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September 30, 2013

Advocates, employers offer tips for nurses

By Joyce Routson, [HEALTHeCAREERS.com](#)



Celia was a 12-year RN and a busy [operating room nurse](#), devoting herself totally to the hospital and often volunteering for weekend shifts. She was asked to fill in for several months for the weekend [charge nurse](#) and that's when her troubles began. She was not given any direction on how to perform the duties and didn't know she was supposed to inspect the crash cart every day and document that the task had been completed. When a manager discovered the omission weeks later, Celia was reported to the human resources department and was asked to resign.

Unfair? Yes, perhaps. But the bigger issue for Celia is how she can find a [job](#) after having been fired.

[Healthcare workers](#), because their work deals with patient safety, are subject to many rules and regulations. A firing, or a license review or revocation, can create a serious roadblock in a career.

But experts say having been fired from a job as a [nurse](#) won't necessarily keep you from finding another one, if you follow some simple steps.

"Absolutely you can get another job," says Lorie A. Brown, RN, MN, JD, an Indianapolis nurse and attorney who represents nurses before state licensing boards. "It's all how you present yourself as a conscientious professional and being proactive."

In Celia's case, she may not have done a few things that would bolster her case and perhaps keep her from being terminated. The first is to document what happened.

"I always suggest that nurses write down their side of the story and make sure that is in your personnel file," Brown says. Even if the [employer](#) has already made the decision to fire the employee, he or she should note the circumstances of the case and keep a copy. "That way if there is a license issue, you have written proof. You want them to have your side."

Nurses should also read their employee handbook and see what steps the employer has set down for filing grievances. "If you don't agree with the decision, you have to follow the process" before you can proceed further, she advises.

If a nurse is represented by a labor union, he or she should get a representative involved. That doesn't preclude the employee from engaging an attorney, however.

Using the law

Taking a case to court is time-consuming and employees should know that wrongful termination claims have strict criteria. They include:

- Firing in violation of federal and state anti-discrimination laws, such as race, color, sex, age, religion, national origin and disability
- Firing as a form of sexual harassment
- Firing in violation of employment contracts, or labor or collective bargaining contracts
- Firing in retaliation of an employee having made a complaint against the employer

Context is critical when considering legal action. A nurse should definitely consider hiring an attorney if notified by a board of nursing that a complaint has been made. But if a nurse's supervisor has made a critical comment about her in ability to get to work on time, that may fall into the category of reasonable supervision.

Other situations such as workplace environment or concerns about inadequate staffing are difficult to litigate in the courts and may better be handled by going to an administrator.

Applications and interviews

One of the most asked questions on discussion forums for nurses who have been fired is "What do I say on the employment application?" Most ask if the applicant has ever been fired from a job. The correct answer is to say yes.

"The most important thing I tell people is to tell the truth," says Brown. "Say you were terminated and you would like to discuss the facts."

If you lie on an application, you could be violation of the Nurse Practice Act and damage your reputation further.

"I would rather see someone who is forthright and tells us they have been fired and would like to discuss," says David Twitchell, PHR, CCP, CBP, director of human resources at Rutland Regional Medical Center in Vermont. "This says the person is willing to discuss an adverse situation and I would be willing to listen."

In the interview process, Brown advises, "Be honest, take responsibility, especially if something was your fault. Tell what you've done about it. Nobody can fault you in making a mistake; it's when you deny and defend that causes problems."

From the employer perspective, it's important you describe the event succinctly and put it in context, says Robert Archibold, director of human resources at St. Anthony Hospital in Westminster, Colo.

"Present it directly without hedging. If you were fired on a single event, explain how that fit it with your work history," he says. "Say what you've learned and that you won't repeat."

Archibold says a firing doesn't necessarily exclude an applicant from the pool of potential employees. It depends, he says.

"The issue for most employers is looking at the context. How long has this person been working and has it been one site or all of a sudden they switched and got fired? I look at why they were fired and whether that would be an issue."

For example, he says that if someone was let go because of an attendance issue, that might preclude him or her from being placed in a PRN job, where punctuality and the ability to work odd shifts is important.

Positive attitude

It is also important, Brown says, that nurses keep faith in themselves during the difficult process of trying to find a job after a firing. For instance, she says, you may not know exactly what led to a termination.

"Sometimes a hospital terminates you because you've been there for years, at the higher end of the pay scale, or because they got bought out by someone else. Sometimes it's really not your fault."

Know there is something better out there, she says. "The universe has ways of putting things in your path, but the nurses I've represented who have been terminated have always found a better job."

Brown has a website that has information for nurses on how to protect their license at www.nurseprotectionassociation.com.

Find your next [nurse job](#) and [apply](#) today!

About the Author

Joyce Routson researches and writes about job search strategy, career management, hiring trends and workplace issues for HEALTHeCAREERS.com

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