

Conscientious Objections: Court Upholds Public-Sector Nurse's Right To Sue.

A nurse employed in a state university medical center complained to her supervisors that her religious beliefs prevented her from participating in abortions, contraception or sterilizations, acts which are considered morally wrong and gravely sinful by her Catholic faith.

The nurse's beliefs made it impossible for her to care for patients on the labor and delivery or post-partum units who came to the hospital for abortions and/or sterilization or for the nurse to dispense birth control or "morning-after" pills.

When the nurse requested accommodation from her employer she was assigned to a staff-nurse replacement pool which involved rotating days and nights, twelve-hour shifts and Saturdays and Sundays. That was not as advantageous as the hours she would have been able to work if she were allowed to stay in labor and delivery and simply did not have to do things that were morally objectionable to her.

The US Civil Rights Act gives a victim the right to sue when Constitutional rights are violated by persons acting under authority of state law.

UNITED STATES DISTRICT COURT
MISSISSIPPI
May 31, 2012

The US District Court for the Southern District of Mississippi ruled the nurse as an employee of a public-sector institution had valid grounds for a lawsuit.

The evidence would have to go before a jury to determine if the less favorable shift assignments were in fact punitive action by her employer based on her religious beliefs, but the basic premise of the Constitutional rights lawsuit was on solid ground, the Court said. ***Britton v. Univ. of Miss. Med. Ctr.***, 2012 WL 1969136 (S.D. Miss., May 31, 2012).

Sexual Harassment: No Basis For Nurse's Lawsuit.

Two female staff nurses, each of them married, discovered that they both were involved in extramarital affairs with the same male staff nurse who worked at the same hospital where all three were employed. He was likewise married.

One of the female nurses broke off her affair without complications.

The other female nurse, however, started upon a course of action which resulted in the male nurse having to file charges of sexual harassment against her with the hospital's human resources department which, after she did not cease and desist, resulted in her termination.

She repeatedly followed the male nurse around the hospital insisting that he talk with her about their relationship. Once she forced him to have to lock himself in the bathroom but waited for him to come out and continued bothering him.

The female nurse was not a victim of discrimination as she alleged for being terminated herself while the male nurse was not.

She was guilty of sexually harassing him and he did not harass her.

They were treated differently, but their situations were not the same. There was no discrimination.

COURT OF APPEALS OF TEXAS
June 5, 2012

The Court of Appeals of Texas ruled she was not a victim of sexual harassment by her co-worker or a victim of gender-based discrimination by her employer.

Both were at the same level in the personnel hierarchy and she, the female, was the one harassing him in violation of the facility's anti-harassment policy. ***UTMB v. Pettaway***, ___ S.W. 3d ___, 2012 WL 1995776 (Tex. App., June 5, 2012).

Racial Bias: Court Dismisses Nurse's Discrimination Lawsuit.

A recent nursing graduate filed an employment discrimination lawsuit against the parent corporation which owned several nursing facilities over the fact her application for employment did not result in her being hired.

The nurse was a minority and was qualified for the jobs for which she was applying.

The facility allegedly hired ten Caucasian and no minority nurses around that same time.

UNITED STATES DISTRICT COURT
ALABAMA
June 13, 2012

The US District Court for the Northern District of Alabama ruled there was a *prima facie* case of discrimination but after looking deeper dismissed the minority nurse's race discrimination case.

Although she was qualified for the positions in question as a graduate of a community-college nursing program and had passed her boards, all of the nurses who were hired had considerably more nursing experience than she. She had a total of four months work experience as an RN while every one of the nurses who was hired had at least two years critical-care nursing experience.

Past Working Relationship Is a Legitimate Factor in Hiring

The Court also pointed out that each of the nurses who was hired had previous experience working with one or more of the persons responsible for the hiring decisions in question.

A prior satisfactory working relationship is a legitimate, non-discriminatory factor in hiring decisions, the Court said.

It also came out that one of the hired nurses, contrary to what was alleged in the nurse's lawsuit, was a minority male nurse. ***Seay v. Noland Health***, 2012 WL 2153208 (N.D. Ala., June 13, 2102).