

Venue

5. Venue is appropriately established in the District Court of Hartford under 28 U.S.C. §1391 because all events giving rise to this cause of action occurred in Hartford.

Facts

Background Facts Specific to Shelly Carter

6. Plaintiff is an African American woman who has earned an Associate's degree in Communications, a Bachelor's degree in Fire Administration and a Masters degree in Public Administration.

7. She is a 21-year veteran with the City of Hartford Fire Department, most recently assigned as the House Captain at Engine Company 10. She started her career with the department in July of 1999 as a structural firefighter and has been promoted to Driver/ Engineer, Lieutenant/Fire Marshal's Office, Executive Officer - House Captain Engine Company 5 and currently Engine Co. 10.

8. She received numerous certifications as a firefighter and officer and she has broken ground for the advancement of women and people of color in firefighting in the state of Connecticut. She is the first African American Female Captain of Suppression in the State of Connecticut. She is the first African American female instructor for the Connecticut State Fire Academy, where she is employed as an Adjunct Instructor. She is the first African American woman to become a sworn member of the State of Connecticut Urban Search and Rescue Task Force #1.

9. She is the Founder and CEO of Girls Future Firefighter Camp. "GFFC" is an interactive camp for girls ages 13-18 that teaches young ladies everything there is to

know about public safety. The camp was created five years ago and has become a huge success in the State of Connecticut. GFFC is the first of its kind in the state.

10. Ms. Carter is the Connecticut State Representative for the International Association of Women in Fire & Emergency Services. In that role, she provides training, education and mentorship to Fire Departments and firefighters around the country about diversity and inclusion in recruitment, hiring, and retention. She currently sits on the board of the International Association of Fire Chiefs Safety and Survival Team as a trainer for bullying and harassment in the fire and emergency services. She is a member of the Capital Region Fire Marshals Association, International Association of Arson Investigators, International Association of Black Professional Firefighters, Connecticut Instructors Association, and International Association of Fire Chiefs. She is also a certified trainer for Cultural Bridges to Justice in conjunction with Center for Fire, Rescue & EMS Health Research, and "United in Service"

11. Captain Carter also represents the Hartford Fire Department honorably and faithfully in positions of leadership in the local community. She holds the positions of Minister, Young Women's Christian Council Leader, and Pastors Aide Associate at my church, Crown of Glory COGIC in Hartford CT.

12. During her tenure with the City of Hartford, other than recent incidents that serve as part of the basis for this Charge of Discrimination, her work performance has always been exceptional she was never disciplined.

13. To earn promotions in rank, Captain Carter went through a rigorous and competitive testing process that required written tests and oral interviews.

14. She was most recently promoted to the rank of Captain and was the first African American female Captain to ever actively serve in the role of an Executive Officer and Suppression Captain in the history of the Department. Prior to the promotion, another African American female was unlawfully bypassed for promotion several times; that woman filed a Charge and Complaint of Discrimination, won the case (during the pendency of the Plaintiffs' employment), and was promoted to Captain as a result of that lawsuit; however, the promotion came after her retirement and she never had the pleasure of actually serving the Department in that role. Thus, that woman was the first African American woman to achieve the rank of Captain but Shelly Carter was the first African American woman to have the pleasure of serving the Department as a Captain.

15. At the time of her retirement in 2021, Captain Carter was the only female Captain in the Department.

Background Facts Specific to Rosemarie Cataldo

16. Ms. Cataldo is currently a Lieutenant with the Hartford Fire Department. In addition to her duties as an officer, she is also a fire service instructor with the Connecticut State Fire Academy where she developed a training program and class to prepare potential firefighter candidates for the Candidate Physical Agility Test (CPAT). The newly developed CPAT Training Program resulted in the highest female pass rates for the CPAT in the history of the Academy. She also teaches physical training (PT) and works as a CPAT Proctor for the Academy.

17. She started with the Hartford Fire Department in 2012, after having passed all qualifying exams in 2010.

18. In 2015, she tested for her first promotion – seeking a position as driver. Out of 60-70 candidates, she ranked sixth overall for the promotion to Ladder Driver. Out of 60-70 candidates, she ranked tenth overall for the promotion to Pump Operator (a Pump Operator drives the Fire Engine).

19. She performed exceptionally well in that position for approximately one year before taking the Lieutenant’s test before being promoted to Training Lieutenant on December 2, 2018, and later promoted to Suppression Lieutenant in June, 2019.

20. Each Lieutenant’s test is comprised of two parts; a two-hour written exam and a panel interview referred to as a “Performance-based Assessment” that includes various tactical and situational scenarios. Out of 60-70 candidates, she ranked third overall for the promotional Training Lieutenant exam. In addition, out of 60-70 candidates, she ranked third overall for the promotional Suppression Lieutenant exam.

21. She was first promoted to Training Lieutenant on December 2, 2018, which is a position in the training division that provides training and education to firefighters “on the line.”

