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## **Judge: No retaliation in captain's transfer**

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Melanie Bates accused the **fire** chief of moving her because she discussed department finances with the **state auditor**. A judge has ruled that an **Omaha fire** captain was not transferred to another job in retaliation for talking to the **state auditor** about **Fire** Department finances.

Douglas County District Judge James Gleason issued a written ruling Thursday in the lawsuit filed by Capt. Melanie Bates.

Gleason said he believed **Fire** Chief Mike McDonnell did not know that Bates had spoken to the **auditor** when managers ordered the transfer as part of a department reorganization.

"The court finds it to be totally incredible to think that the chief would go to the extent of reorganizing the OFD and transferring 10 percent of the department's workforce in order to retaliate against the plaintiff," Gleason wrote.

Bates had sought an injunction to stop the transfer, which was scheduled to occur Friday. The City of **Omaha**, Mayor Jim Suttle and McDonnell were named as defendants.

Bates' attorney, Tom White of **Omaha**, said his client had not decided whether to appeal the ruling.

"We're obviously disappointed," White said.

The **Fire** Department is transferring Bates from a specialized position within the Emergency Medical Services bureau to the **fire** suppression unit.

Under the recent reorganization of the **Fire** Department, those with

seniority were supposed to have first claim on new assignments. White has said Bates was not given that option.

McDonnell testified last week that at least six firefighters were transferred out of the EMS bureau. He said the transfers were done to save money in a tight budget year.

Putting the employees back on **fire** trucks means that the department will have to do fewer call-backs when firefighters are sick or on vacation, he said, and that saves the city money in overtime costs.

Bates argued that the job transfer was payback for talking last year with **State Auditor** Mike Foley, who later released a report critical of **Fire** Department finances.

Foley and Bates discussed the department's spending of grant money.

McDonnell testified that he was unaware that Bates had talked to Foley until after she filed the lawsuit.

White said the court ruling could deter others from coming forward if they suspect wrongdoing by city officials.

"If a person values his or her job," he said, "they will think twice before they confirm their fears that their superiors are misusing or misappropriating public funds."

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