

Stanley v. Fairfax County, et al.
Statement of Harm

1. I am a Battalion Chief (“BC”) with Respondent Fairfax County Fire and Rescue Department (“FRD”), one of just 3 women out of roughly 30 in that position.

2. My colleagues Cheri Zosh (“Zosh”) and Edith Eshleman and I are the highest-ranking women in the FRD.

My professional experience and tenure at Respondent FRD

3. I have worked for Respondent Fairfax County (the “County”) for 27 years, 24 of them with FRD.

4. I began my career with FRD as a firefighter in January 1995. Since that time, I have been promoted to Technician; Lieutenant; Captain I; and Captain II. I was promoted to BC in 2011.

5. Between 2006 and 2013, when I was seriously injured during an equipment test and was forced to retire from active duty, I also served as an Urban Search and Rescue Medical Specialist for the U.S. Federal Emergency Management Agency and the U.S. Agency for International Development. In that role, I worked with international governments to develop rescue and medical plans in response to catastrophic disasters. Among other assignments, I was deployed to Haiti in response to its 2010 earthquake.

6. Between 2011 and 2016, I was detailed to the U.S. government, where I served as a Fellow with the Interagency Threat Assessment Coordination Group (ITACG). In that capacity, I worked as a state and local subject matter expert on fire and emergency medical services’ responses to terrorism, and briefed federal and local lawmakers, federal agency executives, and members of other intelligence agencies about tactics, techniques, and procedures.

7. When my fellowship ended, NCTC retained me and named me the first Operations Officer of a new group, Joint Counterterrorism Assessment Team (JCAT). I continue to participate in the government's Joint Counterterrorism Awareness Workshop Series, a joint project of the Department of Homeland Security, the FBI, and the National Counterterrorism Center. The award-winning workshop reviews and evaluates a city's capability to respond to a terrorist attack. I also created and presented the First Responders response to Terrorism workshop, which was adapted by the U.S. Fire Administration as a national standard. My work in JCAT was honored with the Highest Award at NCTC, and the highest award by the Director of National Intelligence. No other first responder has ever been honored by these awards.

8. I hold a Master's degree in Public Administration, with a concentration in Emergency Management Leadership, from George Mason University. Until my disabling injury in 2013, I also was certified as a paramedic.

My efforts to remedy women's second-class status at Respondent FRD, and FRD's retaliation

9. At the FRD, out of a workforce of about 1,450, roughly 165 – or 11 percent – are women (though there are no accurate data on this, despite my lodging many requests with then-Fire Chief Richard Bowers (“FC Bowers”) to review it). Notably, only 30 to 40 of those women have tenures of a decade or more; the turnover rate for women is exceptionally high.

10. Since 2005, the FRD has been sued 6 times for sex discrimination (3 of those cases filed in 2016 alone), including by Zosh and by me. My 2005 lawsuit was settled by the FRD in 2006.

11. Most recently, in February 2018, the U.S. Court of Appeals for the Fourth Circuit reinstated a lawsuit by a female firefighter who alleged that her captain had sexually harassed and then stalked her. The Fourth Circuit concluded that there was enough evidence for a jury to

decide whether the FRD had failed to adequately respond to the captain's misconduct. (Among other actions, the FRD had permitted the captain to retire with no detriment to his pension.) The FRD settled the lawsuit in April 2018.

12. Upon my return to the FRD from my federal fellowship in March 2016, I was assigned as Battalion Chief of Special Projects.

13. One month later, in April 2016, firefighter-paramedic Nicole Mittendorff committed suicide after being the target of lewd, anonymous posts about her on a Fairfax County message board, including by commenters who claimed to be her colleagues.

14. In the wake of Mittendorff's suicide, FC Bowers reinstated the position of Women's Program Officer ("WPO"), which had been inactive for 8 years, and appointed me to it. I was charged with acting as a women's advocate in meetings with Senior Staff and Command Staff.

15. Soon after I began as the WPO, women began bringing a wide range of complaints to me, and in turn, I raised them with my superior officers.

