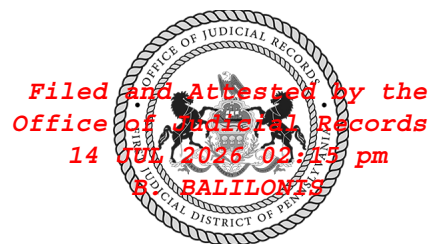


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BARIQ FLUELLEN
1456 Wistar Dr.,
Wyncote, Pennsylvania 19095,

Plaintiff,

v.

CITY OF PHILADELPHIA
1400 John F. Kennedy Blvd.,
Philadelphia, Pennsylvania 19107,

Defendant.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

CIVIL ACTION

_____ TERM 2026

NO. _____

COMPLAINT – CIVIL ACTION

NOTICE TO DEFEND

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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LLEVE ESTA. DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTEMENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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COMPLAINT – CIVIL ACTION

INTRODUCTION

1. Firefighter Bariq Fluellen has admirably served the residents of Philadelphia for over a decade. Yet during much of his tenure with the Philadelphia Fire Department (“Fire Department”), superiors and colleagues have made him the target of racial harassment and subjected him to a Fire Department grooming policy that discriminates against Black firefighters in violation of the Pennsylvania Human Relations Act (“PHRA”) and the Philadelphia Fair Practices Ordinance (“PFPO”). 43 P.S. §§ 951-963; 16 Pa. Code §§ 41.1-47.74; Phila. Code §§ 9-1103(1)(a), 9-1102(1)(e); *see also* 43 P.S. § 954(bb)(1).

2. Mr. Fluellen, who has always been one of the only Black firefighters in his platoon, has for years worn his hair in locs,¹ a hairstyle that has racial, cultural, and religious significance to him as a Black person and a Rastafarian.

3. The Department’s grooming policy (the “Policy” or “Hair Policy”) bans certain culturally significant hairstyles such as locs by imposing restrictions on employees’ hair length and bulk even where the hairstyle does not pose a safety concern.

4. The Policy has been used by and with the knowledge of Fire Department supervisory officers to subject Mr. Fluellen to ongoing discrimination, including singling him out, threatening him with disciplinary action, and subjecting him to a hostile work environment. Mr. Fluellen has endured ongoing harassment and derogatory remarks about his hairstyle, and he works under the threat of being written up, suspended, or even terminated for wearing his hair in locs.

¹ “Locs” refers to the hairstyle also known as “locks” or “dreadlocks.”

5. The Policy's restrictions on hair length and bulk serve no legitimate safety purpose, as revealed by the Fire Department's own actions and admissions.

6. As a result of the Fire Department's discrimination, Mr. Fluellen has suffered, and continues to suffer, humiliation, emotional distress, and physical pain and suffering.

7. The Department's actions violate Mr. Fluellen's rights under the PHRA, which prohibits discrimination in the workplace based on race, including "[t]raits associated with race" such as "hair texture and protective hairstyles, such as braids, locks and twists." 16 Pa. Code §§ 41.207, 41.204; 43 P.S. § 954(bb)(1). The Department's actions also violate the PFPO, which states that "[d]iscrimination on the basis of race shall include discrimination based on characteristics commonly associated with race, including hairstyles" and that hairstyles include "[h]air texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation." Phila. Code. § 9-1102(1)(e), 9-1102(1)(m.1).

8. Mr. Fluellen seeks declaratory and injunctive relief; damages; and reasonable attorneys' fees, costs, and expenses.

PARTIES

9. Plaintiff Bariq Fluellen ("Mr. Fluellen") is a resident of the Commonwealth of Pennsylvania, residing at 1456 Wistar Dr., Wyncote, PA 19095. Mr. Fluellen is employed as a firefighter with the Philadelphia Fire Department assigned to Ladder 8, at Engine 19 fire station in the Germantown neighborhood of Philadelphia, located at 300 E. Cheltenham Ave., Philadelphia, PA 19144. He has been employed by the Fire Department since September of 2013, during which

time he has performed satisfactorily in his position and consistently received positive performance evaluations.

10. Defendant City of Philadelphia (“Defendant”) is a municipal corporation of the first class of the Commonwealth of Pennsylvania under the Act of April 21, 1949, P.L. 665, §1, *et seq.*, with a principal place of business at 1400 John F. Kennedy Blvd., Philadelphia, PA 19107. The City of Philadelphia employs over 25,000 people and is responsible for funding and operating the Philadelphia Fire Department.

