to help lead the class. Because of our performance VIFR trusted us to do the right thing.

Recruit school exposed our imperfections but it also tempered us, made us stronger and more resilient. It taught us how crucial it is to work as a team and how sacrosanct trust is to the fire service.

We started with VIFR during a very troubled time. We talked about the stories and the whispers spread by hopelessly angry people. We chose to focus on the work. Soon VIFR granted us the privilege of our own radios and medical kits. Again, because of our performance, VIFR trusted us to do the right thing.

Unlike the judge and the lawyers I have intimate knowledge and understanding of your claims against VIFR. It was very clear to me that you did not like everybody. Neither did I but I can still learn from people I do not like. Shared experience can bridge differences and heal animosity. It is a fundamental aspect of working as a team. A lesson you consistently failed to grasp.

VIFR IS an inherently tough culture (it should be) but VIFR bent over backwards to help us succeed. Civilians have no idea how difficult it is to be a Firefighter so they cannot understand how incredibly difficult it is to become a paid firefighter. Your lawsuit took advantage of that naiveté.

When you told me you were suing the fire department I was demoralized. Watching this play out has been excruciatingly painful. Looking back I can come to only one conclusion; you had an agenda when you joined VIFR. You took advantage of a troubled time. You betrayed my friendship, you broke the trust. But, again, I can still learn from you.

David Sova
Volunteer Firefighter/EMT
Vashon Island Fire & Rescue

Like Reply



Leslie 2 years ago

I know Gina Ball personally, and I am also a career female firefighter at a different department. Gina is one of the most capable and qualified firefighters I know. The male firefighters trust and are thrilled when she is on her shift. She kept it to herself when she left, and has been exemplary ever since. I know exactly how hard it is to be a professional firefighter, especially a career one. I have been a female firefighter for 25 years now, and a Chief Officer. If Gina left because of the perceived atmosphere, I can guarantee you, VIFR you have a serious problem on your hands!

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