

## **HR Alert: Race Discrimination**

**May 7, 2009**

**Although it may make sense that an employer would grant the wishes of certain patients – the patient’s wishes that they not be attended to by black employees – the employer learned that doing so resulted in a charge and finding of race discrimination.**

**In Arizona, given the prevalence of Hispanic employees, be careful when considering requests from customers that Hispanics not serve them.**

### **Nursing Home Pays \$56,000 To Settle Claims Suit It Acceded To Requests Of Patients That Black Employees Not Be Assigned To Work In Their Rooms**

INDIANAPOLIS – Heartland Employment Services, LLC, doing business as ManorCare of Indy South, an Indianapolis nursing home, will pay \$56,000 and furnish other relief to settle a race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC’s lawsuit, ManorCare of Indy South discriminated against a class of black employees by subjecting them to disparate terms and conditions of employment due to their race. The EEOC alleged that ManorCare made job assignments based on the race of its employees -- specifically, the employer acceded to the requests of some patients and residents that black employees not be assigned to work in their rooms. The lawsuit also alleged that ManorCare discharged an African American employee due to her race.

Race discrimination violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit (Civil Action No.1:08-cv-1292-WTL-TAB) after first attempting to reach a voluntary settlement.

The settlement, by consent decree, dated April 28, 2009, provides \$10,000 in back pay to the discharged employee and \$46,000 to the class of aggrieved current and former employees. The decree also requires ManorCare to provide training to its managers, supervisors, and human resources personnel on the topic of race discrimination, post a notice of non-discrimination at its worksite and submit reports to the EEOC detailing its compliance with the decree.

“Race discrimination, in any form, should not be tolerated in today’s workplace. There is no excuse, in this day and age, for an employer to make job assignments based upon the race of its employees,” said Laurie A. Young, regional attorney of the EEOC’s Indianapolis District Office. “The EEOC will vigorously prosecute employers who engage in this type of conduct.”

