

Pregnancy Discrimination: Employer Must Explain Why Aide Not Hired After Training.

An individual was accepted into the long-term nursing facility's nursing assistants' certification program. The program was meant to train and then to offer employment to persons who completed the classes successfully and met the facility's requirements for employment.

She attended classes, completed the program, received her certificate, was pregnant and was not offered employment.

Both sides argued about when it was the facility's staff-development coordinator who taught the classes became aware she was pregnant, that is, whether she was accepted into the program with knowledge she was pregnant, informed her instructor during the classes, or waited until after she got her certificate, by which time she was visibly showing her pregnancy.

The US District Court for the Southern District of Ohio, however, found all that irrelevant to a resolution of the case.

She met all the facility's stated requirements, was known to be pregnant and was not hired.

That being so, the facility has to prove there was no intent to discriminate.

UNITED STATES DISTRICT COURT
OHIO

July 11, 2005

Under these circumstances the facility must disprove discriminatory intent or be held liable. An allegation the aide was not hired because she had been disruptive in class was a dubious explanation at best, the court said. **Davis v. East Galbraith Health Care Center**, 2005 WL 1620406 (S.D. Ohio, July 11, 2005).