

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 4  
CASE NO. 11-CI-2609

MAY 18 2011

*[Signature]*

AMY ROSS

PLAINTIFF

VS.

LEXINGTON- FAYETTE URBAN  
COUNTY GOVERNMENT

DEFENDANT

SERVE:

*Via Certified Mail*

Jim Gray, Mayor

SERVE: 200 East Main Street  
Lexington, Kentucky 40507

**COMPLAINT AND JURY DEMAND**

**JURISDICTION**

1. The Plaintiff, Amy Ross, is a resident of Clark County, Kentucky, and brings this action against the Defendant pursuant to KRS 61.103 (2).

**FACTS**

2. Plaintiff Ross was, at all times mentioned herein, a 911 Telecommunicator Senior, with the Lexington-Fayette Urban County Government (herein "LFUCG"). Plaintiff Ross has been employed with LFUCG for 11 years.

3. The LFUCG Division of Enhanced 911 is a governmental division of LFUCG that operates under the authority and supervision of LFUCG.

4. Plaintiff Ross, as a Telecommunicator in the Division of Enhanced 911, is responsible for receiving 911 emergency calls and coordinating responses to them with LFUCG Police and Fire divisions.

5. Plaintiff Ross, over a period of three years, has frequently and vocally brought to the attention of David Lucas, the Director of Enhanced 911, continued police officer safety issues that occur in the division due to faulty equipment and maintenance.

6. Due to Plaintiff Ross's frequent reports of equipment failure, at the direction of David Lucas, Plaintiff Ross was subject to targeted discipline after all of her calls were placed in random audits by AK Associates, a private company that is contracted with LFUCG to provide technical support to the Division of Enhanced 911.

7. AK Associates is presently listed by the Kentucky Secretary of State in 'bad' standing after its certificate to do business in the State of Kentucky was withdrawn on November 3, 2009.

8. On November 5, 2010, Plaintiff Ross was issued an Oral Reprimand after a targeted AK Associates audit determined that she inefficiently refused too many 911 calls.

9. At the time that Plaintiff Ross received her Oral Warning, she responded in writing that the Warning was unwarranted due to severe understaffing and the fact her primary duties are as a police dispatcher and that radio traffic had to be handled first on an emergency basis.

10. During this time period, Plaintiff was leading the initiative to change the name of a Lexington street in honor of a recently fallen police officer.

11. David Lucas, who is also the head of LFUCG Addressing, encouraged and directed Plaintiff Ross on the process for the street name change,

but publicly denied his support for Plaintiff's effort of the street name change until she received the backing of the Mayor and City Council.

12. On February 16, 2011, Plaintiff Ross sent an e-mail to Commissioner of Public Safety, Clay Mason, which was copied to Enhanced 911 Management. In this e-mail, Plaintiff Ross reported her concerns for Police and Fire officer safety because of the continuously malfunctioning 911 computer keyboard equipment which was causing Telecommunicator officers to lose emergency calls as the computers shut down.

13. Plaintiff Ross also notified that Commissioner in the February 16<sup>th</sup> e-mail, that given the lacking funding in the budget to remedy this 911 system failure, Plaintiff Ross was willing to organize fundraising efforts to raise the necessary money to secure the 911 repairs.

14. In a follow-up email to Commissioner Mason on February 17, 2011, Plaintiff Ross was critical of the management's lack of responsibility in Enhanced 911, and emphasized that that continued problem with keyboard losing critical information on 911 calls and Managements failure to fix it, could "have severe consequences for both the officers and the citizens of Lexington."

15. These continuing keyboard issues addressed by Plaintiff Ross have resulted in Telecommunicators losing critical information on police foot pursuits, vehicles refusing to yield, and other information because the computers lock up and drop pertinent information that the Telecommunicator types into the system.

16. As a result of Plaintiff Ross' report outside of her division, Plaintiff was subject to immediate scrutiny of her work.

17. A random quarterly audit of Plaintiff Ross' emergency calls was performed by a Supervisor at the direction of Director Lucas using AK Associates data and it cited several incorrect instances where Plaintiff Ross was alleged to have refused emergency calls.

18. On April 18, 2011, Plaintiff Ross was issued a Written Reprimand which is placed in her personnel file and allows for increased progressive discipline that allows for employment termination.

