


STEMWB181010-11542  
COMPLAINT OF EMPLOYMENT DISCRIMINATION  
to the Civil Right Divisions  
of the State of Oregon  
Bureau of Labor and Industries

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**COMPLAINANT:**

Christopher S. Lambert  


**COMPLAINANT'S ATTORNEY:**

Thomas K. Doyle  
Bennett, Hartman, Morris & Kaplan, LLP  
210 SW Morrison Street, Suite 500  
Portland, Oregon 97204  
503-227-4600

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**RESPONDENTS:**

Legacy Emanuel Hospital & Health Center  
2801 N Gantenbein  
Portland, OR 97227

*d.b.a.* Unity Center for Behavioral Health

and

Linda Jones (individually)

**CONTACT:**

George Brown  
President, Legacy Emanuel  
1919 NW Lovejoy Street  
Portland, OR 97227

Robert DeWitt  
Reg'd Agent, Legacy Emanuel  
119 NW Lovejoy Street  
Portland, OR 97227

**HEADQUARTERS:**

1919 NW Lovejoy Street  
Portland, OR 97209

(100+ employees in Oregon)

RECEIVED

OCT 10 2018

CIVIL RIGHTS DIVISION  
PORTLAND OFFICE

**VIOLATIONS**

ORS 659A.030(1)(f) (retaliation for opposing unlawful conduct or practices)  
ORS 659A.030(1)(g) (aiding and abetting unlawful practices)  
ORS 659A.199 (retaliation for reporting unlawful practices)  
ORS 659A.230 (retaliation for participating in investigation and/or proceeding)  
ORS 659A.309 (retaliation on account of family member)

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I, Christopher S. Lambert, do declare and attest as follows:

1. I was hired by Respondent Legacy Emanuel Hospital & Health Center ("Legacy") in or about July 1988 as a registered nurse.
2. At all times material to this complaint, Legacy was developing and/or operating a specialty hospital under the assumed business name Unity Center for Behavioral Health ("Unity"). Other hospital organizations in the area including Portland Adventist Medical Center ("Adventist"),

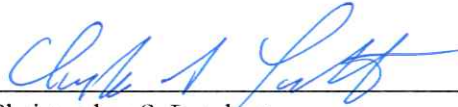
Kaiser, and OHSU merged certain operations in to the Unity center. The purpose of Unity was to divert psychiatric patients from regular emergency rooms to a more specialized facility where they could receive more immediate and appropriate care.

3. My spouse Tami Lambert was employed for 31 years with Adventist, most recently in psychiatric care. In or about 2015, the merger of programs into Legacy was announced by Adventist, which included Tami Lambert's unit. Tami Lambert was chosen by Legacy to continue her work at Unity beginning in or about January 2017.
4. Between July and November of 2016, Tami Lambert made various complaints of improper practices or unlawful activities in her workplace including various conduct and activities of managers. In December 2016 she was terminated. At that time, Respondent also rescinded Tami Lambert's offer of a position at the new unity facility. During and subsequent to her termination, she discussed her intention to pursue legal action. In October 2017, Tami filed a civil suit against her former employers including Legacy, alleging retaliation, among other causes of action.
5. Prior to the opening of Unity in January of 2017, I voiced concerns to Unity organizers and management about the structure of the new hospital. These concerns included what I saw to be serious safety hazards. The first such complaint occurred in November 2015 during the planning stages of the Unity project, and I subsequently made various complaints including complaints on September 19, 2016 and December 24, 2016. In particular, I saw great risk in consolidating so many volatile patients in one place, and I was concerned that the protocols and structures planned would be inadequate to control the environment and provide appropriate safe care. I feared that the lack of controls and safeguards would lead to patient violence directed both at staff and other patients, and would lead to patient self-harm.
6. In or about January of 2017, I moved to Unity. During my time at Unity, I was staffed in the most acute unit. In my 29 years of service at Legacy before this move, I had never had a corrective action.
7. Almost immediately after my move to Unity, I began to see serious issues regarding both staff and patient safety, many of which implicated concerns I had raised before Unity opened. These issues included patient on staff violence, including use of both outside and improvised weapons. There were regular issues of patient on patient violence, patient sexual assault, and other patient control issues. Patients were not searched for weapons on entry, and we had a "weapons wall" of confiscated weapons. On at least one occasion, I was required to stop a sexual assault. Overall the issues were worse than I feared, and I earnestly believed that a staff fatality was inevitable.
8. After moving to Unity, I continued to make regular complaints to management about the safety issues I was seeing within the clinic. These included multiple complaints in March, September, and October of 2017.
9. Other staff members at Unity raised safety complaints. I saw Unity outright terminate people for making complaints, without process. It was clear to me that these were retaliatory terminations.

