

Race Discrimination: Facility's Nurses Were Not Treated Differently Based On Race.

An African-American nurse was employed as restorative nursing coordinator in a nursing and rehabilitative center.

Her promotion to charge nurse was about to begin when she was abruptly terminated over several months backlog of uncompleted "paperwork" left over from her coordinator position.

She sued for race discrimination. The US District Court for the Eastern District of Pennsylvania pointed to several factors that required the court to dismiss her case.

There was no evidence of racial animosity at the facility such as racial remarks toward her or about her or about other minority employees. Most of the employees at the facility were African-American.

Similar Non-Minority Employee Needed As Basis for Comparison

She said two Caucasian nurses got more favorable treatment but the court said their situations were not the same.

One Caucasian nurse twice falsified patients' charts, but she was also fired, albeit only after a state survey revealed the problem. Another Caucasian, a charge nurse, was permitted to work overtime to complete her charting. However, a charge nurse's first priority is caring for patients

To establish a case of race discrimination, an employee must belong to a minority group, suffer some sort of adverse employment action and be able to show he or she was treated differently, that is, less favorably than a non-minority in the same circumstances.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
August 31, 2007

and supervising direct patient care. A care coordinator's job, on the other hand, involves only administrative functions like care planning and program management, with no direct patient care responsibilities, and does not justify overtime compensation to "get caught up with paperwork," the court believed. **Williams v. Bala Retirement and Nursing Center, 2007 WL 2571526 (E.D. Pa., August 31, 2007).**