

**V. Background of [REDACTED] and Glover’s Race and Retaliation Claims**

Because [REDACTED] and Glover have raised the question of discrimination based on their race, the races of persons will be identified when appropriate.

**A. [REDACTED] and Glover Litigation Against the City**

Because [REDACTED] and Glover have raised the question of retaliation for filing EEOC charges of discrimination against the City and, in the case of Glover, a lawsuit against the City, it is relevant to know the history of their charges of discrimination and lawsuit against the City.

**1. [REDACTED]**

[REDACTED]

[REDACTED]

**2. Glover**

**a. 2005 Lawsuit**

Glover, with three other African-American firefighters, retained an attorney and initiated a lawsuit against the City in 2005. Chief Judge M.C. Rodgers of the United States District Court for the Northern District of Florida awarded summary judgment in favor of the City in a 2009 written order. The attorney for Glover and the other plaintiffs appealed the order, and subsequently the Eleventh Circuit Court of Appeals remanded the case back to Judge Rodgers to consider certain additional

evidence. In a 2011 written order, Judge Rodgers again issued a summary judgment in favor of the City. (Exhibit V-2) The Eleventh Circuit Court of Appeal upheld Judge Rodgers' summary judgment order in December 2012, finally concluding the case almost 8 years after it was filed. (Exhibit V-3)

Judge Rodgers' 2011 order in favor of the City is lengthy and detailed, and there is therefore no reason to simply repeat everything in that order within this report. In her findings, Judge Rodgers found that Glover and the other plaintiffs admitted during the case that no one in the Pensacola Fire Department had ever directed a racial slur at him in his presence, but that each had been aware of past use of racial language in the 1990s and through the year 2000. In addition, Glover stated that a hangman's noose was left in his work vehicle in 1999, but Glover did not report this to the City Manager or to Human Resources at the time, with Glover signing a memorandum indicating he did not want an investigation conducted regarding the noose. As a part of the same lawsuit, Glover also made a court claim that the City violated his rights under the Family and Medical Leave Act by denying him FMLA leave. Pursuant to the court order, Glover's claims under federal and state discrimination statutes were untimely and/or substantively insufficient to be allowed to go to a jury. Glover's FMLA claim was dismissed because he was admittedly never denied any FMLA leave.

Olson's employment with the City began on September 2013 as Initiatives Coordinator, advancing to Assistant City Administrator in August 2014, and City Administrator in April 2015. Sisson's employment with the City began in February 2014. Therefore, Glover's unsuccessful 2005 lawsuit was concluded prior to their City employment.

#### **b. March 2010 Charge of Discrimination**

In March 2010, Glover filed a charge of discrimination with the Florida Commission on Human Relations and the Equal Employment Opportunity Commission alleging that because Glover is black, and due to retaliation against him for filing the 2005 lawsuit, then-Fire Chief Edwards (white male) and then-City Administrator Al Coby (black male) selected Russell Beaty (white male), instead of Glover, for a deputy chief position in late 2008. Glover further alleged that Coby discriminated against Glover when Beaty, not Glover, was selected to be

Interim Chief in August 2009. (Exhibit V-4) That charge of discrimination was dismissed in 2011, and Glover did not file a lawsuit over this claim.

**c. December 30, 2015, Charge of Discrimination**

On December 30, 2015, Glover filed another charge of discrimination against the City. (Exhibit V-5) In the charge, Glover alleged that in 2012 he became aware that prior white employees in the deputy chief position were paid more than Glover and that Glover's pay was not equal to his predecessors' pay because of Glover's race. Glover further alleged that race discrimination was the reason that Deputy Chief Glover (black male) was paid less than Interim Fire Chief Schmitt (white male). That charge of discrimination was dismissed by the EEOC on March 31, 2016. (Exhibit V-6)