

Race Discrimination: Nurse's Claim Barred By Statute Of Limitations.

An African-American nurse went to work in 2004 at a state-operated psychiatric facility in an entry-level staff nursing position.

She already had her masters degree in nursing and reportedly was eager to advance her career. A representative from human resources informed her, however, that she had to work at the facility and remain in her entry-level position at least one year before she would be eligible to apply for promotion.

The nurse soon learned she was one of only four masters-prepared nurses working at the facility and that none of the other three, all Caucasian, had been hired in entry-level jobs.

Believing some sort of administrative oversight was the reason she was classified as employable only in an entry-level position she complained to human resources, then up the ladder to the director of nursing and even to her state assemblyman. All that went nowhere.

She resigned and applied for a position at another state facility. During the interview process she was informed it was being held against her that she had apparently abandoned her previous position.

After that she found out that the psychiatric facility also had hired a Caucasian nurse with only an associates degree directly into an administrative position.

Only at this point did the nurse first begin to believe that racial bias was a factor in the way she had been treated.

Nevertheless, the Superior Court of New Jersey, Appellate Division, dismissed her case that was not filed in court until 2007. No matter how valid a case might have been, it must be filed before the statute of limitations expires.

Discrimination Statute of Limitations

Starts When Differential Treatment Occurs

The statute of limitations for a discrimination lawsuit begins to run when the victim is first treated differently and adversely compared to a non-minority, not when the victim first begins to believe that race may have been a factor. In this case that was when the nurse was first handed an opportunity that was clearly inferior to what was being offered to non-minorities with the same or lesser qualifications. Henry v. New Jersey Dept. of Human Services, 2009 WL 2149880 (N.J. App., July 21, 2009).