10. As 2017 progressed, and particularly after several employees threatened legal action, Unity began to file Board of Nursing ("BON") complaints against people who complained. Unity would pair these BON complaints with internal corrective action.
11. In May 2017, I was deposed in regard to a wrongful termination lawsuit brought against Legacy by a former employer. During that deposition, I made truthful statements that could be construed as unfavorable to Legacy's legal position in that case.
12. On August 3, 2017, I was injured in a psychiatric code situation. I filed workers compensation. I asked Respondent to review their policies because patients and employees were getting hurt. Other employees then reported the incident to OSHA.
13. On October 9, 2017, I responded to a psychiatric code grey incident. I requested a process review, which was a formal process to go over what had happened, clarify code roles, and make corrections for later codes. On that same day there was an OSHA report requesting to speak with myself and others, and it specifically asked to speak with me on October 12.
14. On or about October 12, 2017, OSHA investigators arrived on-site and specifically requested to speak with me about the injury from the August 2017 code.
15. On that same day, October 12, 2017, I was out sick, and I received a call from Respondent informing me that I was being placed on administrative leave. The decision to put me on leave was made after OSHA arrived to investigate. I believe the purpose of this leave was to keep me out of the building while OSHA investigators were on site.
16. OSHA investigators specifically requested that I be on-site on October 13, 2017, but Unity kept me out based on the administrative leave. A previously-scheduled meeting to discuss safety issues with management scheduled for that day was cancelled.
17. I was then given a memorandum of expectation from Unity. I remained off work on FLMA leave until November 3, 2018.
18. On October 18, 2017, I presented all the information in my possession to OSHA.
19. Unity never responded to my complaints of safety issues prior to the October 2017 discipline.
20. On March 6, 2018, I sent extensive safety complaint information to a representative of the Oregon Health Authority ("OHA").
21. On March 19, 2018, I filed a complaint with the Oregon Bureau of Labor and Industries ("BOLI") for retaliation based on whistleblowing concerning Legacy's actions in mid to late 2017.
22. On April 14, 2018, Respondent asked me whether I filed a BOLI complaint and I admitted that I had.

23. On May 3, 2018, another code grey occurred in which multiple nurses took a violent patient to the floor. I participated, applying a hold to the patient for a brief time.
24. On May 7, 2018, a patient died at Unity. Unity knew that this would bring OHA scrutiny. Later in that same day, I met with management including nurse manager Patty Danielson, who put me on administrative leave and directed me to stay out of the building while on leave.
25. On the day I was set to return, May 23, 2018, I arrived at the facility only to be turned away by the assistant nurse manager. I asked when I could return, and she said she didn't know. OHA was still on site investigating that day. On the evening of the same day, after Unity learned that OHA had completed its inspection and would not be there the following day, I received a call to come in to work the next.
26. Following this administrative leave, I was issued a corrective action plan, and subject to an investigation review on May 17. Respondent alleged that a hold I used in the code situation violated policy, and I showed them the policy manual that specifically authorized that hold. I explained that I viewed the discipline as retaliatory on various grounds including my complaints and my wife's litigation.
27. The day after that meeting, May 18, 2018, Unity filed a BON complaint against me, alleging that I used excessive force on a psychiatric patient.
28. In July of 2018, I filed another BOLI complaint including certain employment discrimination claims for retaliation occurring prior in 2018.
29. At all material times herein, Linda Jones served as a nursing executive with Legacy with direct authority over these issues discussed herein. I understand her to have substantially participated in and directed the adverse employment actions against me as specified herein.
30. I continue to fear retaliation by Unity, and I believe that the actions taken by Respondent as described above were motivated by retaliation for my complaints of safety concerns, my reports to various agencies, my participation in legal processes, and/or my spouse's prior employment issues.

I hereby declare under penalty of perjury, that the above statement is true and correct to the best of my knowledge and belief, and that I understand it is made for use as evidence in an official proceeding. I understand that the above statement is a public record and that the information herein may be disclosed to any person, at any time.

  
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Christopher S. Lambert

10-10-18  
Date