JURISDICTION

11. The conduct alleged herein took place within the City of Philadelphia.

12. The City of Philadelphia is an “employer” as defined by the PHRA. 43 P.S. §§ 954(b), 954(m).

13. Mr. Fluellen is a “person” and an “employee” as defined by the PHRA. 43 P.S. §§ 954(a), 954(c).

14. On June 11, 2025, Mr. Fluellen filed a complaint with the Pennsylvania Human Relations Commission (“PHRC”) asserting discrimination in the workplace on the same basis as described herein.

15. On July 8, 2026, the PHRC mailed Mr. Fluellen a right-to-sue letter, notifying him that a year had passed since he filed his complaint and that he has the right to bring an action in the Court of Common Pleas in accordance with 43 P.S. § 962(c). Letter from PHRC to Bariq Fluellen (July 8, 2026), attached hereto as Exhibit A.

16. Mr. Fluellen has properly exhausted administrative proceedings before initiating this action by timely filing his complaint with the PHRC and waiting to file the instant lawsuit

until more than 1 year elapsed from the PHRC filing. *See* 43 P.S. § 962(c)(1). This Court has jurisdiction pursuant to 43 P.S. § 962(c)(1).

17. The City of Philadelphia is an “employer” as defined by the PFPO. Phila. Code § 9-1102(1)(h).

18. The PFPO provides a private right of action. *See* Phila. Code § 9-1122.

19. “[T]he PFPO does not require a complainant to file a complaint with the Philadelphia Commission prior to filing a suit in state court if a submission relating to the same conduct has been made with the PHRC.” *Jones v. Foods on First III, Inc.*, 345 A.3d 231, 242 (Pa. Super. Ct. 2025).

FACTS

A. The Philadelphia Fire Department Maintains a Hair Policy that Prohibits the Wearing of Certain Cultural and Protective Hairstyles

20. The Fire Department maintains and enforces a series of directives that set forth rules, policies, and procedures its employees must follow.

21. Directive 13 imposes personal grooming requirements for Fire Department members. Directive 13 states the following:

All members will maintain a clean, neat, and well-groomed appearance. Personal safety, and use of protective equipment dictate that certain restrictions be placed on member’s [sic] hair length and facial hair. All members are required to accept these restrictions as a job requirement. . . . Proper hair grooming is a necessary complement to the personal safety of members of the Philadelphia Fire Department. . . . For grooming, the determining and most important factor is safety.

22. The policy goes on to outline prohibited hairstyles, stating, in relevant part:

4.4.1 Hairstyles that do not allow personnel to wear headgear (helmet, SCBA² facepiece, SCBA head harness) properly, or that allow hair to come in contact with the sealing surface of the SCBA facepiece are prohibited. . . .

² The SCBA, or Self-Contained Breathing Apparatus, is a type of respirator worn by firefighters in hazardous air conditions. *See, e.g.*, 29 C.F.R. § 1910.134(b).

4.4.2 Hair, when combed, brushed, or otherwise worn, shall not extend below the top of the uniform shirt collar of a properly worn uniform shirt. . . .

4.4.6 Hair will not exceed 2” in bulk on the top of the head regardless of the length and will not exceed 1-1/2” in bulk on the sides or back of the head regardless of length. Bulk is defined as the distance the mass of the hair protrudes from the scalp (as opposed to the length of the hair). . . .

4.4.7 Pinning up or fastening hair to comply with this directive is permitted. . . .

4.4.8 These guidelines apply to all types of hairstyles, including: braids, ponytails, locks, crewcuts, and cornrows.

23. Consequences for violating Fire Department policy include short and long-term suspension without pay, and termination.

24. Mr. Fluellen’s hairstyle complies with all of the Fire Department’s safety standards, including section 4.4.1 of Directive 13.

25. Mr. Fluellen is required to submit to an annual “fit test” to ensure that his SCBA facepiece creates a secure seal around his face. He has passed this SCBA fit test each year since the start of his career with the Fire Department, including every year that he has worn his hair in locs. Most recently, Mr. Fluellen passed SCBA fit tests on February 26, 2025 and again in early 2026.

26. However, the length and bulk of Mr. Fluellen’s locs makes it impossible for him to comply with sections 4.4.2 and 4.4.6 of Directive 13 (together, the “Hair Policy”), which prohibit certain cultural and protective hairstyles even if they do not pose a safety concern.