19. Said reprimand was without cause and was issued to Plaintiff Ross for reporting her mismanagement concerns to the Commissioner of Public Safety.

**COUNT I**  
**(Whistleblower Violation)**

20. Plaintiff incorporates as if fully restated all of the allegations previously written.

21. That Plaintiff, Amy Ross, at all times mentioned herein, was employed by LFUCG, and as such, was an employee protected under the Kentucky Whistleblower Act.

22. That Plaintiff Ross reported to the LFUCG Commissioner of Public Safety, public safety concerns and mismanagement issues, as identified in paragraphs 12-15.

23. As a result of disclosing information regarding mismanagement and public safety issues to the LFUCG Public Safety Commissioner, Director Lucas retaliated against Plaintiff Ross by directing the auditing of her phone calls for a

quarter and issuing her an unwarranted Written Reprimand that was placed in her personnel file. The audit report contained incorrect or fabricated missed calls.

24. As a result of such disclosures and subsequent retaliation, Plaintiff Ross was disciplined in violation of K.R.S. 61.102, which is more commonly known as the "Whistle Blower" statute.

WHEREFORE, the Plaintiff respectfully prays and demands on both Counts as follows:

- A. For trial by jury;
- B. For removal of the negative reprimands from her personnel file;
- C. For compensatory and punitive damages;
- D. For reasonable attorney fees and costs pursuant to KRS 61.990(4);
- E. For any and all other relief to which the Plaintiff may appear entitled.

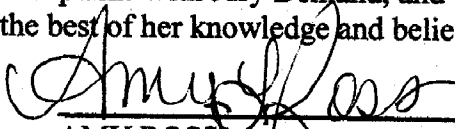
WOLNITZEK & ROWEKAMP, P.S.C.

BY: 

SHANE C. SIDEBOTTOM (#89046)  
502 Greenup Street  
P. O. Box 352  
Covington, KY 41012-0352  
(859) 491-4444

**VERIFICATION**

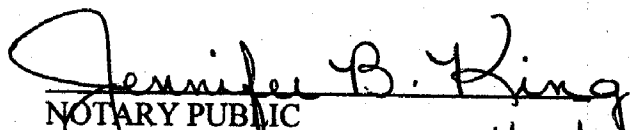
Comes now Amy Ross, and after being first duly cautioned and sworn, states that she has read the foregoing Verified Complaint With Jury Demand, and the facts contained therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
AMY ROSS

COMMONWEALTH OF KENTUCKY )

COUNTY OF Clark )

SUBSCRIBED AND SWORN to before me, a Notary Public, this 16  
day of May, 2011.

  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 5/17/13

AOC-105  
Rev. 1-07  
Page 1 of 1  
Commonwealth of Kentucky  
Court of Justice www.courts.ky.gov  
CR 4.02; CR Official Form 1

Doc. Code: CI



CIVIL SUMMONS

Case No. 11-CI-2609  
Court ☒ Circuit ☐ District  
County Fayette

PLAINTIFF

AMY ROSS

VS.

DEFENDANT

Lexington-Fayette Urban County Government

SERVE: JIM GRAY, Mayor (VIA CERTIFIED MAIL)

200 East Main Street

Lexington,

Kentucky

40507

Service of Process Agent for Defendant:

THE COMMONWEALTH OF KENTUCKY  
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a legal action has been filed against you in this Court demanding relief as shown on the document delivered to you with this Summons. Unless a written defense is made by you or by an attorney on your behalf within 20 days following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

MAY 18 2011

Postmark  
Here

LEXINGTON-FAYETTE URBAN CO. GOV.  
SERVE: JIM GRAY MAYOR  
200 EAST MAIN STREET  
LEXINGTON, KY 40507  
11-CI-2609

PS Form 3800, August 2006

See Reverse for Instructions

By: WILMA F. LYNCH  
FAYETTE CIRCUIT COURT Clerk  
FAYETTE COUNTY D.C.  
120 N. LIMESTONE STREET C103  
LEXINGTON, KENTUCKY 40507

Proof of Service

Copy and the Complaint (or other initiating document) to:

Served by: \_\_\_\_\_

Title

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 7  
CASE NO. 11-CI-2797

JUN - 1 2011

TAMMY HAYDEN

PLAINTIFF

VS.

