

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--------------------------------|---|-------------------------|
| EQUAL EMPLOYMENT OPPORTUNITY |) | |
| COMMISSION, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. |
| and |) | 3:07-cv-00976 |
| |) | |
| WALI TELWAR, |) | |
| Plaintiff-Intervenor, |) | Judge Wiseman |
| |) | Magistrate Judge Bryant |
| v. |) | |
| |) | |
| |) | JURY TRIAL DEMAND |
| SOUTHERN HILLS MEDICAL CENTER, |) | |
| |) | |
| Defendant. |) | |

CONSENT DECREE

The Equal Employment Opportunity Commission (“Commission”) filed this action against Defendant Southern Hills Medical Center (“Southern Hills”) to enforce Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C § 2000e, et seq., and Title I of the Civil Rights Act of 1991. The Complaint, filed September 28, 2007, alleged that Southern Hills failed to accommodate the sincerely-held religious belief of Wali Telwar, forced him to resign, and failed to rehire him, because of his religion. Mr. Telwar (“Telwar”) intervened on November 16, 2007.

Defendant denies it discriminated in any way against Mr. Telwar and expressly denies any liability or wrongdoing. The Parties have agreed to this Consent Decree to settle all of the claims involved in this lawsuit.

The Parties do not object to the jurisdiction of this Court over this action. This

Decree does not constitute adjudication on the merits of the allegations in the complaints. The Parties desire to avoid the additional expense and delay in litigation of this case. In the event this Consent Decree is not approved or does not become final, it shall not be admissible in evidence in any subsequent proceeding in this action. The Court has reviewed the terms of this Consent Decree in light of the applicable laws and regulations, the representation of counsel for all parties, and hereby approves the Consent Decree.

It is hereby **ORDERED**:

I. SCOPE OF DECREE

A. This Decree resolves all the claims of the Commission and Telwar against Southern Hills arising out of the issues in this lawsuit.

B. This Decree resolves all issues and claims arising out of the Commission's and Intervenor's Complaints in this case, Civil Action No. 3:07-cv-00976, alleging unlawful employment practices by Southern Hills based on Charge No. 494-2006-00928 filed by Wali Telwar. This Consent Decree shall not be considered in any manner to be dispositive of any other charge which is or may be pending before any office of the Commission other than Charge No. 494-2006-00928.

C. The provisions of this Consent Decree shall be effective and binding upon the Parties to this action for two years after the date of its entry by the Court.

II. INJUNCTIVE RELIEF

A. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant, are enjoined from refusing to reasonably accommodate the sincerely held religious beliefs of any employee, including the scheduling of vacation

time to accommodate a religious pilgrimage.

B. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant, are enjoined from retaliating against any employee because he or she requested an accommodation for a sincerely held religious belief.

C. Within 90 days of the entry of this Decree by the Court, Southern Hills will issue a one-page Amendment to its policy manual to provide specific instructions for the request and accommodation of a sincerely held religious belief.

III. TRAINING

A. Within 240 days of the entry of this Consent Decree by the Court, Defendant shall provide training to all its employees, whether management, salaried, or hourly, regarding Title VII and its requirements for religious accommodation. The training session will include at least ninety minutes of instruction and will include the following topics: what constitutes religious discrimination; Title VII's requirement to provide religious accommodation; and Southern Hills' policy and procedure for requesting and providing religious accommodation. A report of the training conducted and a sign in sheet with all participants, signed and dated will be submitted to the Commission within 60 days from the date of the training session.

B. Southern Hills will give this training to all new employees as part of its regular orientation and training programs

C. Within 60 days of the entry of this Consent Decree by the Court, Southern Hills shall submit to the Commission the date of the proposed training session and a detailed outline of the proposed training.

IV. REPORTING PROVISION

Defendant will provide two reports to the Commission. The first report will be submitted within twelve months of entry of the Decree. The second report will be submitted within twenty-three months of entry of the Decree. Each report will describe all requests for religious accommodations at Defendant's Southern Hill facility, describe the accommodation offered to the employee and if no accommodation was offered, describe the reason for not offering an accommodation. Each report will describe Defendant's training of supervisors, managers and hourly employees in the requirements of Title VII of the Civil Rights Act of 1964, as amended, as set forth herein. Each report will be forwarded to Sally Ramsey, Senior Trial Attorney, at the Nashville Area office of the Commission.

V. INDIVIDUAL RELIEF

A. In compromise and settlement of these disputed claims, Southern Hills agrees to pay a total of \$70,000.00 to Plaintiff-intervenor Wali Telwar.

B. The Defendant shall expunge from the personnel file of Wali Telwar any reference to the charges of discrimination and this litigation.

C. Defendant agrees to give a neutral reference to any potential employers of Wali Telwar who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Exhibit A. No mention of the Commission charge of discrimination or this action will be made as part of the neutral reference.

VI. NOTICE

Southern Hills shall continue to conspicuously post at its facility the notice (poster) required by Title VII.

VII. NOTIFICATION OF SUCCESSORS

Defendant will provide prior written notice to any potential purchaser of defendant's business, or a purchaser of all or a portion of defendant's assets, and to any other potential successor, of the Commission's lawsuit, the allegations raised in the Commission's complaint, and the existence and contents of the settlement.

VIII. ENFORCEMENT

If Defendant fails to comply with the terms of this Decree, the Commission has a right to enforce the obligations under the Decree. The Commission will provide ten days notice to Defendant of any deficiency in complying with the terms of the decree. If the parties are unable to reach agreement regarding resolution of any such deficiency in Defendant's compliance with the terms of the Decree the Commission will then have the option of petitioning the Court for relief.

IX. COSTS

Except as specified in the section titled Individual Relief, each of the parties shall bear its own costs and attorneys fees.

IT IS SO ORDERED THIS 27th DAY OF APRIL, 2009.


THOMAS A. WISEMAN, JR.
SENIOR U.S. DISTRICT JUDGE