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**Upset by new job, captain sues city
She alleges she was punished for talking with the state
auditor about Fire Department finances.**

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An **Omaha fire** captain is suing her bosses at city hall, claiming she's being transferred to another job for talking to the **state auditor** about **Fire Department** finances. Melanie Bates, wife of former firefighter Darren Bates, filed the lawsuit in Douglas County District Court on Wednesday. She's seeking an injunction to stop her transfer, which is set to occur Monday.

A hearing is scheduled for Thursday before Douglas County District Judge James Gleason. The city, Mayor Jim Suttle and **Fire Chief** Mike McDonnell are named as defendants.

Bates' attorney, Tom White of **Omaha**, said the **Fire Department** is transferring Bates from her current assignment within the Emergency Medical Services bureau to a less-desirable position in the **fire** suppression unit.

He said that under a recent reorganization of the **Fire Department**, those with seniority were supposed to have first claim on their new assignments. However, Bates was not given that option.

Bates believes the transfer is payback for cooperating last year with **State Auditor** Mike Foley, who later released a report critical of **Fire Department** finances. Foley and Bates had discussed the department's spending of grant money, which she oversaw, White said.

"She's clearly been the target," White said. "Others were put in jobs she would have the right to bid into."

McDonnell could not be reached for comment. Suttle's office referred

questions to City Attorney Paul Kratz, who said his office was prepared to fight Bates' allegations in court.

"Chief McDonnell has reorganized his department in order to meet the budget requirements of the city," Kratz said. "It's unfortunate that Capt. Bates is not pleased with her reassignment, but that's a prerogative of the chief."

Bates is the wife of former **Fire** Capt. Darren Bates, who was president of the **Omaha** firefighters union when he was arrested Feb. 3, 2009, in a sex sting at a Council Bluffs hotel.

Saying he responded to a racy Craigslist ad seeking only a back massage, Darren Bates was acquitted in May 2009 of a charge of soliciting a prostitute. But he was dismissed from his firefighter job in the process.

Melanie Bates' lawsuit stems from her treatment since she talked to the **state auditor**, not her husband's fallout with department officials, White said.

"We certainly believe that the answers she provided to the **state auditor** upset the management of the **Fire** Department," White said. "Could there be other things? I have no clue."

Currently, Bates works four 10-hour days during the week, from 7 a.m. to 5 p.m. Her new job would require her to work five 24-hour days before taking six days off.

White said the new schedule would make it difficult for Bates to care for her three children while her husband is at work.

In an interview Wednesday, Foley declined to confirm whether his staff interviewed Bates, saying his office does not typically disclose such information.

Foley's office began looking into the **Fire** Department's finances in February 2010, after receiving complaints of financial improprieties. He released his report outlining problems he saw last October.

That report centered on the way the department tracked work hours for firefighters. But Foley also looked into a \$2 million grant, awarded to the city in January 2009 from the federal Staffing for Adequate **Fire** and Emergency Response (SAFER) program, that would have required the city to add 18 firefighters.

Because of tight city budgets, officials determined that they would not be able to afford the additional staffing and gave up the grant, reimbursing the \$166,000 that already had been spent.

Foley said city officials handled the matter properly.

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