

Los Angeles Times

Thursday, December 7, 2006

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Much more than dog food

By Genie Harrison

WHAT HAPPENED to Tennie Pierce at Fire Station 5 in Westchester cannot be compared, as one angry Angeleno suggested, to an episode of "Survivor" or "Fear Factor" with a payout of \$2.7 million. Pierce wasn't given a choice. Instead, he was fed dog food against his will for the purpose of "humbling" him, as the Fire Department's own inquiry found, and was forced off the job when he followed department rules and reported the incident.

The \$2.7-million settlement approved by the Los Angeles City Council, then vetoed by the mayor, was not simply about dog food. It was compensation for the Fire Department's failure to stop the retaliation against Pierce, who broke the code of silence by reporting the incident. One thing everyone — the city controller, the head of the city personnel department and even firefighters — agrees on is that retaliation is a serious problem within the department. It certainly was for Pierce.

The majority of Pierce's injuries flow from retaliation that came after he reported the incident. The story of the dog food incident and Pierce's complaint saturated the Los Angeles Fire

Department. Firefighters he didn't know barked at him, called him "dog food boy" and its variants, and others shunned him. Pierce's 11-year-old daughter was taunted at school about how her dad ate dog food. Dog food was left in his car.

There was never another normal day at work for Pierce. Through their continued harassment, members of the Fire Department — the same people Pierce was expected to trust with his life in an emergency — let him know that he was no longer welcome. Pierce could not face the remainder of his career wondering what other retribution lay ahead. Even the city has agreed that his firefighting career is over.

But that is not the end of the story. The city is also facing evidence at trial that members of Fire Station 5 coordinated their stories before submitting their reports. As came out later in depositions, the battalion chief who conducted an initial inquiry concluded that "the truth was missing" from those reports. Other reports — written by a black battalion chief regarding the two white captains involved — apparently disappeared. That battalion chief said in a deposition that his reports were rewritten and that his name signed to the new reports without his authorization.

Pierce initially asked for three things: a permanent transfer to a new

fire station; a full investigation; and fair punishment for those involved. Instead, the Fire Department tried to make Pierce return to Fire Station 5; there was no investigation; and the perpetrators received discipline that Pierce felt was a slap on the wrist. Had the department addressed Pierce's needs, there never would have been a lawsuit.

Pierce was barely more than halfway through his career when he was forced out of his job. With overtime — which is almost always available — firefighters often earn more than \$100,000 a year, plus a pension and other benefits. If Pierce had been allowed to complete the remainder of his career, he would have retired with a pension of 81% of his salary; now he has nothing — no income and no pension.

If the department had protected Pierce, he could have worked another 13 years. In that time, he would have earned more than \$1.5 million in wages and pension benefits. These losses — what the law calls "economic damages" — made up much of Pierce's settlement package. The balance was for attorney's fees, which continue to mount, and "non-economic damages" — that is, money that compensates him for the humiliation of being forced out of his job and for other things, like having to explain to his daughter why he is called "dog food boy" by men he previously

told her she should respect.

Many people have focused solely on the racial aspect of the Pierce case. But as I explained to the City Council, and as the city attorney is well aware, the city's liability does not hinge on whether race was a motivating factor for the dog food incident. There are other claims, such as retaliation and intentional infliction of emotional distress — the essential elements of which were admitted by Fire Department managers in their deposition testimony. We are now headed to trial, and a verdict for Pierce on any of his claims will give him the right to recover all of his damages.

Pierce had the courage to step forward, and for that his career was ruined, he lost his ability to support his family, he lost his retirement and his name was dragged through the mud — all because the Fire Department has refused to change its ways. Everyone who knows the full extent of this case recognizes there's a lot more to it than two bites of dog food.

This wasn't a TV game show — it was Pierce's life. And the destruction of his career revealed the Fire Department's ugly, dirty secrets.

Genie Harrison is the attorney who represents Tennie Pierce in his case against the Los Angeles Fire Department.