

WAS COUNSELOR AT CLINIC FIRED FOR RACE AND QUESTIONING NURSING STAFF?



A social services counselor formerly employed by the Louisiana Department of Health and Hospitals alleged that her termination was the result of racial discrimination and retaliation. She filed a lawsuit and took her argument to court. The woman was assigned to the Patient Assistant Program and was the only African American employee at the Red River Mental Health Clinic. Her job entailed, among other things, completing applications for patients hoping to obtain pharmaceuticals free of charge. She claimed that she was subjected to racial slurs at the clinic, specifically mentioning the frequently used “shoot a monkey,” which one employee stated was a replacement for profanity. She “voiced her concerns” over what she construed was a racially offensive phrase but did not report it to a supervisor. She also claimed that she was pressured to acquire pharmaceuticals benefits for patients who didn’t qualify for the program. She believed that she was ultimately fired because she “stood up to the [clinic’s] nursing staff” and because of her race. The company asserted that she lost her job due to factors such as a suspended driver’s license, showing up late to work and leaving early, performing outside employment during work hours and a lack of proper documentation in her files. The woman notified the EEOC (Equal Employment Opportunity Commission) and received a Right-to-Sue letter. Her resultant suit cited race discrimination and retaliation in violation of Title VII of the Civil Rights Act. The district court granted summary judgment in favor of the company, stating that the plaintiff could not prove pretext in her firing or any discrimination.



On appeal, the woman claimed that the reputedly non-discriminatory reasons for her termination were “false.” When the company learned that her license had been suspended, she was required to have it reinstated and provide documentation, which she did. She said that it was taken care of immediately and that she couldn’t be fired due to a “fabricated criminal record.” In response to the allegation of attendance problems – including that she didn’t call in to work when she was sick – the plaintiff stated that she always called sick and that she’d been allowed to skip her lunch to leave early for her children, who are in school. She said that leaving early was only a problem later, when she questioned the applications for unqualified patients. The woman was self-employed as a realtor. Outside employment was acceptable, but she was reportedly working on her real estate business – viewing online seminars and talking on her cell phone – while at the clinic, all of which she denied. In the end, she didn’t dispute her suspended license, the improper documentation in her files, or email warnings of her attendance problems. The woman’s claims of discrimination could not show a hostile work environment, or that the speaker(s) of the alleged racial slur was or had influence over a decision-maker. The retaliation claim likewise failed because the plaintiff could neither prove that she was engaged in a protected activity nor show a link between any such activity and her termination. The district court’s dismissal of all claims was affirmed by appellate judges.