



Subscriber Services



[HeraldLeader.com](#) [News](#) [Business](#) [Sports](#) [Entertainment](#) [Living](#) [Classifieds](#) [Jobs](#) [Cars](#) [Homes](#)

Lexington Herald-Leader (KY)

2001-08-02

Section: Main News

Edition: Final

Page: A1

WALSH IS TARGET OF SEX BIAS LAWSUIT RETIRED FEMALE OFFICER ALLEGES DEROGATORY TALK

Valarie Honeycutt, Herald-Leader Staff Writer

A retired Lexington police captain filed a lawsuit yesterday alleging that Lexington Police Chief Larry Walsh discriminated against her and other female employees and then retaliated when she opposed his discriminatory practices.

In a Fayette Circuit Court lawsuit, Melinda Massarone says that Walsh, who is retiring as chief to become Urban County Public Safety Commissioner, talked about females in derogatory terms and said that they should not be promoted. Massarone, who joined the force in the early 1980s, was forced to take disability retirement in May 2000 because of mental anguish and emotional distress, the lawsuit says. Massarone alleges that Walsh did not promote her to captain until she threatened a lawsuit and then, in retaliation, he assigned her to the communications division.

Walsh released a statement yesterday denying the allegations and defending his record of employing and promoting females.

"The lawsuit is without merit," Walsh said. "The former officer who filed this lawsuit has never filed a grievance within the Division of Police."

Walsh said he promoted Massarone three times during her employment with the division.

Mayor Pam Miller said yesterday that the lawsuit will not affect Walsh's becoming public safety commissioner later this month.

Walsh is acting public safety commissioner and will be police chief until Aug. 13. A new chief

has not yet been named.

"Being mayor has taught me that lawsuits are filed every day," Miller said. "Based on the allegations in the complaint there is nothing to warrant an investigation at this time."

The Urban County Council confirmed Walsh's new appointment on July 10.

Even though the council has confirmed Walsh as public safety commissioner, council members could withdraw that confirmation, said Urban County Human Resources Director Wally Skiba.

Councilwoman Jennifer Mossotti said she had heard rumors about the possibility of a lawsuit against the police department and asked Walsh about it just before his confirmation hearing.

"He said there was no truth to it at all," Mossotti said.

In his statement yesterday, Walsh indicated that the lawsuit had nothing to do with his decision to retire as chief and become public safety commissioner.

That decision "was based solely upon the retirement of Commissioner Tim Bennett and Mayor Miller's request that I accept the position," he said.

Yesterday's lawsuit is at least the second sexual discrimination case filed against Walsh this year. In January, another former police officer filed a lawsuit in U.S. District Court saying that she voluntarily resigned but that Walsh did not reinstate her because of sexual discrimination.

Massarone's attorney, **Robert Abell**, also is the plaintiff's attorney in that lawsuit.

Abell said yesterday that Massarone would not be commenting on the lawsuit. But, Abell said, "we will present witnesses who heard him make statements and whose testimony will support the allegations."

Massarone is asking for an undetermined amount of money for distress, anguish, embarrassment, humiliation and loss of income and benefits, the lawsuit said.

Walsh "condoned, tolerated and allowed" discriminatory employment practices, the lawsuit said. Walsh made statements that women "are subordinate to and inferior to men" and engaged in "actions subjecting female employees to disparate treatment compared with similarly situated male employees."

Walsh made statements that "female employees should not or would not be promoted to

deserved and earned higher positions because according to Walsh, they were a 'bitch' or a 'whore,'" the lawsuit said.

The lawsuit accuses Walsh of "willful and knowing toleration of discriminatory actions intended to make the job of female employees more difficult to perform because, according to Walsh, they were not 'one of the boys.'"

The lawsuit also says Walsh tolerated discriminatory actions that had the intended effect of deterring female employees from making complaints about discriminatory employment practices.

He made "statements accusing employees who had reported discriminatory practices as having instigated a 'coup'," the lawsuit said.

In Walsh's statement, he said that during Massarone's last 2 1/2 years of service, "she was a captain supervising a critically important unit within the division and was commanded by a female assistant chief."

Massarone said in the lawsuit that those working conditions were part of the problem.

Specifically, Massarone alleges that in 1997, when she was eligible to become captain and had outstanding job performance, Walsh said he would not promote her and used "gender-specific derogatory terms."

Walsh agreed to the promotion after she threatened a lawsuit, Massarone alleges, but in late 1997 or 1998, he stated he intended to render Massarone's "working conditions intolerable by assigning her to the division's communications department."

Massarone's working conditions proved intolerable "because of the wrongful actions of her supervisor, Sandy Devers, and she initially requested transfer from that position in July 1999," the lawsuit said. In all, Walsh denied three requests for a transfer, the lawsuit says. Devers, an assistant chief with the department, declined to comment yesterday.

Of 490 sworn officers on the force, 48 are females and nine hold the rank of sergeant or higher, according to police records. That's about the same percentage of males holding the rank of sergeant or higher. Eighty-two of 442 male officers fall into that category.

Since he became chief in 1990, Walsh said, the number of female officers has increased 71 percent. During the same period, the total force increased from 363 officers to 490, an increase of 35 percent. He said he had promoted 13 females to supervisory positions, three of them several times.

Massarone has not taken another job since she left the department, Abell said yesterday.

"It was very difficult for her to file" the lawsuit, he said. " It's not easy stuff."

*

Herald-Leader staff writer Jim Warren contributed to this report. Reach Valarie Honeycutt at (859) 231-3409 or vhoneycutt@herald-leader.com.

Inside

* Another former officer has also sued Walsh. Page A10

Larry Walsh defended his record and said the suit was "without merit."

Correction: CORRECTION: A story on Page A1 in yesterday's paper incorrectly reported that the Urban County Council can withdraw its confirmation of appointed commissioners. Once given, confirmation cannot be revoked.



- [News](#) |
 - [Business](#) |
 - [Sports](#) |
 - [Entertainment](#) |
 - [Living](#) |
 - [Shop Local](#) |
 - [Classifieds](#) |
 - [Jobs](#) |
 - [Cars](#) |
 - [Real Estate](#)
-
- [About HeraldLeader.com](#) |
 - [About the Real Cities Network](#) |
 - [About the McClatchy Company](#)
-
- [Terms of Use](#) |
 - [Privacy Policy](#) |
 - [Copyright](#)