22. Shortly thereafter, she was promoted to Suppression Lieutenant on the line – meaning that she is the lieutenant for a crew actively engaged in fighting fires and responding to any and all emergency response situations.

Facts Specific to The General Atmosphere of Harassment and Discrimination Towards Women Within The Department

23. Both Plaintiffs, despite their success and ability, experienced alienation, hostility, and behavior that was demeaning and disrespectful from superior officers. Nearly all females who have reached similar levels of success have faced the same problem.

24. The general atmosphere towards female members of the Department was so toxic and hostile that, upon information and belief, nearly every female who rose to the ranks of lieutenant or higher either filed an internal complaint of harassment and discrimination or, tragically, surrendered their promotion in order to avoid the hostility of the executive-level fire chiefs.

25. In each case, the allegation was deemed “unfounded” with little or no investigation whatsoever.

26. The hostile and discriminatory environment created for female officers is so prevalent, well-known, and intolerable that one of the six women in the Department who earned the rank of Lieutenant has “voluntarily” surrendered her position and requested a demotion in order to escape the hostility created by the male, executive-level Chiefs of the Department. That is unfathomable considering the work and effort it takes to become an Officer and is especially surprising given the enhanced prestige and compensation of the Officer position. No male officer has voluntarily requested a demotion.

27. The hostile and discriminatory environment created for female officers is so prevalent, well-known, and intolerable that at least three of the six female Officers in the Department have filed internal complaints alleging discrimination and harassment and, upon information and belief, all three are now pursuing claims with the Commission for Human Rights and Opportunities for harassment, discrimination, and retaliation in response to those complaints. Thus, of the six female officers, one requested self-demotion and three others have pursued and/or are pursuing claims of discrimination and harassment based on their gender.

28. In the history of the Department, no female has ever risen higher than the rank of Captain.

29. In the history of the Department, only two females have been promoted to the rank of Captain.

30. For the first Captain, that promotion was only granted as the result of a civil rights lawsuit. For the second Captain, Plaintiff Shelly Carter, her promotion was met with such severe hostility that she was forced to resign.

Incidents of Harassment and Discrimination Specific to Shelly Carter

31. After being promoted to the rank of Captain, Carter was subjected to harsh discipline for alleged infractions that were trivial, non-existent, or non-sensical. In comparison, her similarly situated male counterparts were not harshly disciplined even when they engaged in egregious or dangerous misconduct.

32. Similarly, Ms. Carter was removed from duty and demoted to temporary training status for nearly nine months. For an Officer like Ms. Carter, a temporary demotion to training status is a very significant and material adverse work action. For starters, the Officer is very publicly removed from her position with the team. This automatically creates a loss of reputation, prestige, respect, and camaraderie with her team. Second, the Officer is no longer entitled or able to earn overtime, so there is a significant financial detriment to the officer.

33. For her similarly situated male counterparts, demotion to temporary training status only happens in response to very serious lapse(s) of judgment or misconduct that cause serious safety concerns or reflect poorly on the Department. No male officer has ever been demoted to training status.

34. Typically, temporary training status includes a curriculum of training, objective testing for the employee, and an opportunity to re-enter the workforce. These assignments typically last two weeks or less.

35. The Plaintiff's "training status" lasted over six months.

36. During this time, where she could not earn overtime, she was provided no curriculum, no performance improvement plan, no explanation for the demotion/punishment, and no means of returning to duty. She was, quite literally, forced to repeat "Blue Card" training over and over again for three months, cumulatively.

37. "Blue Card" training is a 40-hour training course provided to every Company to practice fire command and control. Ms. Carter never failed any aspect of the training. Regardless, she was forced to re-do the training at least twelve times, perhaps as many as fifteen times. Every time an Engine Company was assigned Blue Card training, Captain Carter was forced to train with them.

38. This was humiliating and demeaning.

39. On the remaining days, she was forced to sit in a room and, literally, do nothing. No training, no study materials, no testing, no coaching, and no work was provided to her. In other words, Captain Carter – the highest ranking active officer in the history of the Department, was forced to sit in a room, alone, and do nothing for three months.

40. For six months, Captain Carter repeatedly complained. She requested that she be provided objective measures that would allow her to return to work, she requested that she be provided an explanation why she was removed from the fire service, she

requested that training materials and/or a curriculum be provided, and she requested that she be returned to service. Her complaints were utterly ignored.

41. During this same period of time, Captain Carter worked part-time as an educator-instructor for the state Fire Academy.

42. After finally “elevating” out of training, Captain Carter was subjected to such intense scrutiny, ostracization, isolation, and hostility that she was forced to retire after serving for 21 years and 9 months. Captain Carter could no longer tolerate the work environment despite just having recently achieving her dream of become a captain.

