

English-Only Rule: Court Upholds Hospital's Anti- Splitting Policy.

The US District Court for the Southern District of New York declined to rule that the hospital's psychiatric unit's very limited English-only rule was evidence of a climate of discrimination against Hispanic employees.

The population served by the hospital's mental health services is about 50% bilingual Spanish-English and 30% monolingual Spanish. Most staff are bilingual Hispanics and Spanish fluency is a preference factor for hiring of non-licensed patient-care personnel.

Conversations are not allowed been staff members in Spanish which can be overheard by patients.

As a general rule an English-only rule is considered discriminatory.

Nevertheless, this hospital has a legitimate reason for its anti-splitting policy on the psychiatric unit.

The medical staff have determined it is not in the patients' best interests to ignore the authority of and to refuse to cooperate with English-speaking staff after overhearing other staff conversing in Spanish.

UNITED STATES DISTRICT COURT
NEW YORK
November 3, 2009

The hospital's policy for English preference is not out of line, the Court said, even though on many occasions employees like the employee in question are expressly directed to speak Spanish with patients who do not speak English or to translate for the benefit of staff members who do not speak Spanish. ***Perez v. New York and Presbyterian Hosp.***, 2009 WL 3634038 (S.D. N.Y., November 3, 2009).