

EEOC Form 5 (11/09)

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC 415-2024-01068</p>
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_____ NA _____ and EEOC
State or local Agency, if any

Name (indicate Mr., Ms., Mrs.) Mr. Jeffrey Croslen	Home Phone (Incl. Area Code) [REDACTED]	Date of Birth [REDACTED]
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Street Address [REDACTED]	City, State and ZIP Code Savannah, Georgia 31404
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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name City of Savannah, GA	No. Employees, Members 500+	Phone No. (Include Area Code) [REDACTED]
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Street Address 2 E Bay St. Savannah, Georgia 31401	City, State and ZIP Code
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Name	No. Employees, Members	Phone No. (Include Area Code)
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Street Address	City, State and ZIP Code
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<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p><input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER (Specify)</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">Earliest</td> <td style="text-align: center; font-size: small;">Latest</td> </tr> <tr> <td style="text-align: center; font-size: 1.2em;">03/23</td> <td style="text-align: center; font-size: 1.2em;">03/2024</td> </tr> </table> <p><input checked="" type="checkbox"/> CONTINUING ACTION</p>	Earliest	Latest	03/23	03/2024
Earliest	Latest				
03/23	03/2024				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

My name is Jeffrey Croslen and I am an African-American. I have worked for the Savannah Fire Department (“SFD”) for approximately 40 years. In 1995, I was promoted to the rank of Captain. I made repeated attempts to be promoted to higher level positions and was repeatedly passed over for the roles of Battalion Chief (2006, 2007, 2011, 2013), and Training Captain (2010). I filed multiple charges of discrimination and retaliation with the Equal Employment Opportunity Commission and in 2014, I filed a federal lawsuit alleging race discrimination and retaliation.

My lawsuit remained in federal court for an extended period due to a number of procedural disputes and the illness of my original attorney, who eventually died in early 2021. In 2020, while the case was still underway, I was promoted to the position of Battalion Chief in 2020. In early 2023, I unsuccessfully applied for an opening for Assistant Fire Chief. A white candidate was selected instead.

I have heard from multiple colleagues that the current Fire Chief Elzie Kitchen practices a quota system in which promotions are allocated based not on merit but race: specifically, Chief Kitchen alternates promotions between “black” and “white” slots, which means candidates are compared solely to their racial peers and precluded from consideration at all when a promotional opportunity arises that is not reserved for their race. In effect, I was denied the chance to be considered for a job or to have my credentials given the weight they deserved because my race was not next in line.

U.S. EEOC Savannah Local Office

In March of 2023, I was informed that I was the subject of an internal investigation under a municipal policy that restricts public safety officers from engaging in commentary critical of their department. I was told that the scope of the investigation related to comments I was alleged to have made critical of Chief Kitchen's racial quotas; when the internal affairs team interviewed me, I was open with them that I believe SFD employs race as a factor in promotions.

On June 26, 2023, I was notified that the claims against me were not substantiated, but I was ordered to participate in the city's employee assistance program ("EAP") on the grounds that I "was showing signs of workplace stress." I have learned that Chief Kitchen made multiple attempts to inquire about the status of my EAP counseling during July 2023.

On August 1, 2023, Chief Kitchen convened a forum of all 11 Battalion Chiefs and the special operations heads to discuss departmental issues. During the session, I voiced my concern that there was a systematic pattern of dissenting viewpoints being punished. Chief Kitchen became visibly agitated, and told me in front of the entire group that he would not tolerate a "personal attack" on his leadership. On August 4, Chief Kitchen requested my resignation, and when I refused, he told me that I was being terminated for "insubordination". For the next several months, I pursued an appeal through the city's administrative process, and was placed on paid administrative leave while my appeal was considered.

On October 6, City Manager Joseph Melder, who is the final decision-maker regarding the appeal of termination decisions, held a hearing in his office but did not announce a decision. During the months of October and November 2023, my long pending federal case started to become active again. The court appointed a lawyer to represent me, and a hearing on pending motions was held. I made the decision in late November, however, that I did not want to pursue my case given my current situation with the city and my focus on getting my job back. The Court issued a formal order dismissing my case on November 28.

On the very next day, November 29, the City Assistant Human Resources Director told me a decision had been made regarding my future and that my options were to resign or take a demotion to the rank of captain, which would result in a pay cut of \$11,215.22. I refused to resign and was demoted effective last December 3. Under Savannah's municipal ordinances, I had no right to administratively appeal a demotion. I believe that this is the first time a Battalion Chief has been demoted, but I know of other instances of Battalion Chiefs violating departmental policy with no consequences, including one incident in which a Battalion Chief disseminated confidential information regarding the mental health condition of a firefighter's late wife.

In January 2024, I hired a new attorney who sent a letter on my behalf on February 19 putting the city on notice that I was raising a new set of legal claims and planned to file a second discrimination and retaliation suit. Within two weeks, I was suddenly informed that SFD has ordered me to take a physical exam by the third week in March. Normally, notices of physicals occur two to three months in advance.

I believe that my federal rights have been violated under Title VII of the Civil Rights Act of 1964, in that I have been subjected to a retaliatory hostile environment after I told internal affairs investigators of a discriminatory quota practice for promotions; and eventually demoted in retaliation for my reporting of discrimination. I also believe that my rights under the Americans with Disabilities Act were violated, in that my demotion was also based on SFD's belief that I am a person with a mental health impairment.

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Received: March 13, 2024

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – *When necessary for State and Local Agency Requirements*

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

03 / 13 / 2024

Jeffrey J. Croslen

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)





Date

Charging Party Signature

U.S. EEOC Savannah Local Office
Received: March 13, 2024

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