B. Mr. Fluellen has Suffered Severe and Pervasive Harassment Based on His Race

27. Mr. Fluellen’s locs have never compromised his personal safety or interfered with his ability to perform the functions of his job. However, Mr. Fluellen has been subjected to

ongoing severe and pervasive harassment because of his locs and his inability to comply with the Hair Policy.

28. In or around November of 2021, Mr. Fluellen attended a funeral for a fellow member of the Fire Department. At that event, a senior officer made a disparaging comment about Mr. Fluellen's locs to his then-Station Captain ("Station Captain"), who was his direct supervisor at the time. The Station Captain then repeated the comment to Mr. Fluellen.

29. From that point on, the Station Captain harassed Mr. Fluellen almost daily and threatened disciplinary action if Mr. Fluellen did not "do something about [his] hair." For example, on or around December 1, 2021, the Station Captain approached Mr. Fluellen and remarked to him, referencing his hair, "I know you're testing me, but you're going to fail that test."

30. The Station Captain also threatened Mr. Fluellen with physical harm. On or around December 17, 2021, the Station Captain told Mr. Fluellen he would cut his hair while Mr. Fluellen slept. Mr. Fluellen frequently sleeps in the bunk room of the fire station during overnight shifts, which constitute about half of his shifts. The bunk room is a communal sleeping space to which everyone has access.

31. On or around December 19, 2021, the Station Captain called Mr. Fluellen into his office and threatened to write him up for his hair being out of regulation.

32. The Station Captain frequently singled out and humiliated Mr. Fluellen in the kitchen of the fire station, which serves as a communal space and is always filled with multiple firefighters, supervisory officers, and other station members. For example, on or around January 18, 2022, the Station Captain reprimanded Mr. Fluellen for his hair in front of multiple coworkers, pointing out the length and bulk of Mr. Fluellen's hair and saying, "it's a foot [long]

in the back . . . do I need to get a ruler out?” He then announced, “I’ll give you a month and then you’ll have to cut your hair.”

33. On or around January 19, 2022, the Station Captain once again called Mr. Fluellen into his office and threatened to write him up for being out of compliance with the Hair Policy. He gave Mr. Fluellen a copy of Directive 13 with the hair length and bulk requirements highlighted and claimed that Mr. Fluellen’s SCBA respirator could not possibly fit properly because Mr. Fluellen’s hair was “too soft.”

34. Mr. Fluellen subsequently passed his annual SCBA fit test on or around February 3, 2022. However, the threats and disparaging comments continued.

35. The Station Captain’s comments also emboldened others in the fire station to begin disparaging Mr. Fluellen’s hairstyle. For example, on or around February 18, 2022, one of Mr. Fluellen’s coworkers circulated an image in a group text chat that included the Station Captain of a person with disheveled hair. The image was captioned “When you’re the reason for a new company policy” and followed by another text calling out Mr. Fluellen by his first name. Although Mr. Fluellen tried to laugh it off with emojis, the Station Captain responded with a threat, texting, “Ok the more it’s pushed[,] [a]ction will be taken[.] Laugh now.”

36. At times, Mr. Fluellen was made into a scapegoat: when a fellow firefighter was reprimanded for a prohibited behavior, they pointed to Mr. Fluellen’s failure to comply with the Fire Department grooming policy.

37. The harassment often followed Mr. Fluellen home in the form of text messages outside of his normal working hours. For example, in a text message in a group text chat with other firefighters, the Station Captain compared Mr. Fluellen to Rapunzel. In another text message, the Station Captain referred to Mr. Fluellen as “Hairy.”

38. Soon after the harassment began, Mr. Fluellen began reporting his mistreatment to supervisory officers within the Fire Department, *see infra* ¶¶ 72-78. For example, in or around April of 2022, Mr. Fluellen informed a Deputy Chief (“Deputy Chief I”), about the harassment Mr. Fluellen was enduring and the Hair Policy’s discriminatory length and bulk restrictions.

39. To demonstrate that his hairstyle had no bearing on his ability to comply with safety standards, Mr. Fluellen filmed a series of videos for Deputy Chief I that showed Mr. Fluellen performing the firefighting tasks that would be required during an active fire while remaining fully encapsulated in his firefighting gear.

40. After viewing the videos and seeing Mr. Fluellen in person in his firefighting gear, Deputy Chief I conceded that Mr. Fluellen’s locs did not pose a safety concern and spoke with other officers about changing the policy. Ultimately, no change resulted, and the harassment and threats continued.

