

Fourth Circuit Applies Sovereign Immunity to Shield State Hospital Supervisors from Suit

2 min read

Dec 1, 2014

Some employers are immune from liability by virtue of their status as a state-run operation. Employees have become more creative in attempting to obtain recovery from their employers in such situations by naming individual employees as defendants. In this case, however, that strategy failed to prove successful for the employee-plaintiff.

In *Martin v. Wood*, the plaintiff was a registered nurse at a state-operated hospital. She complained that she was not being paid overtime for the time she spent transitioning between shifts. In other words, she claimed that she actually came in and started her shift earlier than scheduled in order to transition with the nurses then on duty, and did the same at the conclusion of her shift. When she reported this to a supervisor and complained about the lack of payment, he told her, essentially, that she was to blame, since it was her own inefficiency that led to her having to spend that time transitioning between shifts.

The nurse filed suit against two supervisors, claiming that they refused to authorize overtime pay for the time she worked over 40 hours in a week. The supervisors filed a Motion to Dismiss, arguing that they were immune from suit under the Eleventh Amendment to the U.S. Constitution because they were acting in their official capacity as supervisors at a state-operated hospital. Since the Complaint was therefore directed toward a state entity, sovereign immunity applied. The district court denied the motion and the supervisors appealed.

The U.S. Court of Appeals for the Fourth Circuit reversed the lower court's decision, finding that the **supervisors' actions were inextricably tied to their official job duties**, and thus, the state was the real party in interest. There were no allegations that the supervisors were acting in such a manner to serve their own personal interests or that their interests were not aligned with that of the hospital such that it would be justified to hold them separately and individually responsible for these alleged wage and hour violations. Since the Eleventh Amendment provides the state with immunity, the supervisors were also immune, and thus, the court found that the action should be dismissed.

State employers are undoubtedly aware of this defense which is typically applicable to the entity as a whole. This case demonstrates the far reach of the concept where the circumstances compel such a result. If you have questions about this case or about immunity as it may apply to your organization, Hinshaw attorneys are available to discuss further.

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