LEXINGTON- FAYETTE URBAN  
COUNTY GOVERNMENT  
SERVE:

DEFENDANT

*Via Certified Mail*

Jim Gray, Mayor  
SERVE: 200 East Main Street  
Lexington, Kentucky 40507

**COMPLAINT AND JURY DEMAND**

**JURISDICTION**

1. The Plaintiff, Tammy Hayden, is a resident of Fayette County, Kentucky, and brings this action against the Defendant pursuant to KRS 61.103 (2).

**FACTS**

2. Plaintiff Hayden was, at all times mentioned herein, a 911 Telecommunicator, with the Lexington-Fayette Urban County Government (herein "LFUCG"). Plaintiff Hayden has been employed with LFUCG for 11 years.

3. The LFUCG Division of Enhanced 911 is a governmental division of LFUCG that operates under the authority and supervision of LFUCG.

4. Plaintiff Hayden, as a Telecommunicator in the Division of Enhanced 911, is responsible for receiving 911 emergency calls and coordinating responses to them with LFUCG Police and Fire divisions.



5. Plaintiff Hayden, over a period of three years, has frequently and vocally brought to the attention of David Lucas, the Director of Enhanced 911, continued police and fire officer safety issues that occur in the division due to faulty equipment and maintenance and the need to correct the hostile work environment that has persisted in the Division.

6. Plaintiff Hayden is also currently listed as a witness in a separate Whistleblower lawsuit scheduled for Trial in September, 2011, and to which she gave deposition testimony critical of LFUCG management.

7. Director Lucas has made several comments to Plaintiff Hayden that he wants the lawsuit over and doesn't want his staff involved with it.

8. In early December, 2010, Plaintiff Hayden contacted the LFUCG Chief Administrative Office to discuss E-911 mismanagement issues and conduct that she believed was discriminatory. Plaintiff did not receive a reply (declining a meeting), until April 25, 2011.

9. On December 10, 2010, Plaintiff Hayden e-mailed Mayor elect Jim Gray and requested a sit-down with him and 10 of her co-workers to discuss the dysfunctional management of E-911 by Director David Lucas.

10. In her e-mail to then Mayor-elect Gray, Plaintiff Hayden expressed her fear that she would be "fired or written up and suspended without pay" because of retaliation from Director Lucas for contacting the Mayor.

11. Plaintiff Hayden and other employees, had previously been told by E-911 Management that they would lose their job if they met with individuals outside E-911 to discuss negative issues that occurred in the division.

12. Plaintiff Hayden filed two grievances with Human Resources at the end of December, 2010, and early January 2011, over Director Lucas' "Point system policy" which docks employees points which can deny them over-time opportunities if an employee totals 3 points or more. This point system was created by Director Lucas and has not been incorporated into official LFUCG personnel policy.

13. Plaintiff Hayden's grievances alerted Human Resources that Director Lucas was punishing Plaintiff with points and removing her opportunity for over-time hours for false reasons. Plaintiff has previously challenged Lucas' incorrect use of the policy when he had docked Plaintiff points for incurring a work related injury that was accepted by Workers' Compensation.

14. In a January 5, 2011, grievance, specifically alerted LFUCG Human Resources to continued mismanagement of Director Lucas. Among the issues grieved by Plaintiff were: Director Lucas selective enforcement of discipline and overtime assignments; the failure of Director Lucas to investigate numerous complaints from telecommunicators and police officers that a telecommunicator may be under the influence of narcotics while handling emergency calls; and questioned how some favored employees are being allowed to delay emergency calls because they were engaged in reading books/magazines or working on other personal matters.

15. Glenn Brown was appointed by Mayor Gray to conduct an audit of E-911 and meet with employees to discuss their management concerns during early 2011.



16. Plaintiff Hayden discussed these issues with Glenn Brown and also sent him an e-mail on February 10, 2011, about issues Mismanagement issues and equipment misuse which put the safety of police officers, firefighters and citizens at risk.

17. Plaintiff Hayden also informed Mr. Brown that Management was interfering in employee's personal lives. Plaintiff relayed to Brown how the PSAP Manager of E-911 previously called an employee's wife to inform her that the employee was engaged in a sexual affair with another employee, and that the wife could contact employees, including the Plaintiff to get more information. The Wife showed up in person at E-911 demanding to talk to E-911 telecommunicators. Director Lucas refused to discipline the PSAP Manager for creating such huge safety risk for the E-911 division.