41. In or around October of 2022, when Mr. Fluellen began to prepare for a promotional exam to advance to the rank of lieutenant, the Station Captain repeatedly discouraged him from pursuing the promotion, pointing to his hair and saying, “part of the exam is appearance, and they’ll definitely give you a zero.”

42. On or around November 28, 2022, Mr. Fluellen’s platoon was required to watch a fire safety training video. The video portrayed a structural fire in which firefighters were engulfed in flames after fireworks stored on the property exploded. When the video ended, the Station Captain taunted Mr. Fluellen in front of his fellow firefighters, referencing the video and saying in a menacing way, “You’d be a goner with your hair all over the place like that.”

43. Despite the Station Captain's claim that Mr. Fluellen's hair was a safety concern, however, he continued to allow Mr. Fluellen to respond to fire emergencies, enter burning structures, and operate fire rescue equipment.

44. Moreover, although the Station Captain repeatedly made comments to Mr. Fluellen regarding his failure to comply with the Hair Policy, other firefighters in the station would work while out of compliance with Directive 13 and the Station Captain would not say anything to them. For example, white female firefighters with long hair would wear their hair down or in a long ponytail. On one occasion, Mr. Fluellen witnessed a white male firefighter wearing his long hair down at the scene of a fire.

45. On or around December 11, 2022, Mr. Fluellen was assigned to an EMS shift upon arriving at work. Knowing that an EMS shift is generally considered undesirable by firefighters, the Station Captain singled out Mr. Fluellen in front of several coworkers, saying, "Maybe you wouldn't have gotten put in [the EMS squad] if you cut your hair."

46. When Mr. Fluellen told the Station Captain, "You have to stop this," a senior firefighter at the station scoffed at Mr. Fluellen's attempt to defend himself, saying, "*He* needs to stop this?" The senior firefighter then pulled Mr. Fluellen aside and asked him why he does not simply cut his hair, arguing, "it's just hair."

47. But for Mr. Fluellen, it is not "just hair"—locs are an important symbol of racial and cultural identity, especially in majority white institutions like the Fire Department, where Black firefighters have been historically underrepresented. Yet Mr. Fluellen has frequently been singled out and confronted by coworkers who force him to justify his decision to wear his hair in locs as an expression of his Black identity.

48. The Station Captain left Mr. Fluellen's station in or around January of 2023 and has been replaced by a new Captain ("Current Station Captain"). However, the harassment and comments about Mr. Fluellen's hair have persisted to the present, and the Fire Department's Hair Policy remains in place.

49. For example, in or around October of 2023, while on a detail to Engine 50, a senior officer approached Mr. Fluellen and asked him where he was assigned and the name of his officer. Mr. Fluellen responded that he was assigned to Ladder 8 and gave him the name of his Current Station Captain. The officer responded saying, "Oh, [former Station Captain] told me about you." He then asked the name of Mr. Fluellen's station chief, Current Station Captain's superior officer, and when Mr. Fluellen provided it, the officer replied, "And they let you wear your hair like that? . . . I find that hard to believe." As a result of this incident, Mr. Fluellen frequently worries about the mistreatment and harassment he could face if he accepts an overtime assignment at another station.

50. Mr. Fluellen also continues to face negative comments and harassment from a firefighter at his station who began working in Mr. Fluellen's platoon while the former Station Captain was its leader. Since the former Station Captain's departure, this coworker has continued to harass Mr. Fluellen about his hair and his inability to comply with the Hair Policy.

51. This coworker most often harasses Mr. Fluellen in the kitchen of the fire station, where other members of the fire station, including supervisors, are present. The coworker's disparaging comments seem to be made with the purpose of trying to instigate disciplinary action against Mr. Fluellen.

52. For example, on or around August 27, 2024, in the kitchen of the fire station, the coworker commented that Mr. Fluellen “had time to get [his] hair done” during his four days off and it “still doesn’t comply [with the Hair Policy].”

53. On or around October 22, 2024, several firefighters, including Mr. Fluellen, were having a conversation about barbers and haircuts. The offending coworker said to Mr. Fluellen, “you don’t know nothing about barbers.”

54. On or around November 22, 2024, in the kitchen of the fire station, a fellow firefighter asked Mr. Fluellen if he was on the Fire Department’s uniform committee, which was then reviewing changes to the Fire Department uniform policy. The offending coworker retorted, “he’s on the hair committee.”

