

## “I think there needs to be accountability for there ... to be significant changes in people’s behavior. They have to understand what they’ve done and what needs to be changed about it.”

KELLY LARSON, DEVELOPMENT AND TRAINING MANAGER, CITY OF DUBUQUE



Contributed

This image was among the exhibits during the trial of the lawsuit filed by Dubuque firefighter Jami Boss (center) against the City of Dubuque and Fire Chief Rick Steines.

Continued from previous page

“I considered ignoring this issue and not informing you of it because of some backlash I received from it the last time I complained,” the email states. “I changed my mind when I overheard a captain and lieutenant on shift one joking about how putting a women’s sign on the bathroom door just means unisex.”

The city’s response states that all reports regarding the bathrooms were addressed by Steines when he heard them.

Boss noted that all women’s bathrooms now do have locks at all fire stations.

“A woman asking for privacy in the bathroom, to some people there, they looked at it as making an accommodation for women,” she said. “And because there’s more of them than there is of us, why wouldn’t they just be able to use ours, too? That’s kind of the attitude that they have.”

The department also has a breastfeeding policy outlining the need for accommodations and break times for mothers who need to pump breast milk for up to one year after a child’s birth. Mothers should have a private place other than a bathroom to pump milk, according to the policy.

The policy was put in place 14 months after a federal law was passed requiring employers to provide a place to pump, according to Fiedler.

Boss previously reported that a man walked in on her once while she was pumping breast milk in a bathroom. She said the room she was in did not have a lock, but she had no other place to go.

“Working a 24-hour shift away from your family as a woman who just had a baby is difficult in itself,” Boss said. “It is also difficult to ask for something like that to be provided for you because you’re the minority and any time I would suggest or ask something, it felt like I was asking for special accommodations that would then pit me against the males.”

Steines testified that, since becoming chief, he has not had anyone ask him to provide a room to pump milk but that he would have done so.

On Feb. 28 in connection with Boss’ lawsuit, an Iowa District Court judge issued a court order requiring one room at each

Dubuque fire station be available for new mothers to pump breast milk. The room must be able to be locked from the inside, and all rooms must be in place by Wednesday, March 30.

The emailed response from Van Milligen and Steines states that the city works with employees to identify spaces to pump breast milk. The response noted that a facilities manager hired last year is creating an analysis of city facilities to see where changes might need to be made.

### REPORTS OF CRUDE MATERIALS

There also have been reports of pornographic materials found in fire stations over the years.

Boss said magazines depicting naked women were kept in the cleaning supply closet in Station 3, 3155 Central Ave., at one point.

“Obviously, it makes you uncomfortable, knowing that those items are there that objectify women, and it makes you concerned that they are objectifying you or other women while you’re working with them,” she said of the magazines.

In court, Steines denied knowledge of pornographic magazines at Station 3 and the station’s crude nicknames — such as “jack shack” — due to the magazines.

Steines testified that he was not aware of any investigation into the materials but noted that an assistant chief had checked for the magazines and did not find them.

Fiedler also questioned Steines about a Station 3 light switch plate cover meant to look like a naked man. The switch was positioned to resemble male genitalia.

Steines testified that he saw the switch plate cover shortly after he was hired by the fire department in 1985. He said it was removed around 2013 but then put back up again by one of the department’s captains. It was then removed prior to Steines becoming chief in August 2014.

Additionally, Boss reported in her initial lawsuit filing she also was inappropriately touched at work when a co-worker, who was not named, shoved his hands down the back of her pants.

### CONCERNS IN THE PROMOTION PROCESS

Reports of discrimination came up following changes to

the fire equipment operator, or FEO, exam. Until 2018, Steines testified, the fire department promoted FEOs based on their order of performance on a written Civil Service exam.

But in 2018, the department began a practical exam component. Steines testified that it had been in the works for months, but employees heard little about it until it was about time to take the practical exam.

Following the announcement, Fielder said in court, Boss wrote an email to Assistant Fire Chief Greg Harris. She expressed concerns about the fire engine that would be used during the exam, which she said had steering issues that would make it difficult to be used for the evaluation.

Steines testified that department staff checked for issues on the truck but found none. However, its power steering ended up being fixed at some point after the exam.

Steines testified that scores on the practical exam were not released to those who took it, but no one failed. The results were used to develop a list of the order in which he would recommend promotions, and results of the written exam were given less weight.

Steines testified that three people did not do as well on the practical exam, and he wanted them to have more driving experience and further evaluation before being considered for promotion.

Those three included two women firefighters, Boss and Duggan. The third was Brian Recker, the husband of Abby Simon.

Fiedler acknowledged in court that Simon had not yet filed her lawsuit against the city at the time that her husband took the practical exam. However, Fiedler said Simon had met with city staff regarding her claims at that point and had written emails about her complaints.

Steines testified that he knew Recker and Simon were married but that he did not know of Simon’s allegations at the time of the exam.

Boss, who was promoted to FEO in 2020, said she was not told for 22 months after taking the exam that she did not do well enough for promotion, while other men were promoted to FEO during that time



JESSICA REILLY • Telegraph Herald file

Dubuque firefighters battle a blaze after a natural gas explosion on Sept. 28, 2020, destroyed a residence in the 400 block of Loras Boulevard.

frame. She also was not given her practical exam scores.