16. Ultimately, complaints concerning roughly half of all the women in the department were brought to my attention.

17. I also lodged complaints, on my own initiative, about problems I observed.

18. Issues about which I raised concerns, from March 2016 to February 2018, include:

- a. The FRD's internal affairs officer, Guy Morgan, engaged in inappropriate conduct including expressing sexist opinions (as well as racist and homophobic views) on Facebook;
- b. Women's continued exclusion from training for specialty skills apparatus, such as rescue and ladder truck, in favor of steering them to medic training (a/k/a "nurses on trucks"), while men of the same or lesser seniority receive such training;

- c. Women's virtual exclusion from overtime shifts in the Field Training Office, receiving just .08% of shifts in 2015-16.
- d. FC Bowers' refusal to grant me access to FRD data about women's trends within the department, such as why women don't make it into higher ranks, or to retirement;
- e. The male senior officer in charge of personnel, Deputy Chief Danny Grey ("DC Grey"), for more than two years maintained a practice of requiring FRD women who were still recovering from childbirth to submit their FMLA documentation in person, and threatened them with discipline if they did not comply;
- f. The rescission of discipline against Battalion Chief Chris Tillis who – in the presence of a Deputy Chief – told a veteran female Captain, "When you're wearing a shirt like that, my eyes are right here [gesturing around breasts], and I don't hear a word you say," and "That's why you all get assaulted and raped," or words to that effect, as well as the subsequent retaliation against the Captain for pursuing her complaint;
- g. The cursory investigation of a January 2017 incident in which a penis-shaped water bottle was displayed in a fire station;
- h. The relentless bullying by a supervisor of a junior female firefighter, resulting in her being placed on an unwarranted Performance Improvement Plan for several months and having to undergo daily humiliating "counseling" sessions;
- i. Bullying of three women at one firehouse by the station's captain;
- j. A female firefighter who sought to initiate grievances was twice denied the opportunity by her Battalion Chief, who shortly thereafter was promoted to Deputy Fire Chief, while the woman was transferred;
- k. Male firefighters repeatedly soiling a urinal in the female restrooms;
- l. Female firefighters not receiving an adequate number of sleeping quarters and instead being provided makeshift beds – i.e, mattresses on the floor – or being detailed to a far-flung station which had more female beds;
- m. An incident in May 2017 when Captain Ron Kuley, also President of the union, shut off a station's activated fire alarm in the middle of the night and put responding units in service, while a fire in the bay nearly resulting in the women's sleeping quarters being engulfed in flames, yet he received no discipline;
- n. Advocating on behalf of women who faced discharge for illnesses misdiagnosed as non-occupational;

- o. Various instances of procedural inconsistencies with respect to women's efforts to win promotion or transfers, contrasted with favorable treatment of comparable efforts by men;
 - p. The appointment of only white men and one "token" white woman, without an open application process, as officer candidacy school instructors; and
 - q. The lack of discipline – and instead, outright promotion – of male officers found responsible for many of the above complaints.
19. I experienced retaliation for my objections.
20. For instance, I was berated during senior staff meetings for having lodged complaints.
21. In March 2017, when senior staff was invited to speak to the FRD's new recruits, not only was I the very last speaker – whereas all other uniformed men went prior to civilian staff – virtually all of the (male) senior staff in attendance left the room when I began my remarks.
22. In late 2017, while I was on an approved absence for vacation, an anonymous complaint was lodged with the Fairfax County government office of Internal Audits alleging I was guilty of time and attendance fraud.
23. Upon my return from vacation, I was subjected to an investigation that ultimately revealed no wrongdoing. Nevertheless, I was ordered to begin reporting my arrival and departure every shift to a Deputy Chief. This Deputy Chief continues to monitor my compliance with this requirement, but none of the male administrative BCs are subjected to this requirement.

My resignation from the Women's Program Officer Position, and FRD's retaliation

24. Feeling defeated by my inability to effect change for women in the department, and by the overt hostility routinely expressed by FC Bowers when I brought concerns forward, on January 29, 2018, I submitted to FC Bowers a letter resigning from the post of Women's Program Officer.

