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## THREE URBAN COUNTY EMPLOYEES SUE TO KEEP JOBS SAY THEY'RE CIVIL SERVICE WORKERS, EXEMPT FROM COUNCIL JOB CUTS

*Delano R. Massey, Herald-Leader Staff Writer*

Three Urban County Government employees working for current council members have filed an injunction in federal court in an effort to stop the city from terminating them when the new council takes office.

The complaint, filed Tuesday in U.S. District Court, says the jobs of Leslie Bruner, Calvin G. Banks Sr. and Amanda Presley were placed in peril earlier this month when the city council abolished 15 full-time positions and two part-time positions in the council office.

In addition to abolishing the council office positions, the measure created 15 "aide to council" positions, which will be served "at the will of the appointing council member" as long as that council member remains in office.

The ordinance was not vetoed by Mayor Teresa Isaac and became final Monday. It takes effect Monday of next week, a day after the new council is sworn in.

Asked yesterday about the injunction, Bruce Edwards, Isaac's press secretary, said he could not comment on the case because "it's being append byline Reviewed by the law department."

**Robert L. Abell**, the attorney representing the three city employees, said the ordinance grants the council "greater discretion over hiring and firing of people in the council office." But the change "unlawfully" eliminated his clients' jobs, he said.

Bruner began working for the city in February 1999, in its division of parks and recreation. She began working as a "legislative aide" in the council office the next year.

Presley began working for the city in June 2002 and was promoted that November to "staff to council II."

The lawsuit says Bruner and Presley have worked through several election cycles and for multiple council members, including Gloria Martin, Sandy Shafer and Scott Crosbie in Bruner's case and Bill Farmer, David Stevens and Kevin Stinnett in Presley's case.

Banks was hired by the city in June 2005 and has worked mostly for Councilman George Brown.

By passing the ordinance, Abell said, the city "basically made the determination that these jobs are 'temporary,' therefore fall into that exclusion to civil service."

Abell contends his clients should be classified as civil service employees.

The lawsuit says positions in the Urban County Government should be classified as civil service except for: officers elected by the voters and persons appointed to fill vacancies in elective offices; the chief administrative officer; department commissioners; administrative assistants appointed by the mayor; secretaries and temporary or part-time employees; and all persons employed to conduct special inquiries, investigations or studies for the city.

"None of those seven exclusions can apply to Bruner, Banks or Presley; therefore, they're civil service employees," Abell said in an interview. "The purpose of the suit is to have the court recognize the civil service status of the plaintiffs and to prevent the unlawful termination of their employment."

Abell's complaint says a civil service employee can be dismissed, suspended or have his pay reduced only for "inefficiency, misconduct, insubordination or violation of law involving moral turpitude."

Abell has requested an expedited hearing with hopes that the case will be heard before Monday, when the law is to go into effect.

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IF YOU GO

City inauguration

What: Inauguration and reception for Mayor Jim Newberry and Urban County Council members

When: 2 p.m. Sunday

Where: Lexington Center's Bluegrass Ballroom.

Details: Free parking in the Lexington Center High Street lot. For information, call LexCall 311.

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