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POLICE LIEUTENANT SUES LEXINGTON CHARGES RETALIATION OVER TIMECARD ISSUE

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A Lexington police lieutenant is suing the city because he says police officials retaliated against him after he reported that an assistant chief filed false timecards.

Lt. Daniel Hegeman filed a lawsuit Tuesday against the Urban County Government seeking damages for "unlawful retaliation."

In the lawsuit, Hegeman, 56, says the retaliation came after he told police officials that Assistant Chief Sandra Devers "falsely represented" that she was working and failed to deduct vacation time three months ago.

Police yesterday confirmed that they were investigating a personnel matter involving Devers, but declined to give specifics.

Included in the lawsuit were copies of Devers' time card, comp sheet and a memo that was sent to several high-ranking officials. The memo said that "Devers will be on vacation from Thursday, January 20 thru Monday, January 31." Timecards, released by police to the Herald-Leader through an open-records request, show that Devers reported she was working at that time.

After reporting the discrepancy, the lawsuit says, Hegeman was subjected to "reprisal and the direct and indirect use of official authority and influence of a nature tending to discourage, restrain, depress, dissuade, deter and/or prevent such reports from being made."

Hegeman was working in the bureau of administrative services, where Devers, 55, was his supervisor. Hegeman's attorney, **Robert L. Abell** of Lexington, said his client, a veteran officer of 32 years, was transferred to the bureau of patrol services on Old Frankfort Pike after he reported the alleged timecard incident.

Abell said other actions were taken against Hegeman, but he declined to provide details.

Hegeman filed suit against the city because state law prohibits an employer from taking "any type of reprisal or retaliatory action," Abell said. He said it's unclear who exactly was responsible for the retaliation.

Devers, reached by telephone yesterday, declined to comment.

This is not the first time Devers' name has been mentioned in a lawsuit filed by a Lexington police

officer.

Devers, who has been on the force since 1972, was named as part of a sexual discrimination lawsuit filed against the city in 1999 by retired Capt. Melinda Massarone. In that lawsuit, Massarone said that she was promoted to captain, then former Chief Larry Walsh "buried" her in the communications division.

While she was there, Massarone said in the suit, Devers made her so miserable that she developed emotional problems and had to retire on disability after 20 years on the force. The city gave Massarone a \$150,000 settlement in 2003.

Yesterday, Maj. Mike Bosse, director of internal affairs, said "we do have an investigation, it does involve assistant chief Devers and that investigation is currently in the chief's office."

The normal procedure would be for internal affairs to investigate a complaint, then send it to the disciplinary review board, which is made up of assistant chiefs, majors and captains. The board then makes a recommendation to Chief Anthony Beatty and the chief makes the final decision, Bosse said.

Beatty said that, in his career, he could not recall an instance where an assistant chief was facing review by the board. Devers became the first woman to attain the rank of assistant chief when she was appointed during Walsh's administration in 1993.

Beatty said there would not be any issues with the board handling the case "fairly and objectively."

"Any time an allegation is made, we take it seriously," Beatty said. "We're talking about two long-term employees here. It's a very serious matter."

Beatty confirmed that Hegeman was recently transferred, but he said neither Hegeman's pay nor ranking changed. Beatty was not sure how long Hegeman had been in his current position.

The chief declined to discuss specifics of Hegeman's lawsuit. He said, in general, that he approves all transfers. In order to transfer bureaus, he said, a supervisor would have to discuss that with him.

"We transfer people across bureaus and different sections all the time," he said. "There's no different level of prestige."

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