55. On or around February 3, 2025, Mr. Fluellen was speaking with members of his platoon, including his Current Station Captain, about representing them at a union meeting. When Mr. Fluellen asked if anyone had questions or comments they wanted him to raise on their behalf, the offending coworker retorted, referring to Mr. Fluellen’s locs, “do you think they’re gonna listen to a guy who doesn’t follow the rules?”

56. On or around March 5, 2025, a Deputy Chief’s Aide and several members at the station were discussing the Fire Department’s new uniform policy, which was to go into effect on July 1, 2025. Although the new uniform policy did not address hair length and bulk, the Aide used the discussion to call out Mr. Fluellen’s hairstyle, threatening, “So what will you do with your hair now? We’re going to take it from you.”

57. Mr. Fluellen’s coworker has also continued to threaten Mr. Fluellen. For example, on or around March 14, 2025, he declared that Mr. Fluellen had failed to leave the truck during a fire response “because he was too busy putting his hair in a bun.” He made this comment in front

of Mr. Fluellen's Current Station Captain and a lieutenant, both of whom responded with boos and jeers.

58. Even after filing a complaint with the PHRC, Mr. Fluellen continues to experience harassment that creates a hostile work environment.

59. On or around March 1, 2026, Mr. Fluellen was assigned to an EMS shift upon arriving at work. Again, knowing that an EMS shift is generally considered undesirable by firefighters, a Deputy Chief's Aide said to Mr. Fluellen, "it's probably because of your hair," suggesting that Mr. Fluellen's assignment to the EMS squad was a punishment for styling his hair in locs.

60. On or around March 3, 2026, Mr. Fluellen was on a shift at another station. During a conversation between firefighters, a fellow firefighter said to him, "you know you can't wear your hair like that . . . it's out of compliance [with Directive 13]."

61. Finally, on or around May 17, 2026, during a regular operation, a New Battalion Chief to the area pulled Mr. Fluellen aside. The Chief asked Mr. Fluellen, "Do you think if he saw you he would write you up [for your hair]?" referring to the Battalion Chief ("Battalion Chief") Mr. Fluellen reported the harassment to in or around February of 2022, *see infra* ¶ 74.

62. As of the date of this Complaint, Mr. Fluellen continues to endure persistent and pervasive harassment because of his locs.

C. The Harassment Perpetrated by the Fire Department Has Detrimentally Affected Mr. Fluellen

63. The harassment perpetrated by the Fire Department has caused Mr. Fluellen to suffer humiliation, emotional distress, and physical pain and suffering.

64. Only 28.4 percent of Fire Department members are Black or African American.³ By contrast, 59.3 percent of the Fire Department's workforce is white, even though non-Hispanic white Philadelphians make up only 34.5 percent of the City's population overall.⁴

65. Mr. Fluellen is one of the only Black firefighters in his platoon, and he has been continually singled out and mocked for his culturally significant hairstyle in front of his peers and supervisors. In a dangerous occupation where camaraderie is often essential to survival, this discrimination has eroded Mr. Fluellen's basic sense of safety on the job. Mr. Fluellen's distress has been exacerbated by his leadership's refusal to reform the Hair Policy or to defend Mr. Fluellen against the harassment.

66. Mr. Fluellen fears that his inability to comply with the Hair Policy could be used to subject him to serious employment consequences at any time, endangering his ability to earn a living, provide for his family, and pursue the career he loves.

67. As a result of the harassment, Mr. Fluellen has experienced insomnia, sleeplessness, and recurring nightmares, reliving the harassing comments and struggling to think of ways to defend and protect himself.

68. Mr. Fluellen frequently dreads going to work and experiences nausea, stomach pain, and muscle tension as a result of the abusive comments he endures.

³ CITY OF PHILA. OFFICE OF DIVERSITY, EQUITY, AND INCLUSION, PHILADELPHIA WORKFORCE DIVERSITY PROFILE AND ANNUAL REPORT 30 (2022), <https://drive.google.com/file/d/1Cr9XAorjJf-51pli1ZCiIGZM-0GfRNsT/view>.

⁴ *Id.* at 30, 10.

69. At times, Mr. Fluellen has taken assignments at other stations to try to avoid harassment. But because there are supervising officers at certain other fire stations who are critical of his hair, Mr. Fluellen experiences anxiety and fear every time he accepts an overtime shift with another company, knowing that this could be the day he will face disciplinary consequences.

