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EEOC v. Saline County Medical Center d/b/a Saline Memorial Hospital

Judge James M. Moody

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EEOC v. Saline County Medical Center d/b/a Saline Memorial Hospital

Keywords

EEOC, Saline County Medical Center, Saline Memorial Hospital, 4-03-CV-00399JMM, Consent Decree, Sexual Harassment, Female, Sex, Healthcare, Employment Law, Title VII

JUN - 7 2004

JAMES W. McCORMACK, CLERK
By: J. Jones DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
SALINE COUNTY MEDICAL CENTER)
d/b/a SALINE MEMORIAL HOSPITAL)
)
Defendant,)
)
DENISE HEARD)
)
Intervenor.)

CIVIL ACTION NO.
4-03-CV-00399 JMM

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the ("EEOC")) initiated the above-referenced Cause on May 28, 2003, against Saline County Medical Center d/b/a Saline Memorial Hospital (the "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Title VII), and the Civil Rights Act of 1991, 42 U.S.C. §1981a. The EEOC alleged that the Defendant engaged in unlawful employment practices by subjecting Denise Heard and other female employees to sexual discrimination and sexual harassment.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence

in any subsequent proceeding in this action.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED:

I. JURISDICTION

The United States District Court for the Eastern District of Arkansas, Western Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of Plaintiff's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 251-2002-00686 and Charge No. 251-2004-02381 filed by Denise Heard with the EEOC. This consent decree resolves the claims of Denise Heard as alleged in Charge No. 251-2002-00686 and Charge No. 251-2004-02381. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the EEOC other than

Charge No. 251-2002-00686 and Charge No. 251-2004-02381.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of three years from the date of the entry of this decree except for Section VI.C. (neutral reference) which will be in effect permanently.

III. NON-DISCRIMINATION PROVISIONS

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee because of sex. Defendant is enjoined from permitting its employees to be subjected to a sexually hostile work environment.

B. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

C. Defendant agrees to provide ongoing training to its current and newly hired supervisors and managers in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sexual harassment and retaliation.

D. Defendant will provide a copy of its sexual harassment policy to all of its employees at Saline Memorial Hospital within

thirty (30) days of the entry of this decree.

E. Defendant agrees to conduct a training session on the prevention of sexual harassment for all supervisory and management employees at Saline Memorial Hospital Center within one hundred and twenty (120) days of the entry of this decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to Plaintiff within thirty (30) days of the training session.

F. As part of this agreement with EEOC, Defendant will place a letter in the personnel file of Michael Dinger reflecting that Mr. Dinger is not eligible for rehire by Defendant.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure, against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting or participating in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

V. NOTICE

Defendant shall continue to conspicuously post at Saline Memorial Hospital in Benton, Arkansas, the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the

notice at Appendix A of this Decree at Saline Memorial Hospital in Benton, Arkansas for a one year period commencing within ten (10) days after entry of this Decree by the Court.

VI. INDIVIDUAL RELIEF

A. Defendant shall not include any reference to the charge of discrimination filed by Denise Heard or this litigation in the personnel file of Denise Heard.

B. Defendant shall deliver to Denise Heard, a certified check made payable to "Denise Heard" in the amount of \$43,500 at the following address within fourteen (14) days after entry of this Decree by the Court:

Denise Heard
c/o R. Margaret Dobson
Attorney at Law
204 N. Oak, Ste. A
P.O. Box 459
Sheridan, AR 72150-0459

C. Defendant agrees to provide a neutral reference for Denise Heard to any potential employers who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of Denise Heard's charges of discrimination or this litigation will be made as part of the neutral reference.

VII. COSTS

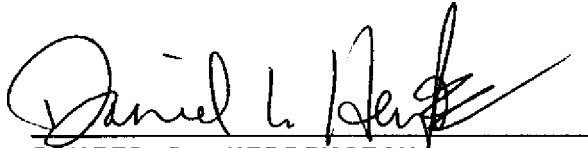
Each of the parties shall bear its own costs, including attorneys' fees.

SO ORDERED THIS 8 DAY OF June, 2004.

