

University Hospitals ordered to pay nearly \$1 million in age discrimination lawsuit



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CLEVELAND, Ohio -- A jury ordered University Hospitals to pay a Euclid woman \$900,000 in an age discrimination lawsuit for firing her from the job she held for 30 years.

The jury ruled that Gloria Parks, 56, was unduly blamed and fired for a patient mix-up while her younger counterparts were never disciplined for their involvement in the incident. Jurors heard more than a week of testimony in Cuyahoga County Common Pleas Court before returning the verdict Wednesday.

The jury based the monetary award on Parks' earning potential had she not been fired. The jury did not consider punitive damages against the hospital.

Parks, who worked in the hospital's pre-admission testing department, filed suit in 2009. She claimed that her supervisor Steve Diltz, constantly harangued the veteran medical assistant while showing favoritism to the younger women in the department.

Parks said it was obvious to her co-workers that Diltz was waiting for an opportunity to fire her, as he often said he wanted to "change the face of the department."

Diltz had his chance in July 2008, when a patient named Charles Reed, who was due for blood work in another department, accidentally reported to pre-admission testing. There, another Charles Reed coincidentally was also scheduled for blood tests in preparation for liver surgery.

The hospital's policy requires that when employees come in contact with patients, they use two different methods of verifying the patient's identity.

But when Reed arrived to check in, the intake medical assistant did not properly identify him. She pulled the chart belonging to the other Charles Reed and placed it in a rack for Parks to pick up.

Parks drew nine vials of blood and performed an EKG on the man before sending him to consult with a nurse in anesthesia, who also failed to request two forms of identification.

When Reed protested that he was not awaiting liver surgery, the nurse asked for his date of birth and realized they had the wrong patient.

Parks, upon learning of the mistake, escorted Reed and his blood-work to the appropriate department and made sure the charts of both Charles Reeds were not effected by the confusion. But no one reported the incident because the patient was not harmed.

Days later, Diltz told Parks that the patient had complained. The supervisor -- without speaking to the patient, reviewing the medical chart or interviewing the other two employees involved -- fired Parks and promptly replaced her with two younger medical assistants, the complaint says.

The hospital defended its decision, calling Parks' error "extreme misconduct" and said not only did Parks fail to report the incident,



Gloria Parks

but she also ignored the patient's insistence that he was not there for liver surgery, altered the patient's medical file and deleted evidence of the unnecessary EKG.

"Thankfully the anesthesia nurse performed a double patient identifier and caught Plaintiff's error before the patient was admitted for unnecessary liver surgery," the hospital's attorneys wrote in a brief.

Parks grieved her termination to a panel of her peers, who agreed that firing her was necessary, the hospital pointed out.

A hospital spokeswoman said in an interview Thursday that the hospital stands behind its decision to fire Parks and likely will appeal the jury's verdict.

Parks' attorney, Ellen Simon of the Cleveland law firm McCarthy, Lebit, Crystal & Liffmann, said the verdict sends a strong message to employers to take their company's discrimination policies seriously.

"If supervisors are left on their own completely and there's no process to check what they're doing, they can discriminate with impunity," Simon said. "This case should have been thoroughly investigated by management and human resources."

A lawyer who worked with Simon would not disclose the lawyers' fees in the case, citing attorney-client privilege.

Parks said finding work without a positive referral from her former employer has been nearly impossible. And the stress of rebuilding her life and her career has taken its toll.

"But I am so glad that it's over," Parks said. "I slept last night for the first time in two and a half years. I just laid down and went to sleep without worrying about a thing. I just let it all go."