D. The Harassment Has Been Perpetrated by and with the Knowledge of the Fire Department's Supervisory Officers

70. Since its inception, the harassment Mr. Fluellen faces has either been perpetrated directly by a supervisory officer, or often with the actual knowledge of supervisory officers, none of whom have taken any action to remedy the discrimination against Mr. Fluellen.

71. At the time the harassment began, the primary perpetrator of Mr. Fluellen's mistreatment was Mr. Fluellen's Station Captain, who was his direct supervisor. Mr. Fluellen's Current Station Captain, who is likewise his direct supervisor, is frequently present when Mr. Fluellen is subjected to harassment by his coworkers and has never done anything to prevent or remedy this discriminatory treatment.

72. Mr. Fluellen has also reported the harassment to numerous supervisory officers and managers within the Fire Department, including a Deputy Chief, a Battalion Chief, and the Fire Department Director of Human Relations, to no avail.

73. Shortly after the harassment began, on or around November 16, 2021, Mr. Fluellen reported the harassment to a Deputy Chief ("Deputy Chief II"). Since then, Mr. Fluellen has had multiple conversations with Deputy Chief II in which he has continued to report the harassment. Deputy Chief II has only advised Mr. Fluellen to speak to the Human Resources Department ("HR") and has never taken any action to remedy the discrimination.

74. In or around February of 2022, Mr. Fluellen also reported the harassment to a Battalion Chief. This Battalion Chief did not take any action to remedy the discrimination, but instead also told Mr. Fluellen to contact HR.

75. In or around April of 2022, Mr. Fluellen reported the harassment to Deputy Chief I. As alleged *supra* ¶¶ 34-36, the report did not result in any corrective action. Deputy Chief I also ultimately told Mr. Fluellen to contact HR.

76. As instructed, Mr. Fluellen made several attempts to report the harassment to HR. After multiple tries, Mr. Fluellen was finally able to meet with the Fire Department's Director of HR ("Director of HR") in or around April of 2022. At that meeting, Mr. Fluellen told the Director of HR that he was experiencing harassment because of his locs, and that his hair did not pose any safety concerns. In response, the Director of HR advised Mr. Fluellen not to cut his hair. However, neither the Director of HR nor anyone else working in HR did anything to address the harassment or the Hair Policy.

77. In or around December of 2022, Mr. Fluellen once again contacted the Director of HR to report the harassment, who told him to submit a complaint to the Fire Department's general HR email address. Mr. Fluellen reached back out to the Battalion Chief to let him know that he would be filing a complaint with HR, but the Battalion Chief did not respond to Mr. Fluellen's message.

78. In or around December of 2022, Mr. Fluellen submitted an email complaint to HR as instructed. Mr. Fluellen did not receive a response to his email complaint, and HR has never taken any action to address the harassment or the Hair Policy.

79. The Fire Department periodically reviews its directives, including Directive 13, which was last re-ratified in 2018. In or around April of 2022 and again in or around September

of 2024, Mr. Fluellen proposed revisions to reform the Hair Policy and presented them to numerous supervisory officers, including his Station Captain's Ranking Officer. As of the date of this Complaint, the Hair Policy remains unchanged.

COUNT ONE

Hostile Work Environment Based on Race in Violation of the PHRA

80. Plaintiff hereby incorporates the foregoing paragraphs as if they were fully set forth herein.

81. The PHRA prohibits employment discrimination based on race. 43 P.S. § 955.

82. The PHRA defines discrimination based on race to include discrimination based on traits associated with race, such as hair texture and protective hairstyles like locs. *See* 16 Pa. Code § 41.204 (“Traits associated with race—Include, but are not limited to, hair texture and protective hairstyles, such as braids, locks and twists.”); *see also* 16 Pa. Code § 41.207 (“The term ‘race’ as used in the PHRA . . . includes . . . [t]raits associated with race.”); 43 P.S. § 954(bb)(1).⁵

83. Subjecting an employee to a hostile work environment based on race constitutes an unlawful discriminatory practice under the PHRA. *See Infinity Broadcasting Corp. v. Pa. Hum. Rel. Comm’n*, 893 A.2d 151, 158 (Pa. Commw. 2006).

