

Employment Discrimination: Court Lets Facility Look At Applicant's Whole Background To Fill Psychiatric Nurse-Manager Position.

The facility posted an opening for a new psychiatric nurse manager:

Qualifications: Current Pennsylvania RN licensure required. Minimum two years. Increasingly responsible supervisory experience preferred. BSN preferred. Experience with budget process and policy development/maintenance desirable.

Then the opening was re-posted:

Qualifications: Current Pennsylvania RN licensure required. Minimum two years increasingly responsible supervisory experience preferred. BSN preferred. Experience with budget process and policy development/maintenance desirable.

That is, removing the one period after the word *years* seemed to make the two-year requirement applicable to supervisory experience rather than RN licensure.

The position went to a long-term employee of the facility with supervisory and managerial experience who had been an RN only eighteen months. It did not go to a newly hired employee with no supervisory or managerial experience who had been an RN fully sixteen years.

The applicant who had been an RN sixteen years sued for discrimination.

Number of years licensed as a registered nurse is not the only relevant consideration in picking a nurse manager for a hospital's inpatient psych unit and crisis-intervention service.

Supervisory and managerial experience is very significant even if it is not as a nurse supervising nurses.

Number of years at the facility is important even if not licensed as a registered nurse the whole time.

Crisis intervention skills would also be very important for the position.

A BA in psychology is important for work in a mental health facility.

It is not discriminatory to select an application with only 1 1/2 years licensure as an RN over one with 16, when all the other relevant factors are considered.

UNITED STATES COURT OF APPEALS
THIRD CIRCUIT
NOT SELECTED FOR PUBLICATION
May 23, 2003

The US Circuit Court of Appeals for the Third Circuit threw out her case, in an opinion that has not been selected for publication.

The court believed the removal of the one period from the first posting was a grammatical correction meant to clarify what the personnel department wanted to say in the first place, not a conspiratorial act intended to favor one applicant unfairly over the other.

Facility Permitted to Look At Applicant's Whole Background

The court went on to state that the backgrounds of competing applicants for a nurse-manager position can be looked at in their totality in light of the objective demands for the position, without committing discrimination. Length of time licensed as an RN is only one factor.

Supervisory and managerial experience in general, or better, in healthcare, or better yet, in the same department is a significant consideration in selecting a nurse-manager. Length of time at the same facility can also favor one over the other, even if one was not working as a nurse.

If the position requires special training and skills like crisis intervention, that can be weighed more heavily than simple seniority as a nurse.

Educational background outside of nursing can also be given weight, assuming the outside field has some relevance to the mission of the unit or department the nurse manager will be supervising. Longstreet v. Holy Spirit Hospital, 2003 WL 21205881 (3rd. Cir., May 23, 2003).

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