

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED *mm*  
98-2235-C

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
FEDERAL EXPRESS CORPORATION, )  
 )  
Defendant. )

CIVIL ACTION NO.  
98-2235-C  
JUDGE GIBBONS  
MAGISTRATE JUDGE ALLEN

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a against Federal Express Corporation, (hereinafter the "Defendant").

This Consent Decree does not and shall not constitute an admission by Defendant of the allegations of the Complaint. The parties have consented to the entry of this Decree to avoid the burdens of further litigation. Accordingly, the parties mutually

This document entered on docket sheet in compliance with Rule 58 and/or 79 (a) FRCP on 4-8-99

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agree to settle all issues between them.

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. SCOPE AND DURATION OF DECREE**

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint alleging unlawful employment policies and practices at Defendant's Memphis, Tennessee facility arising out of Charge No. 250-96-0705 filed with the Commission by Charging Party Robert Cook. 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 Commission other than Charge No. 250-96-0705.

B. The provisions of this Consent Decree will be effective from the date the decree is entered by the Court and 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.

II. GENERAL RELIEF

A. Within thirty days (30) of entry of this Decree, Defendant shall revise or modify as necessary its current recruitment and application practices in order to provide deaf and hearing impaired individuals who wish to apply for employment, reasonable accommodations which may be necessary to enable the individual to fully participate in the application process. If an individual who is deaf or hearing impaired requests an accommodation to apply for employment, the decision as to what accommodation is reasonable and appropriate shall be made after an interactive and individual assessment between the recruitment manager and the individual with a hearing disability. Among the reasonable accommodations which may be provided by Federal Express are qualified interpreters or other effective methods of enabling hearing impaired or deaf individuals to communicate in the application process. Consideration shall be given to the individual applicant's usual and customary mode of communication when deciding on an effective accommodation.

B. The provisions of paragraph A shall apply equally to any portion of Defendant's application process administered by an agent participating in a contractual or other arrangement or relationship with Defendant, and Defendant will instruct the third-party agent

of its duty to insure compliance with the terms of this Decree while acting as an agent of Defendant.

**III. NON-RETALIATION PROVISION**

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall take no retaliatory measure against any employee or applicant for employment for opposing practices made unlawful under the Americans with Disabilities Act, for making a charge or complaint to the Commission, or for testifying, assisting or participating in any manner in any investigation, proceeding or hearing under the Americans with Disabilities Act.

**IV. NOTICE**

A. Defendant shall keep conspicuously visible in a place where notices to employees and applicants are customarily posted at its facilities, the employment law poster required to be maintained pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-10.

V. REPORTING REQUIREMENTS

Within one month of executing this Decree, Defendant shall report in a letter to the Regional Attorney explaining the efforts undertaken to effectuate this Decree.

VI. FEES AND COSTS


The parties will bear their own costs and fees in this action.

SO ORDERED THIS 7<sup>th</sup> DAY OF April, 1999.

*Julia Smith Gibbons*

JULIA GIBBONS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT


FOR THE DEFENDANT:

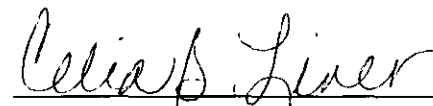
  
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FOR THE PLAINTIFF:

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