“And then when I did see my test scores after filing a civil rights complaint, the numbers on my score sheets were scribbled out and changed,” she said.

### EMPLOYEES BELIEVE TRAINING TO RESULT IN ‘SPECIAL TREATMENT’

Trial testimony also outlined several more recent examples of moves meant to address equity and inclusivity at the fire department.

Larson testified that a cultural audit was conducted within the department to see how employees felt about workplace equity and inclusion.

Larson said training connected to the audit was completed last fall. A survey also was conducted to gather employee thoughts on issues surrounding diversity and inclusion.

“I remember that there was a split, so ... they could see there was a chunk of the staff that was more maybe open and receptive or wanting to work on this (and) another chunk of the staff that was feeling that it would result in special treatment for women and minorities,” Larson testified. “... So I see this as more about the culture being reinforced and a culture that’s not inclusive and is highly competitive and where people are afraid to bring forward concerns that relate to any differences they might have.”

A copy of the summary from the survey show that officials found “fragmentation” in the department.

“A substantial subset of the department is concerned about unequal (i.e., special) treatment for members from underrepresented groups in pursuit of increasing diversity,” the summary states. “That is associated with skepticism and scrutiny of women and ethnic/racial minority (prospective) members that creates a noninclusive workplace culture.”

Larson testified she believed it was Coulson’s idea to bring in professionals to complete the audit. Coulson served on the City of Dubuque’s Intercultural Competency Committee.

Coulson told the TH that he believes the fire department has made strides in recent years in improving its culture, noting that issues brought up in Boss’s lawsuit occurred over a period of years.

He said people now are more accepting of ideas surrounding diversity in the fire department.

“Changes have come,” he said. “But when you face changing core values, core beliefs, that’s a long road.”

### MOVING AHEAD

Looking ahead, city officials have voiced a need for continued focus on creating a culture inclusive to all.

On Feb. 22, four days after the verdict in Boss’s civil trial, Van Milligen issued a memo to all fire department staff. The memo states that the city would use the jury findings as “an opportunity for reflection, review and growth.”

“The fire department is going to continue to become more diverse, and this is an opportunity to create an atmosphere where everyone feels accepted,” the memo states. “The jury decided some of the behaviors at the fire department described in the lawsuit were unacceptable. This is a time for introspection and self-examination.”

In the city’s response to the TH, it stated that there is ongoing work within the department to address “a number of issues.”

“This includes employee discussion groups, additional information sharing and communication on behavior expectations, reporting and an intolerance for retaliatory behavior/action,” it states.

In addition, the response notes that Larson’s new role will identify additional training needs.

The response also mentioned that a Core Executive Team made up of city officials was formed three years ago, along with an annual employee survey “that measures employee satisfaction, perceptions and progress towards our organizational culture goals.”

In December, the team shared with city employees a 12-to-18-month action plan to address themes that arose in employee feedback from the annual survey and follow-up focus groups.

“Recommendations from the plan that have already been implemented include expansion of supervisor training and implementation of a learning management system to track individual goals and attendance; monthly one-on-one meetings between the city manager and all department heads; budget recommendations that expand staff capacity and address employee wellness and safety concerns; and addition of positions in the Human Resources department,” the response states.

Larson testified that, in order to change culture generally, everyone has to see how they play a role without being “overly defensive” or “overly focused on blame.” She added that, without public acknowledgment

of issues, it can be difficult for people to move on.

“I think there needs to be accountability for there ... to be significant changes in people’s behavior,” Larson testified. “They have to understand what they’ve done and what needs to be changed about it.”

Additionally, Steines testified that the department’s more recent advertising efforts to recruit more women and minorities is also in place for the selection of a new fire chief.

Steines is retiring effective Thursday, March 31. He previously said the lawsuit had no impact on his decision to do so.

The city’s response states that hiring a new chief “who can improve the culture of the fire department and address performance concerns” is a priority.

“Yes, the core hiring committee is aware of the concerns,” the response states. “Additional committees consisting of fire staff, City of Dubuque leadership team members and community members and partners will also participate to ensure that diverse perspectives are included in making this important decision for the community.”

Boss said she hopes the new fire chief is dedicated to change and diversity.

“I hope that they consider someone from outside of Dubuque to maybe bring in a fresh new perspective, and I would be disappointed if some of the characters from the story of my trial would get promoted to that position,” she said.

Boss added that she filed her lawsuit in the hopes of creating a better work environment for women.

“Unfortunately, change doesn’t come immediately, even after something like this, a case like this where there’s a verdict,” Boss said. “I do want to say I am somewhat disappointed because so far there has been no accountability. I hope that the city will hold some people accountable in the future based on the facts that came out in the case. I’m not certain that they will. And I think that’s an important thing that needs to happen in promoting that change, in accomplishing that change.”

In the meantime, Boss continues to focus on her work.

“For right now, I plan on continuing to work there, but if there isn’t any change and history repeats itself, I will look to find employment elsewhere,” she said. “... I don’t expect change to happen overnight, but right now, I’m going back and doing my job because it’s the profession that I love.”