

Pregnancy Benefits for Firefighters are Upheld

The Seattle Fire Department Relief Association can't deny disability benefits to firefighters who stop work because of pregnancy, a King County Superior Court Judge has ruled.

Denial of benefits violates state law against sex discrimination, Judge Edward Heavey ruled.

But a spokesman for the association said the ruling, which came at a pretrial hearing, will probably result in the organization dropping payment of disability benefits to all firefighters, both men and women.

The relief association, a private, non-profit organization not connected to the Seattle Fire Department but open to all its employees, denied discrimination.

"The board of directors will wipe out the plan as a result of this decision," said Russell A. Austin, Jr., attorney for the association, which lists about 98 percent of Seattle's firefighters as members.

The association now pays disabled firefighters \$20 a day for up to two years. The benefits are supplemental to sick leave pay received from the department.

The relief organization won't have enough money to pay maternity benefits even though the city recently changed its policy to allow pregnant firefighters to remain on duty, performing limited tasks, for longer periods of time than in the past, association officials said.

The Northwest Women's Law Center sued the association last April on behalf of three firefighters denied benefits after they stopped working because of pregnancy.

The three, who also belong to the Association of Female Firefighters, sought about \$15,000 in benefits denied to them. The Association of Female Firefighters, also a party to the suit, sought an injunction blocking denial of such benefits in the future.

The relief association, which is mostly men, said all members pay the same dues and are entitled to the same benefits. Because benefits for pregnancy would not be available to males, they are not available to females.

But Heavey said he is convinced denial of the benefits discriminates against women under state law governing labor organizations.

"Denial of benefits for pregnancy is a discriminatory act. It is an unlawful, discriminatory practice," the judge said. "Denial of the benefits based on the fact they are limited to female members is unlawful."

Austin said an appeal of the decision "is darn likely."