

IN THE IOWA DISTRICT COURT IN AND FOR UNION COUNTY

DARLA PARKER,

Plaintiff,

v.

GREATER REGIONAL HEALTH,
Monte Neizel, Amy Rieck, Shari Mitchell,
and Faith Haesy, individually and in
their official capacities.

Defendants.

Case No: _____

PETITION AT LAW
AND JURY DEMAND

COMES NOW the Plaintiff, Darla Parker, by and through her undersigned counsel, and for her Petition and Jury Demand against Defendants Greater Regional Health, Monte Neizel, Amy Rieck, Shari Mitchell, and Faith Haesy states as follows:

VENUE & JURISDICTION

1. The unlawful acts alleged below were committed in Union County, Iowa.
2. The amount in controversy exceeds the jurisdictional requirements of the Iowa District Court in and for Union County.

PARTIES

3. Plaintiff Darla Parker (hereinafter “Parker”) is and was at all times material hereto a citizen and resident of Shannon City, Union County, Iowa.
4. Defendant Greater Regional Health hereinafter “GRH” is an Iowa Corporation with its principal place of business in Creston, Union County, Iowa.

5. Defendant Monte Neizel was at all times material to this matter the Chief Executive Officer of Defendant GRH.

6. Defendant Faith Haahes was at all times material to this matter Parker's immediate supervisor.

7. Defendant Shari Mitchell was at all times material to this matter Parker's departmental supervisor.

8. Defendant Amy Rieck was at all times material to this matter GRH's Human Resources Director.

CONDITIONS PRECEDENT

9. On or about October 6, 2020, within 300 days from the date of the last act of discrimination, Parker filed a Complaint of disability discrimination with the Iowa Civil Rights Act of 1965, as amended, Chapter 216, Code of Iowa (2021) against Defendant GRH, which was cross-filed with the Equal Employment Opportunity Commission. A copy of said charge is attached hereto as Exhibit "A" and its contents are incorporated herein.

10. The Iowa Civil Rights Commission has issued Parker an Administrative Release (Right-to-Sue Letter) and has timely commenced this lawsuit within 90 days of the issuance of the Administrative Release as copy of which is attached hereto as Exhibit "B".

11. Parker has complied with all conditions precedent to the filing of her claims against Defendant.

COUNTS I & II: INTERFERENCE & RETALIATORY TERMINATION
29 USC § 2614 and 29 USC § 2615

12. Parker repleads the allegations above as if fully set forth herein.

13. GRH is an “employer” as defined in the Iowa Civil Rights Act, Iowa Code Chapter 216 (Section 216.2(7)).

14. Parker began employment with Defendant GRH on or about August 2, 2006 as a Switchboard Registration Clerk at Defendant’s facility in Creston, Union County, Iowa.

15. Parker has been diagnosed with and suffers from Lupus Nephritis class III and V, an autoimmune disorder affecting the kidneys, heart, skin, eyes, brain, and hands.

16. Since the date of Parker’s employment, she has held several positions at GRH including: Switchboard Registration Clerk, Precertification Clerk, Cashier, Orthopedics Clinic Receptionist, Specialty Clinic Patient Access Representative, and Audiology Receptionist. At the time of Parker’s termination, she was both a Specialty Clinic Access Representative and the Audiology Receptionist.

17. Upon information and belief, Parker was the only employee trained for the specific duties required for the Audiology Clinic at that time.

18. Parker’s duties as an Audiology Receptionist included: received and routed all incoming audiology calls, verified eligibility and benefits with insurance companies, explained benefits to patients and collected payment from patients for hearing aids and surgery balances, maintained a ledger of payments and benefits, maintained the audiology schedule, forwarded paper and electronic claims to insurance companies, and followed-up with insurance companies regarding any discrepancies in payment. This position was full-time and absorbed upwards of 85% of Parker’s average workweek prior to May 11, 2020.

19. Parker's duties as a Specialty Clinic Patient Access Representative included: received and routed general Specialty Clinic calls; verified patient demographics; scheduled appointments for walk-in radiology and laboratory patients; made follow-up appointments for obstetric/gynecology, pain management, urology, podiatry, ENT and pulmonology; and processed payments. This position was also fulltime and typically absorbed 15% of her workweek as there were several other staff members who held similar, if not identical, positions.

20. From approximately March 16, 2020 to April 2, 2020, due to the onset of COVID-19, Parker was using her paid time off ("PTO") to quarantine.

21. On or about March 30, 2020, Parker discussed her autoimmune disorder with Faith Hahey, Patient Access Supervisor and Parker's immediate supervisor and Hahey's assistant, Nikki Little.

22. On or about March 30, 2020, Nikki Little texted Parker, "Are you concerned about being around people?" Parker answered, "Yes."

23. On or about April 2, 2020, Parker returned to work. Amy Kelsey, the director of Health Information Management Service, discussed a March 20, 2020 HIPAA violation that occurred while Parker was out of the office on PTO. Faith Hahsey asked Parker if she had bullied Amelia Quick into participating in the HIPAA violation at Parker's request.

24. On or about April 8, 2020, Dr. Nelson Leung, Parker's longtime physician, provided a letter outlining Parker's Lupus diagnosis and requesting leave under the Family Medical Leave Act (hereafter "FMLA").

25. On or about April 8, 2020, Parker was granted FMLA leave.

26. On or about April 9, 2020, Amy Rieck and Faith Hahesy called Parker while she was on FMLA leave. They told Parker that she would receive a three-day suspension for the March 20, 2020 HIPAA violation.

27. On or about April 10, 2020, Parker contacted Faith Hahesy regarding the handling of her audiology duties while she was away.

28. Upon information and belief, most, if not all, of the Audiology tasks were not completed while Parker was on leave and most, if not all, duties for that Clinic had been put on hold.

29. On or about May 1, 2020, Jen Kenyon, a Human Resources Officer, contacted Parker and advised her that the long-term disability group did not recognize auto-immune disorders during COVID -19 as a long-term disability under FMLA. Therefore, Parker was told that her short-term disability would end on May 9, 2020.

30. Parker received several calls over the course of her FMLA leave from Dr. Ryan Denny, the Audiologist, Faith Hahesy and Nikki Little inquiring as to Parker's anticipated return date. These calls and the fact that the Audiology clinic work was not being delegated to anyone else put pressure on Parker to return to work despite paid time off that she had earned and could use to extend her period of leave during COVID-19.

31. On or about May 4, 2020, Parker provided Faith Hahesy with a letter from Dr. Nelson Leung releasing her to return to work provided proper hygiene and safety precautions were followed.

32. Upon information and belief, between May 4, 2020 and May 11, 2020, Parker and Faith Hahesy spoke about Parker's return date, safety concerns, and duties upon returning to work.

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