84. An employer is liable for a hostile work environment under the PHRA where a plaintiff “1) suffered intentional discrimination because of his race . . . ; 2) the harassment was severe or pervasive and regular; 3) the harassment detrimentally affected him; 4) the harassment would detrimentally affect a reasonable person of the same protected class; and 5) the harasser

⁵ The Pennsylvania CROWN Act, H.B. 439 (Pa. 2025) was signed into law on November 25, 2025, and amends the PHRA itself to define “race” as including “traits historically associated with the individual’s race, including hair texture and protective hairstyles,” 43 P.S. § 954(bb)(1), consistent with Pa. Code §§ 41.204 and 41.207.

was a supervisory employee or agent.” *Id.* (citing *Barra v. Rose Tree Media Sch. Dist.*, 858 A.2d 206, 215 (Pa. Commw. 2004)). An employer is also liable where it “knew or should have known of . . . harassment” perpetrated by others “and failed to take prompt remedial action.” *Hoy v. Angelone*, 691 A.2d 476, 480 (Pa. Super. Ct. 1997), *aff’d*, 720 A.2d 745 (Pa. 1998) (citation omitted).

85. The City of Philadelphia has engaged and continues to engage in an unlawful employment practice under the PHRA by subjecting Mr. Fluellen to pervasive, regular harassment that creates a hostile work environment because of his hairstyle, which is a trait associated with Mr. Fluellen’s race as a Black person. *See* Pa. Code §§ 41.204, 41.207.

86. Mr. Fluellen has experienced humiliation, emotional distress, and physical pain and suffering as a result of the disparaging and threatening harassment he has endured. Fire Department leadership has directly perpetrated and perpetuated this discrimination and has repeatedly failed to take any remedial action to address the hostile work environment that Mr. Fluellen has and continues to experience.

COUNT TWO

Employment Discrimination Based on Race in Violation of the PHRA

87. Plaintiff hereby incorporates the foregoing paragraphs as if they were fully set forth herein.

88. The PHRA prohibits employment discrimination based on race. 43 P.S. § 955.

89. The PHRA defines discrimination based on race to include discrimination based on traits associated with race, such as hair texture and protective hairstyles like locs. *See* 16 Pa. Code § 41.204 (“Traits associated with race—Include, but are not limited to, hair texture and protective hairstyles, such as braids, locks and twists.”); *see also* 16 Pa. Code § 41.207 (“The

term ‘race’ as used in the PHRA . . . includes . . . [t]raits associated with race.”); 43 P.S. § 954(bb)(1).

90. Under the PHRA, it is an “unlawful discriminatory practice . . . [f]or any employer because of the race . . . to refuse to hire or employ or contract with, or to bar or to discharge from employment such individual . . . or to otherwise discriminate against such individual . . . with respect to compensation, hire, tenure, terms, conditions or privileges of employment or contract, if the individual . . . is the best able and most competent to perform the services required.” 43 P.S. § 955(a).

91. The City of Philadelphia violates the PHRA by maintaining a Fire Department Hair Policy which prohibits the wearing of certain cultural and protective hairstyles. *See* Pa. Code §§ 41.204, 41.207; 43 P.S. § 954(bb)(1).

92. The Fire Department cannot demonstrate that “[w]ithout the adoption of the [Hair Policy], the health or safety of an employe or other materially connected person may be impaired.” 43 P.S. § 954(bb)(1)(i).

93. The Fire Department cannot demonstrate that “[t]he [Hair Policy] is specifically tailored to the applicable position and activity.” 43 P.S. § 954(bb)(1)(iii).

94. Mr. Fluellen has experienced humiliation, emotional distress, and physical pain and suffering because of the Hair Policy that prohibits him from wearing his hair in locs, which is a trait associated with his race as a Black person. Fire Department leadership has directly perpetrated and perpetuated this discrimination and has repeatedly failed to take any remedial action to address the discriminatory Hair Policy.

COUNT THREE

Hostile Work Environment Based on Race in Violation of the PFPO

95. Plaintiff hereby incorporates the foregoing paragraphs as if they were fully set forth herein.

96. The PFPO prohibits employment discrimination based on race. Phila. Code § 9-1103(1)(a).

97. The PFPO defines discrimination based on race to “include discrimination based on characteristics commonly associated with race, including hairstyles.” Phila. Code. § 9-1102(1)(e).

98. The PFPO defines “hairstyles” to include “[h]air texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation.” Phila. Code. § 9-1102(1)(m.1).

99. The PFPO defines “protective or cultural hairstyles” to include “braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions are used to create any such style, and whether or not hair is adorned by hair ornaments, such as ribbon, headwraps, beads or barrettes.” Phila. Code. § 9-1102(1)(v.1).