25. In the letter, I identified 20 incidents or practices that had prompted my decision.

26. My letter was leaked to the press. On March 31, FC Bowers convened a press conference to dispute the statements in it.

27. At the press conference, Bowers allowed any woman who supported him to speak to the media in uniform, while still on duty; in contrast, I was required to wait until I was off duty before I could respond to reporters' questions, and I was not permitted to wear my uniform while speaking to the press to defend my statements.

28. On February 7, I was called into a meeting with Rohrer and the Fairfax County Director of Human Resources, Cathy Spage ("Spage"). Rohrer and Spage claimed to be investigating the charges I raised in my letter, but asked for no documentation or other evidence that might support my allegations.

29. Spage told me that she and Rohrer "[thought] it best that [I] finish [my] career outside the fire department, where [they] may tap into some unrealized talents," or words to that effect, and Rohrer agreed. Both at that meeting and in a follow-up email, I rejected that proposal, and stated my desire to continue working at the FRD.

30. The County called another press conference on March 13 to issue a report on my resignation letter. Although the report conceded that "almost all [of the witnesses

interviewed] have acknowledged the need for improvement or change,” it also stated that most of my concerns were unfounded or, if founded, had been addressed satisfactorily.

31. Notably, none of the witnesses whom I recommended be interviewed and who would substantiate my claims, including the other two female BCs, had been consulted during the County’s review.

32. Immediately after my resignation letter became public, I became the target of both overt and more insidious retaliation, including:

- a. Within a few days of my letter’s publication, my locked office was opened in my absence, and my hard drive was removed from my computer and replaced with a defective one; I have been unable to use the computer, including merely to access the internet, since that time (early February), despite almost daily requests for repair;
- b. Also within a few days, I was excluded from group emails to all of the Battalion Chiefs scheduling mandatory meetings or trainings;
- c. I had been approached in November 2017 by a Deputy Fire Chief to present leadership development classes at the fire academy. FC Bowers delayed approving that assignment, and instead, in late March 2018, he installed a male lieutenant, Jason Abitz, whom I had taught in recruit school; and
- d. I have been excluded from meetings with senior VIP officers of other fire departments, which in the past would have included me.

33. On April 4, 2018, I was called to another meeting with Spage. This time FC Bowers and Assistant Chief for Personnel Services Caussin (“AC Caussin”) were present.

34. Spage informed me that she had contacted other County agencies “who were willing to take [me] – you know, free help,” or words to that effect. She told me that the County had identified two positions for me outside the agency: An entry-level post with at the 911 dispatch center or an as-yet-undefined role with the County’s Office of Emergency

Management. Spage explained that I would be relieved of my rank, office, and car. Both jobs would be exceptionally low-status and involve no regular contact with the FRD.

35. I was told that, should I refuse both of these assignments, I would no longer serve as BC, but instead would assist assorted FRD personnel with random projects.

36. I was provided no reason for this demotion from BC of Special Projects, nor was I asked for input as to alternative assignments now that I no longer am serving as WPO. Instead, I was told that I had one week, until Wednesday, April 11, 2018, to inform the County of my “choice.”

37. On April 11, 2018, my attorneys sent a letter to the County Attorney and Fire Chief Bowers, denying on my behalf the three “options” provided to me.

38. Finally, both before and after I submitted my resignation as WPO, FRD has further retaliated against me by impeding my ability to fulfill my role as Host Agency liaison with the International Association of Women in Fire and Emergency Services (“iWomen”). In 2017, iWomen selected FRD as the Host Agency for its annual conference, to be held in late May 2018. For instance:

- a. FRD rescinded its promise to provide funding for conference organizing activities;
- b. FRD rescinded its promise to provide laptops and increased access to FRD computers to enable me and the (all-female) my Command Team to conduct conference business;
- c. FRD rescinded its promise of a dedicated office space for me and my Command Team to conduct conference business;
- d. FRD refused to grant Lt. Kristi Bartlet, the Incident Commander of the conference, a detail from her operational duties to assist with conference organizing;

- e. FRD refused to assign any personnel on temporary light duty to work on conference organizing, even when personnel requested such assignment, thus diminishing the number of people available to assist with conference organizing;
- f. FRD refused to permit FRD personnel to utilize Volunteer Leave to work on the conference, further diminishing the number of people available to assist with conference organizing; and
- g. FRD failed to publicize the conference within the National Capitol Region Fire Departments.

