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City employee's retaliation lawsuit against Lubbock may move forward, judge rules

Posted: July 21, 2010 - 5:07pm

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By Elliott Blackburn

A city employee's claims a former water department director retaliated against her by ruining her chances in a hiring process may move to trial, a federal judge ruled Wednesday.

U.S. District Judge Sam Cummings wrote that current animal services director Martha Ellerbrook had enough evidence for a trial to decide whether Lubbock and former Deputy City Manager Tom Adams rigged a hiring process because her husband had sued the city.

Ellerbrook had shown Adams used an

outside consultant to rank candidates for a water programming coordinator position after he had already received applications for the job, Cummings wrote. The rankings gave special weight to qualifications that favored other applicants and were not part of the job description, offering enough evidence to allow the retaliation case to move forward, Cummings wrote.

Adams fired Ellerbrook's husband, former Water Utility Director Terry Ellerbrook, before the hiring process began. He filed his own discrimination and retaliation lawsuits, which the city later settled, paying \$475,000 in settlements and legal fees.

Martha Ellerbrook had assisted her husband with the suit. Adams actions during the hiring process were in retaliation for that help, she alleged in the suit.

The city denied any wrongdoing and asked Cummings in May to dismiss the case. Lubbock hired Ellerbrook to run the animal services shelter earlier this year.

City attorney Sam Medina did not return a call for comment.

Ellerbrook attorney Adam Voyles praised the ruling.

"I think he did an excellent job," Voyles said of the ruling. "Next step will be to prepare for trial."

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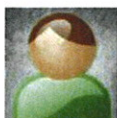
Tip of the Iceberg

By Signigon | 07/21/10 - 08:06 pm

In 2009, the city should have had every possible HR policy established, set in stone, to avoid Adams' having such power (at many levels, no less). These costly mistakes are indicative of an employer either woefully ignorant of employment law, or stubbornly refusing to adhere to the law; either way, it's an embarrassment to those of us who live in the South Plains.

Once again, the nation reads how stupid we are "out there," and our lack of progressive dedication to educating our PreK-12 students proves it, further.

Thank you.



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