100. The City of Philadelphia has engaged and continues to engage in an unlawful employment practice under the PFPO by subjecting Mr. Fluellen to pervasive, regular harassment that creates a hostile work environment because of his hairstyle, which is a trait associated with Mr. Fluellen’s race as a Black person.

101. Mr. Fluellen has experienced humiliation, emotional distress, and physical pain and suffering as a result of the disparaging and threatening harassment he has endured. Fire Department leadership has directly perpetrated and perpetuated this discrimination and has

repeatedly failed to take any remedial action to address the hostile work environment that Mr. Fluellen has and continues to experience.

COUNT FOUR

Employment Discrimination Based on Race in Violation of the PFPO

102. Plaintiff hereby incorporates the foregoing paragraphs as if they were fully set forth herein.

103. The PFPO prohibits employment discrimination based on race. Phila. Code § 9-1103(1)(a).

104. The PFPO defines discrimination based on race to “include discrimination based on characteristics commonly associated with race, including hairstyles.” Phila. Code. § 9-1102(1)(e).

105. The PFPO defines “hairstyles” to include “[h]air texture and styles of hair of any length, such as protective or cultural hairstyles, natural hairstyles, and other forms of hair presentation.” Phila. Code. § 9-1102(1)(m.1).

106. The PFPO defines “protective or cultural hairstyles” to include “braids, cornrows, locs, Bantu knots, Afros, and twists, whether or not hair extensions are used to create any such style, and whether or not hair is adorned by hair ornaments, such as ribbon, headwraps, beads or barrettes.” Phila. Code. § 9-1102(1)(v.1).

107. Under the PFPO, it is “an unlawful employment practice to deny or interfere with the employment opportunities of an individual based upon such individual’s race,” Phila. Code § 9-1103, which includes “refus[ing] to hire, discharge[ing], or otherwise discriminat[ing] against any individual, with respect to tenure, promotions, terms, conditions or privileges of employment

or with respect to any matter directly or indirectly related to employment.” Phila. Code § 9-1103(1)(a).

108. The City of Philadelphia violates the PFPO by maintaining a Fire Department Hair Policy which prohibits the wearing of certain cultural and protective hairstyles.

109. Mr. Fluellen has experienced humiliation, emotional distress, and physical pain and suffering because of the Hair Policy that prohibits him from wearing his hair in locs, which is a trait associated with his race as a Black person. Fire Department leadership has directly perpetrated and perpetuated this discrimination and has repeatedly failed to take any remedial action to address the discriminatory Hair Policy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bariq Fluellen prays for an order of this Court requiring Defendant City of Philadelphia to:

- a. cease and desist from subjecting Mr. Fluellen to a hostile work environment;
- b. cease and desist from enforcing the Hair Policy’s length and bulk requirements to prohibit cultural and protective hairstyles that meet the Fire Department’s safety standards;
- c. implement a new Hair Policy that does not prohibit cultural and protective hairstyles that meet the Fire Department’s safety standards;
- d. make Plaintiff whole, including but not limited to an award of compensatory damages, civil penalties, punitive damages, and reasonable attorneys’ fees and costs; and
- e. provide such further relief as the Court deems necessary and appropriate.

Dated: July 14, 2025

/s/ Mary M. McKenzie

Mary M. McKenzie (No. 47434)

Meghan Binford (No. 321212)

Olivia Mania (No. 336161)

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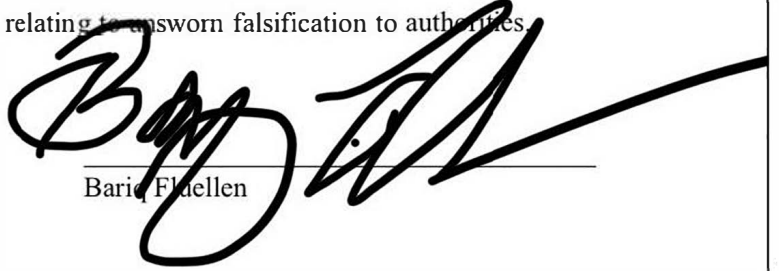
VERIFICATION

I, Bariq Fluellen, verify that the statements contained in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. These statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date

7/14/20

Bariq Fluellen

A large, stylized handwritten signature in black ink, appearing to read 'Bariq Fluellen', written over a horizontal line.