

Bond Case Briefs

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POLITICAL SUBDIVISIONS - KENTUCKY

Louisville & Jefferson County Metropolitan Sewer District v. Hill

Supreme Court of Kentucky - September 24, 2020 - S.W.3d - 2020 WL 5806523

African American former administration services manager for metropolitan sewer district brought action against district alleging violation of Whistleblower Act and racial discrimination in violation of Civil Rights Act.

The Circuit Court granted partial summary judgment for district. Manager appealed. The Court of Appeals affirmed in part and reversed in part. Both parties moved for discretionary review, which was granted.

The Supreme Court held that:

- District was not political subdivision of Commonwealth and, thus, it did not qualify as employer under Whistleblower Act, and
- Manager failed to show that he engaged in a protected activity, as required to make a prima facie case of retaliation under Civil Rights Act.

Metropolitan sewer district was not political subdivision of Commonwealth and, thus, it did not qualify as employer under Whistleblower Act; district was not entitled to sovereign immunity, as it was originally created by city and retained same characteristics of special district, including fiscal separation and freedom from constitutional limitations on indebtedness associated with tax collecting entities, district's customers were ratepayers, not taxpayers, and district did not serve statewide need but rather served needs of discrete, localized geographic region