18. On February 10, 2011, Plaintiff Hayden e-mailed her Supervisor and Director Lucas about her safety discussions with Glenn Brown. In the e-mail she specifically pointed out that the dual CAD system used by E-911 was only beneficial to the Fire Division and that its experimental implantation may cause two minute delays in contacting police on emergency calls, another public safety risk.

19. During a February, 2011, staff meeting with Supervisors, Plaintiff Hayden submitted several questions to Management about selective disciplinary enforcement and why certain employees are allowed to sleep on the job free from punishment.

20. As a result of Plaintiff Hayden' report outside of her division, Plaintiff was subject to immediate scrutiny of her work.

21. On March 7, 2011, Director Lucas issued a performance improvement plan to Plaintiff Hayden and specifically cited one reason for its issuance was that Plaintiff Hayden was "taking issues outside your supervising chain of command which is outside the Division's standards for e-mail correspondence."

22. On March 7, 2011, Plaintiff Hayden was issued a 160 hour suspension by Director Lucas for improperly handling a telephone call and for "malicious interactions" with co-workers which were identified in her corresponding Performance Improvement Plan.

23. Said performance improvement plan and 160 hour suspension was without cause and was issued to Plaintiff Hayden for reporting her mismanagement and public safety concerns to Human Resources, the Mayor and his appointed audit investigator, Glenn Brown.

**COUNT I**  
**(Whistleblower Violation)**

24. Plaintiff incorporates as if fully restated all of the allegations previously written.

25. That Plaintiff, Tammy Hayden, at all times mentioned herein, was employed by LFUCG, and as such, was an employee protected under the Kentucky Whistleblower Act.

26. That Plaintiff Hayden reported to the Mayor's Office and to the Glenn Brown, a department auditor, public safety concerns and mismanagement issues, as identified in paragraphs 8-18.

27. As a result of disclosing information regarding mismanagement and public safety issues, Director Lucas retaliated against Plaintiff Hayden on March 7, 2011, by issuing her a Performance Improvement Plan and a 160 day Suspension.

28. As a result of such disclosures and subsequent retaliation, Plaintiff Hayden was disciplined in violation of K.R.S. 61.102, which is more commonly known as the "Whistle Blower" statute

**COUNT II**  
**(Whistleblower Violation)**

29. Plaintiff incorporates as if fully restated all of the allegations previously written.

30. Plaintiff gave her testimony as a witness in a deposition and is listed as in a separate whistleblower action (Fayette Circuit CASE NO. 08-CI-1065) scheduled for Trial in September, 2011.

31. Plaintiff testimony supported the claims in the lawsuit and was disfavorable to LFUCG, the Defendant in that action.

32. Plaintiff Hayden has been subject negative comments about her testimony by Director Lucas and other Supervisors and has been targeted for discipline.

33. Said targeting of disciplinary action constitutes a reprisal against Plaintiff, and was in violation of KRS 61.102 and 61.103(4), more commonly known as the "Whistle Blower" statute.

WHEREFORE, the Plaintiff respectfully prays and demands on both Counts as follows:



- A. For trial by jury;
- B. For removal of the negative reprimands from her personnel file;
- C. For compensatory and punitive damages;
- D. For reasonable attorney fees and costs pursuant to KRS 61.990(4);
- E. For any and all other relief to which the Plaintiff may appear entitled.

WOLNITZEK & ROWEKAMP, P.S.C.

BY: 

SHANE C. SIDEBOTTOM (#89046)  
502 Greenup Street  
P. O. Box 352  
Covington, KY 41012-0352  
(859) 491-4444

WOLNITZEK &  
ROWEKAMP,  
P.S.C.  
ATTORNEYS AT LAW  
LAW OFFICES

## VERIFICATION

Comes now Tammy Hayden, and after being first duly cautioned and sworn, states that she has read the foregoing Verified Complaint With Jury Demand, and the facts contained therein are true and correct to the best of her knowledge and belief.

TAMMY HAYDEN

COMMONWEALTH OF KENTUCKY )

COUNTY OF Kenton

SUBSCRIBED AND SWORN to before me, a Notary Public, this 3<sup>rd</sup>  
day of May, 2011.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 1.05.13