Jane M. Moody
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 6/8/04 BY 2 Jones

FOR DEFENDANT:

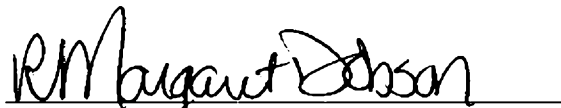


DANIEL L. HERRINGTON
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2000 Regions Bldg.
400 West Capitol
Little Rock, AR 72201
(501) 376-2011



VP Human Resources
Saline County Medical Center
d/b/a Saline Memorial Hospital

FOR PLAINTIFF INTERVENOR:



R. MARGARET DOBSON
Attorney at Law
204 N. Oaks, Ste. A
P.O. Box 459
Sheridan, AR 72150-0459
(870) 942-0820

FOR THE COMMISSION:

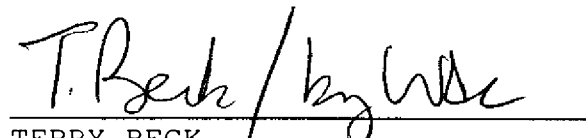
ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

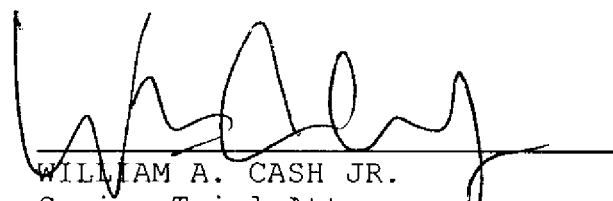
GWENDOLYN YOUNG REAMS
Associate General Counsel



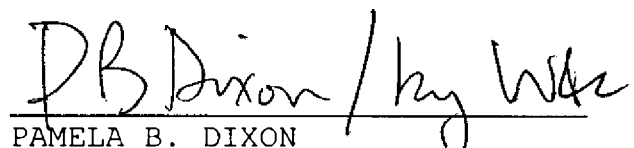
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COMMISSION
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(501) 324-5539



PAMELA B. DIXON
Senior Trial Attorney
(501) 324-5060

APPENDIX A

NOTICE

NOTICE

1. SALINE COUNTY MEDICAL CENTER D/B/A SALINE MEMORIAL HOSPITAL has agreed with the EEOC to post this notice for one year to reinforce the company's policies concerning the prevention of sexual harassment against any employee.
2. Federal law prohibits an employer from taking retaliatory action against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
3. Federal law prohibits sexual harassment in the workplace. Sexual harassment includes unwelcome sexual comments, sexual jokes and touching of a sexual nature.
4. SALINE COUNTY MEDICAL CENTER D/B/A SALINE MEMORIAL HOSPITAL supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.


SALINE COUNTY MEDICAL CENTER
D/B/A SALINE MEMORIAL HOSPITAL

5/25/04

DATE

APPENDIX B

NEUTRAL REFERENCE

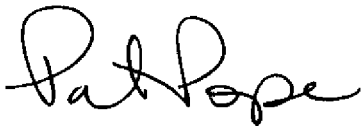
Dear _____,

This letter is in response to your inquiry regarding the employment of _____ while employed at SALINE MEMORIAL HOSPITAL.

Ms. _____ worked at the hospital from _____ through _____ . Company policy does not permit us to give out any more information concerning Ms. _____ employment.

I am sure Ms. _____ can provide you with the details concerning her tenure at SALINE MEMORIAL HOSPITAL. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

A handwritten signature in cursive script that reads "Pat Pope". The signature is written in dark ink and is positioned above the typed name.

SALINE MEMORIAL HOSPITAL

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

June 8, 2004

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:03-cv-00399.

True and correct copies of the attached were mailed by the clerk to the following: press, file, post

Terry Beck, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

William A. Cash Jr., Esq.
Equal Employment Opportunity Commission
820 Louisiana Street
Suite 200
Little Rock, AR 72201

Pamela B. Dixon, Esq.
Equal Employment Opportunity Commission
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Daniel Lee Herrington, Esq.
Friday, Eldredge & Clark
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R. Margaret Dobson, Esq.
Attorney at Law
204 North Oak Street, Suite A
Post Office Box 459
Sheridan, AR 72150-0459

James W. McCormack, Clerk

Date: 6/8/04

BY: T Jones