Facts Specific to Rosemarie Cataldo

43. After promoting to the rank of Lieutenant, Ms. Cataldo was repeatedly ignored, dismissed, and/or otherwise treated poorly by her commanding officers. She was also subjected to offensive remarks, jokes, comments, and images of a sexual nature.

44. The hostile environment was so intolerable that she made five internal complaints at the Department, all of which were determined to be “unfounded” with little to no investigation whatsoever.

45. One investigation was handled by an “independent” investigator during the spring of 2020.

46. However, that “independent” investigator did not respond to her phone calls, did not respond to my emails, did not interview her witnesses and, ultimately concluded that Cataldo’s complaint(s) was “unfounded.”

47. Upon information and belief, the investigation was not independent at all – the investigation was conducted by the City’s counsel for the express purpose of protecting the City from liability for harassing Ms. Cataldo.

48. Upon information and belief, each and every “independent” investigation of gender- based discrimination at the HFD is sent to the same investigator and in each instance, the investigations are heavily slanted to ensure that the accusations are always “unfounded.”

49. Since those complaints, Ms. Cataldo has been subjected to near constant harassment.

50. One of her superiors repeatedly makes false allegations against her, accusing her of poor performance and/or misconduct with no justification whatsoever.

51. Male superior officers repeatedly and frequently yell at her, chastise her, insult her, and belittle her in front of her subordinates.

52. In other instances, the male superior officers will outright refuse to speak with her unless or until there is a “witness present.”

53. She has been subjected to formal discipline based on false and arbitrary allegations and denied payment of her PTO benefits.

Claims

Shelly Carter’s Claims

Count I – Discrimination Under State Law

54. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

55. The Defendant did discriminate against and harass the Plaintiff in violation of Conn. Gen. Stat. §46a-60.

56. As a result, the Plaintiff has suffered and continues to suffer damages.

Count II – Discrimination Under Title VII

57. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

58. The Defendant did discriminate against and harass the Plaintiff in violation Title VII.

59. As a result, the Plaintiff has suffered and continues to suffer damages.

Count III - Retaliation Under State Law

60. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

61. The Plaintiff did engage in protected activities as defined in Conn. Gen. Stat. §46a-60 by making, supporting, and/or participating in complaints and/or investigations alleging that the Department harassed and/or discriminated against females.

62. The Defendant did retaliate against the Plaintiff in violation of Conn. Gen. Stat. §46a-60.

63. As a result, the Plaintiff has suffered and continues to suffer damages.

Count IV - Retaliation Under Title VII

64. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

65. The Plaintiff did engage in protected activities as defined under Title VII by making, supporting, and/or participating in complaints and/or investigations alleging that the Department harassed and/or discriminated against females.

66. The Defendant did retaliate against the Plaintiff in violation of Title VII.

Count V – Wrongful Termination and Constructive Discharge

67. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

68. The Defendant did knowingly, willfully, intentionally, and/or recklessly subjected the Plaintiff to a working environment that was unlawfully hostile, toxic, dangerous, abusive, and intolerable both objectively and subjectively.

69. As a result, the Plaintiff was forced to retire and suffered damages.

Rosemarie Cataldo's Claims

Count VI – Discrimination Under State Law

70. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

71. The Defendant did discriminate against and harass the Plaintiff in violation of Conn. Gen. Stat. §46a-60.

72. As a result, the Plaintiff has suffered and continues to suffer damages.

Count VII – Discrimination Under Title VII

73. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

74. The Defendant did discriminate against and harass the Plaintiff in violation Title VII.

75. As a result, the Plaintiff has suffered and continues to suffer damages.

Count VIII - Retaliation Under State Law

76. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

77. The Plaintiff did engage in protected activities as defined in Conn. Gen. Stat. §46a-60 by making, supporting, and/or participating in complaints and/or investigations alleging that the Department harassed and/or discriminated against females.

78. The Defendant did retaliate against the Plaintiff in violation of Conn. Gen. Stat. §46a-60.

Count IV - Retaliation Under Title VII

79. The Plaintiff restates and reavers all facts from preceding paragraphs by references as if stated fully herein.

80. The Plaintiff did engage in protected activities as defined under Title VII by making, supporting, and/or participating in complaints and/or investigations alleging that the Department harassed and/or discriminated against females.

81. The Defendant did retaliate against the Plaintiff in violation of Title VII.

PRAYER FOR RELIEF

Wherefore, the Plaintiffs request that this honorable Court:

1. Enter judgment in their favor on all Counts;
2. Award the plaintiffs compensatory damages, damages for emotional distress, punitive damages, and attorney's fees and costs;
3. Enter any other equitable remedy this Court deems fair and just.

Dated at Stamford, Connecticut, this 24th day of February 2022

Respectfully submitted,

THE PLAINTIFFS,

Shelly Carter and Rosemarie Cataldo,

By /s/ Ryan A. O'Neill

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