

MEMORANDUM

January 16, 1978

To: Susan Lane
From: Sara Theiss *ST*
Re: LEOFF medical standards

The preliminary results of my investigation for Case No. AO-618, Lori Lakshas v. Seattle Fire Department, indicate that LEOFF medical testing of female firefighter applicants is discriminatory in three areas: 1) overall discriminatory impact on females; 2) discriminatory standards; and 3) discriminatory application of standards.

I. Discriminatory impact of LEOFF medical tests on female firefighter applicants.

A. Preliminary Findings

In December, 1975 and January, 1976 eight women took the LEOFF medical . Five were disqualified. Three sought private medical opinions and appealed to the Civil Service Commission, which ordered the three to be reinstated to the register. In August, 1977 twenty-four women took the LEOFF medical; twelve were disqualified. ³ appealed to the Civil Service Commission after private doctors diagnosed their conditions as non-disqualifying. were reinstated to the register by the Civil Service Commission. The pass rate for females, combining these two years, is 47%. My review of Fire Department records from 1971 to May, 1977 showed a pass rate for male applicants of 82%.

B. Conclusion

Clearly, the LEOFF medical test has screened out a significant number of female applicants. Two questions follow from this: 1) are the standards valid, ie., are they job-related or pension related? 2) does the discriminatory impact stem from unfair standards, or standards that are fair in form but discriminatory in effect? I shall deal with the latter question first.

II. Discriminatory Standards-weight.

A. Preliminary Findings

Five women, (16% of the 32 female applicants) were disqualified for being overweight. Additionally, eight women were told these had to lose weight - 5 to 30 pounds - prior to recruit or pre-recruit school. At least one woman felt that losing weight meant she lost muscle, not fat and that this not only weakened her just

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prior to recruit school but that she was also unable to build her strength through training during this time because she had to diet.

The LEOFF weight standards are stricter for women than they are for men. (This finding is based on comparing the LEOFF weight chart to that of the Metropolitan Life Insurance Company's. This comparison is valid and relevant to the pension purposes of the LEOFF exam because the Metropolitan Standards are based on life insurance actuarial statistics.) The standards are contained in charts indicating a minimum and maximum weight for given heights and ages for each sex. The maximum for males ranges from 135% to 142% of mean ideal weight for middle frame; for females the range is from 113% to 119%.

In the King County area both men and women average 110% to 114% of mean ideal body weight (per the Metropolitan tables). Thus, it appears that the criteria for women do not allow them to exceed the average weight of the population, whereas the criteria for men are much larger.*

B. Conclusion

Weight standards are stricter for females than for males. This had a significant impact on women, as 41% of the female applicants were disqualified for overweight or required to lose prior to school. The sudden weight loss could have had a deleterious affect on the women's physical abilities.

III. Discriminatory Application of Standards

A. Preliminary Findings

A cursory examination of LEOFF reports from 1971 through May 1977 shows that LEOFF Standards were more strictly interpreted for females than for males. A more in depth review with medical advice might show more discrepancies.

1. Although the LEOFF Standards do not contain a height requirement, three females were disqualified for insufficient height and stature to "cope with the rigors and requirements of combat firefighting."
2. LEOFF medical standards state that diseases of the jaws or teeth are disqualifying only when not easily remediable or are incapacitating or will prevent the satisfactory performance of duty. One female was disqualified on the basis of her teeth (and weight). No males were disqualified on that basis, though poor teeth was noted on 3 reports.

*Based on information supplied by Dr. John Brunzelle, U. of W. Associate Professor of Medicine.

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Two of these were qualified and the third qualified on the condition that he get his teeth fixed.

3. LEOFF medical standards indicate that deficiency anemia, not controllable by medication, is a reason for disqualification. No numerical standards, for blood count or hematocrit levels, are given.

Three females were disqualified for anemia. Two were later reinstated by the Civil Service Commission on the basis of diagnoses by private doctors. No males have been disqualified for anemia.

4. Women were disqualified for conditions that further medical testing could not confirm (pregnancy, probable thyroid adenoma, systolic heart murmur) or diagnosed as non-disqualifying (knee problems, abnormal treadmill).
5. At least one woman reported that the doctor who told her she was disqualified also informed her that he didn't understand why women wanted to be firefighters anyway and went on from there. She felt that the affect of this was to discourage her from applying. Several other women reported that some of the doctors were very cold and rude.

B. Conclusion

It's difficult to make firm conclusions, without medical reports and more information. However, it appears that

- a) non-existent standards were applied to women and not men (height);
- b) standards were applied more strictly to females (teeth);
- c) standards were interpreted strictly for females (anemia may have been controllable by medication);
- d) standards are vague (no numerical standards for anemia);
- e) ^{some} LEOFF doctors are biased against hiring females;
- f) LEOFF medical procedures sometimes do not result accurate medical diagnoses. This has an unfair impact on all applicants.

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Memo to Susan Lane from Sara Theiss, January 16, 1978 , Box 1 Folder 9, Office of Women's Rights –
Women Firefighter's Project, Record Series 8402-02, Seattle Municipal Archives

lv. Are the LEOFF medical standards job and/or pension related?

I have not addressed this question in my investigation of the Lakshas complaint. W.S.H.R.C. has had several complaints on the basis of race and handicap against the Leoff system and is at present considering challenging the standards(through a tribunal hearing) on both grounds. The LEOFF system, including the standards, have been set up by statute. If LEOFF can show that the legislative intent behind the standards was a concern for the actuarial integrity of the system, then LEOFF would have a BFOQ with regard to job-relatedness. (One attorney for WSHRC feels that LEOFF could show this). However, since October, 1977 uniformed personnel throughout the state are being covered by Workmen's comp, which excludes pre-existing conditions from coverage..I have asked WSHRC to keep us informed of their progress on this matter. It looks like it will be a lengthy and expensive hearing.