39. These actions contrast starkly with the levels of financial, staffing, and other support FRD has provided to conferences merely attended by – as opposed to organized by – FRD personnel, most recently the Fire Department Instructor’s Conference (“FDIC”), convened in Indianapolis in April 2018.

My resignation from the Women’s Program Officer Position, and my union’s retaliation

40. Following publication of my January 29 resignation letter, the firefighters’ union, IAFF Local 2068 – of which I am a member and have paid dues for a quarter century – also has retaliated against me.

41. Notably, at the FRD virtually all officers below the Fire Chief – including Deputy Chiefs, Battalions Chiefs, and Captains – also are eligible to be members of the union, and many FRD officers also hold leadership roles in the union. Accordingly, criticism of and adverse action by FRD leadership is in many cases indistinguishable from criticism of and adverse action by Local 2068.

42. Union leaders and members (with approval of the leadership) have openly disparaged me and taken punitive action against me, including:

- a. A member of the union’s all-male Executive Board, Dave Barlow (“Barlow”), posted numerous hostile posts about me on Local 2068’s private Facebook group page, which includes more than 1,000 members, including a statement that the

union “should have a zero tolerance for this sort of rouge [sic] behavior and should pursue a vote to remove Kathleen Stanley from our membership”;

- b. Barlow attacked those who defended me on the page, with such increasing vehemence I feared for my safety;
- c. Members specifically have appealed to Union President Ron Kuley (“Kuley”), to urge him to step in and stop Barlow, but Kuley refused and allowed the abuse to continue for two weeks;
- d. Members of senior leadership – including Deputy Fire Chiefs, Battalion Chiefs, and Captains – all have “liked” Barlow’s or similarly hostile posts;
- e. Although senior leadership thus are known to have seen Barlow’s and others’ posts against me, and although those posts violated the FRD’s social media policy, no member was reported, let alone disciplined, under the policy;
- f. Non-union members, who are not allowed in the closed group, have been permitted to post disparaging statements against me on the group’s page;
- g. Another member of the union’s Executive Board, Jeff Loach, issued a “Call to Action” to union members urging their attendance at the March 13 press conference, stating, “We need as many personnel as possible to turnout and support OUR department. . . . We need as many members to attend to show WE are united!! Please attend!!” (In an additional plug to boost attendance, the announcement noted that at the end of the press conference, the union would be holding a meeting to discuss retirement benefits; “Not often do you have the chance to have two very important opportunities to show unity so close together.”)

43. I reported Local 2068’s Facebook posts to the County’s Internal Audit Office, but on information and belief, the Office has taken no action.

44. Local 2068’s retaliation also has taken the form of rescinding prior pledges of support to the iWomen conference, including by failing to provide financial assistance, failing to recruit members to volunteer to assist at the conference, failing to communicate with me about the conference, failing to sponsor member representatives to attend the conference, and failing to publicize to conference among its membership.

45. When questioned by a female FRD officer as to why he had refused to recruit members to volunteer at the conference, Union President Kuley said he would not support “anything Kathleen did,” or words to that effect.

46. Fire Chief Bowers retired on April 28, 2018, and Assistant Chief Caussin was installed as Acting Chief.

47. The position of WPO no longer exists.

48. As outlined above, Respondents violated Title VII by retaliating against me for advocating against sex-based bias in the FRD and the union. Such retaliation includes subjecting me to a course of adverse actions that would dissuade a reasonable person from engaging in protected activity.

49. As a result of the retaliation by the FRD, the County, and Local 2068, I have suffered and continue to suffer emotional distress, humiliation, and embarrassment.