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January 2, 2008

By electronic and first class mail

Hon. Bill White  
Mayor  
City of Houston  
P.O. Box 1652  
Houston, TX 77251

Re: Houston's Discrimination Against Women Firefighters

Dear Mayor White:

I am Vice President and Legal Director of Legal Momentum, the nation's oldest women's rights legal organization. One of Legal Momentum's top priorities is assuring women's access to equal work opportunities, particularly in high-paying fields historically closed to them. Firefighting is one such field. I am writing to urge your immediate action in response to the federal Equal Employment Opportunity Commission's ("EEOC") determination that the Houston Fire Department's promotional rules discriminate against women.

Decades after the first woman joined the Houston Fire Department (the "Department"), women still make up fewer than three percent of the firefighter ranks. The numbers are even worse among the Department's leadership: not a single woman holds any of the department's 135 highest management jobs, while only seven of the nearly 200 firefighters at the rank of senior captain or equivalent are women. In this respect, Houston lags far behind other major metropolitan areas such as Miami-Dade County, Minneapolis, and San Francisco, where women make up 15% or more of the force; in the latter two cities, women also have served as fire chief.

In light of these facts, we were dismayed to learn that new promotional provisions in the collective bargaining agreement ("CBA") negotiated by the City with the Houston Professional Fire Fighters Association are now in effect. These provisions guarantee women's continued exclusion from the

Department's leadership. They grant top promotional preferences to firefighters with tenures of 20 years – all of whom are men – and impose a new time-in-rank rule that further delays women's advancement. Indeed, this latter rule has disqualified all women in the Department from promotion to Assistant Chief.

In short, just as a few pioneering women were poised to integrate the Department's leadership, they have been bumped back down the line.

Consequently, the EEOC – the federal agency charged with enforcing laws against on-the-job discrimination – ruled last month that the CBA has a discriminatory adverse impact on women. Yet it appears that instead of resolving this problem expeditiously and ending this discrimination, the City intends to force this matter into litigation. That the City would forgo a fair, amicable resolution in favor of spending hundreds of thousands of tax dollars defending rules that guarantee women's continued exclusion from the Department's highest ranks is, quite simply, incomprehensible.

This approach also dashes any hope of increasing women's paltry numbers in the Department overall. Women's absence from the Department's leadership has a direct effect on the Department's ability to recruit and retain women firefighters. As a guidance manual published by the Federal Emergency Management Agency explains:

Firefighters self-recruit – attract more people like themselves – because of their visibility. If only white men are visible . . . it's primarily white men who will be recruited as a result. Every time your department is in the public eye . . . its diversity should be visible.

.....

One of the greatest obstacles to the first women pursuing promotions is that they have no role models. . . . When there is no one who looks like them performing a particular job, it is very hard for most people to imagine themselves in that role. This is one reason why promotions for women firefighters often have a snowballing effect: it may take a long time for the first woman to step forward into a promotion, but after that, increasing numbers of women are likely to follow as they see a real person like them in the position.

Federal Emergency Management Agency, *Many Faces, One Purpose – A Manager's Handbook on Women in Firefighting*, at 3, 88 (1999).

The EEOC's ruling presents an opportunity for Houston to take much needed steps toward having a fire department as diverse as the city it serves. Rather than fight to preserve the status quo, Houston should remove these discriminatory barriers to the promotion of its female firefighters. We urge the City to do so.

Sincerely,



Jennifer K. Brown  
Vice President and Legal Director

cc: Hon. Wanda Adams  
Hon. Peter Brown  
Hon. Anne Clutterbuck  
Hon. Adrian Garcia  
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Hon. Michael Sullivan  
Jeff Caynon, President, Houston Professional Fire Fighters Association  
(all by first class mail)