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EX-LEXTRAN WORKER SUES OVER DISMISSAL

Geoff Mulvihill, Herald-Leader Staff Writer

A former Lexington Transit Authority safety director claims in a lawsuit that he was fired last year for blowing the whistle about safety problems, but his personnel file says he was fired because he didn't do his job.

In the suit filed last month in Fayette Circuit Court, Earl W. Barton said he reported "an extraordinary number of deficient safety practices that endangered employees and the public" after he accepted a position as safety and training coordinator in April 1998.

Neither Rowland nor the city's law department, which is representing LexTran, would comment. The city has not yet filed a response to the suit. Barton, a 30-year-employee, said in the suit that supervisors asked him to cut the amount of training time for drivers, but that he refused.

Barton's personnel file tells a different story.

In his termination letter, Rowland wrote that Barton had not met expectations on the job, which included overseeing the training of bus drivers. The day before that letter was sent, LexTran maintenance manager Michael Pence sent Rowland a memo that said he hadn't received any bus accident reports during the five-month period he held the job. Barton's lawyer, **Robert Abell**, said Barton was completing the paperwork but not giving them to everyone who was supposed to get them.

But according to the suit, Barton received praise in an employment review a few months before he was fired, as well as a raise. Barton earned \$33,332.

"Mr. Barton had no inkling that his termination was being completed or was in the works," said **Robert Abell**, Barton's attorney.

The suit also charges racial discrimination. Barton, who is white, was denied a request to go back to his old job as a street supervisor when he was removed as safety coordinator, even though a black predecessor was granted a similar request, Abell said.

Barton is seeking unspecified damages.

Abell said Barton, who is now working as a truck driver, would not comment.



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