

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

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**ERICA TAYLOR,**  
**Individually and on behalf**  
**of all others similarly situated**

**PLAINTIFF**

V.

NO. 2:21-cv-\_\_\_\_\_

**COMMUNITY HEALTH SYSTEMS, INC., and**  
**REVENUE CYCLE SERVICE CENTER, LLC**

**DEFENDANTS**

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**ORIGINAL CLASS ACTION COMPLAINT**

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Comes now the Plaintiff, Erica Taylor, individually and on behalf of all others similarly situated, by and through her attorney, Chris W. Burks of WH Law, PLLC, and for original cause of action against the Defendants Community Health Systems, Inc., and Revenue Cycle Service Center, LLC, states:

**I.**

**Introduction**

1. Plaintiff Erica Taylor worked in a call-center, using phones and software to help billing processes. It was an office job without manual labor or travel, as safe as any office job can be. Yet she was fired for being a medical marijuana patient.

2. Specifically, Plaintiff Taylor was denied employment in a non-safety sensitive position solely because of her medical marijuana use away from work, in direct contravention of Amendment 98 to the Arkansas Constitution.

3. The voters of Arkansas overwhelmingly passed Amendment 98 to their Constitution, which requires that “an employer shall not discriminate against” an “employee...based upon the employee’s status as a qualifying [medical marijuana] patient.”

4. Under Amendment 98, employers can have a “drug testing program,” can decline to hire applicants or can fire employees based on use of drugs “on premises,” and can decline to hire medical marijuana patients or fire employees who fail a drug screen for drugs other than marijuana. Employers can also decline to hire or fire a medical marijuana patient in a “safety-sensitive position.”

5. However, employers cannot decline to hire or fire a medical marijuana patient for a non safety-sensitive position because of a positive marijuana test away from work.

6. Yet that is exactly what Defendant did to Plaintiff.

## **II.**

### **Jurisdiction and Venue**

7. Plaintiff is an individual resident of Sebastian County, Arkansas.

8. The incidents giving rise to this cause of action occurred in Sebastian County, Arkansas.

9. Defendant Community Health Systems, Inc., is a Delaware Corporation, that is headquartered at 4000 Meridian Boulevard, Franklin, TN 37067, and able to be served by its Registered Agent the Corporation Service Company, 300 S. Spring St., Suite 900, Little Rock, AR 72201.

10. Defendant Revenue Cycle Service Center, LLC is a foreign limited liability company, that is headquartered at 4000 Meridian Boulevard, Franklin, TN 37067, and able to be served by its Registered Agent the Corporation Service Company, 300 S. Spring St., Suite 900,

Little Rock, AR 72201.

11. This is a cause of action against Defendant for violations of Amendment 98 to the Arkansas Constitution and the Arkansas Civil Rights Act (hereafter called “ACRA”) A.C.A. §§ 16-123-107(a)(1) and -105.

12. This Court has jurisdiction over this cause of action under A.C.A. §16-123-105, and venue properly lies in this county under the provisions of A.C.A. §16-60-108 and A.C.A. §16-60-116.

### **III.** **Factual Allegations**

13. Plaintiff Erica Taylor worked well in a call center billing position for Defendants in Fort Smith, with no discipline requiring suspension or termination.

14. She worked for over two years in the position.

15. The Vendor Specialist position was not listed as safety-sensitive in writing on the application for the position, nor in the job description for the position.

16. Nothing Erica Taylor did for her job was safety-sensitive.

17. Erica Taylor was subject to the Defendants random drug testing policy.

18. Defendants are a part of the same single healthcare conglomerate, CHS, and thus share a centralized human resource policy regarding random drug testing and medical marijuana, including but not limited to having the same in-house employment law department and counsel in based in its headquarters in Franklin, TN. Specifically, Community Health Systems, Inc. is the parent to the subsidiary Revenue Cycle Service Center, LLC, and Defendants jointly employed Plaintiff and set the policy at issue in this matter out of its common Franklin, TN headquarters.

19. Plaintiff Erica Taylor had told Defendants that she was a medical marijuana patient

and that she would not pass a drug screen for use of medical marijuana outside of work.

20. Plaintiff Taylor proceeded with the drug screen and only tested positive for marijuana, notifying Defendants that she only failed for marijuana on July 01, 2020.

21. Despite their knowledge that Plaintiff Taylor only tested positive for marijuana, and that she was in a non-safety sensitive position, she was subsequently fired from her position as a vendor specialist for that reason.

22. Henderson was told that Defendant has a zero-tolerance policy for any positive drug test, and was subsequently fired from her position as a vendor specialist.

23. Plaintiffs Taylor was thus denied employment for her status as qualifying medical marijuana patient.

24. Plaintiff Taylor was unable to find similarly-paid employment for some time afterwards.

24. Defendants were at all relevant times an employer within the meaning of the ACRA and Arkansas Constitution.

25. Defendants intentionally did not proceed with Plaintiffs' employment because of her medical marijuana patient status despite their knowledge of the law prohibiting such discrimination and knowledge of Plaintiffs' status as qualifying patients.

26. Merely because Defendants have a drug-testing policy and drug-free workplace does not mean Defendants can decline to hire or fire a medical marijuana patient for a non safety-sensitive position because of a positive marijuana test away from work.

**IV.**

**First claim for relief:**

**Individual violations of Amendment 98 to the Arkansas Constitution**

27. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint as if fully set forth in this section.

28. Defendants deprived Plaintiff of her rights, privileges, and immunities as set forth in Amendment 98 to the Arkansas Constitution and engaged in unlawful employment practices in violation of Ark. Code Ann. § § 16-123-101, *et seq.*

29. Specifically, Defendants discriminated against the employee Plaintiff Taylor because of her status as qualifying medical marijuana patient.

30. At all relevant times, Plaintiff could perform the essential functions of the position to which she was hired.

31. However, Plaintiff Taylor was denied employment because of her status as a qualifying medial marijuana patient.

32. Plaintiff did not possess, smoke, ingest, or otherwise engage in the use of marijuana while on the premises of the employer or during the hours of employment. Nor was Plaintiff under the influence of marijuana while on the premises of the employer or during the hours of employment.

33. Amendment 98 to the Arkansas Constitution makes clear that merely because Defendants have a drug-testing policy and drug-free workplace does not mean Defendants can fire or decline to hire a medical marijuana patient for a non safety-sensitive position because of a positive marijuana test away from work.

34. The exact text of the relevant portion of Section 3 of Amendment 98 reads that:

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