

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

FILED
30 JAN 19 99 5:05
WESTERN DISTRICT OF TENNESSEE
MEMPHIS, TENNESSEE

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,)
v.)
METHODIST HEALTH SYSTEMS,)
Defendant.)

CIVIL ACTION NO.
98-2863 D

THIS COPY
IS NOT TO BE
FILED

AGREED ORDER

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") pursuant to §706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., and Title V of the Civil Rights Act of 1991, 42 U.S.C. §1981a, against Methodist Healthcare, formerly Methodist Health Systems, Inc. ("Defendant"), to remedy unlawful practices alleged in the Complaint filed in this action.

The Complaint alleged that Defendant violated Section 703(a) of Title VII, as amended, 42 U.S.C. §2000e-2, by refusing to promote employee Dianne Walker to a Billing Specialist position at its Alliance Home Care subsidiary because of her race (Black) and by

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Dear _____:

This letter is in response to your inquiry regarding the employment of Dianne D. Walker while employed at Methodist Healthcare, formerly Methodist Health Systems.

Ms. Walker was employed by Methodist Health Systems first as a Clerk III and most recently as a Billing Specialist. She served in the Home Medical Equipment subsidiary from May 15, 1995 through July 17, 1998. Her performance was satisfactory. Company regulations do not permit us to give out any other information concerning Ms. Walker's employment.

I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

Title: _____
Methodist Healthcare

limiting, segregating or classifying employees on the basis of race by coding transfer and promotion requests received in the Employment Service with the employee's gender and race. The Complaint also alleged that Defendant violated Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), by failing to maintain or preserve certain employment records as required by law.

This Agreed Order does not and shall not constitute an adjudication or finding upon the merits of the case and shall in no way be construed as an admission by Defendant of any violation of Title VII or any other law, rule, or regulation dealing with or in connection with equal employment opportunities. The parties, being desirous of settling this action and avoiding the burdens of further litigation, stipulate to the jurisdiction of this Court and have consented to the entry of this Order.

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

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

I. SCOPE AND DURATION OF ORDER

A. This Agreed Order resolves all issues and claims arising out of the Commission's Complaint and EEOC Charge No. 250-97-1316 filed by Dianne D. Walker, alleging unlawful employment discrimination by Defendant at its Memphis, Tennessee facilities. Notwithstanding any provisions contained in this Order, 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. 250-97-1316 in the Memphis District Office.

B. The provisions of this Agreed Order will be effective from the date the Order is entered by the Court and shall continue to be effective and binding upon the parties to this action for a period of one year from that date, except for Section IV (A) (neutral references) which shall be in effect permanently.

II. INJUNCTIVE RELIEF

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from limiting, segregating, or classifying its employees by coding their requests for transfer or promotion with race and gender identification which would deprive or tend to deprive employees of employment opportunities or otherwise adversely affect their status

as employees because of race (Black).

B. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from failing to maintain or preserve employment records ordinarily created in the normal course of business when a job vacancy occurs.

III. NOTICE

Defendant shall post at its Memphis Employment Service office and Home Medical Equipment office, in locations conspicuous and accessible to all applicants and employees, the notice attached to this Order as Exhibit A in addition to the poster summarizing EEOC laws required by Section 711 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-10(a).

IV. AGREED RELIEF

A. Defendant agrees to provide a neutral reference to any potential employer of Dianne Walker who may contact Defendant in the future for job references. Any such neutral reference shall be comparable to the language attached hereto as Exhibit B. No mention of the charge of discrimination filed by Walker or the action filed by the Commission shall be made part of the neutral reference.

B. Defendant agrees to pay FIFTEEN thousand dollars (\$15,000.00) by certified check to Dianne D. Walker within ten (10) days after entry of this Consent Decree and shall be sent via registered mail to Walker at 4395 Davidcrest Drive, Memphis, Tennessee 38128. In exchange, Defendant will receive from Dianne D. Walker a full and complete release of all claims of employment discrimination arising out of or related to her former employment by Defendant and specifically waiving reinstatement of employment.

C. Defendant shall instruct employees in its Employment Service that no documents sent from that office to decision-makers as part of a pre-offer selection process shall be coded with the gender or race of the applicant; that documents sent to department decision-makers concerning employment or transfer applicants must be race-neutral in order to avoid the appearance of classifying employees and applicants in a way that might tend to deprive employees so classified of equal employment opportunities.

D. Defendant shall instruct all department managers or hiring officials to immediately report to the Vice President of Human Resources the receipt of any documents as part of the pre-offer selection process that identify the applicant by race or gender in violation of Paragraph C of this Section.

V. REPORTING REQUIREMENTS


A. Within ten (10) days of entry of this Decree, Defendant shall provide to the Regional Attorney of the Memphis District Office a copy of its non-discrimination policy currently maintained as official company policy.

B. Within thirty (30) days of entry of this Decree, Defendant shall provide to the Regional Attorney of the Memphis District Office a copy of all memoranda issued to employees reflecting compliance with Sections V (C) and (D), above.

VII. COSTS

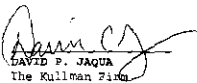
Each of the parties shall bear their own costs and attorneys' fees in this action.


SO ORDERED THIS 19th DAY OF January, 1999.


BENICE H. DONALD
UNITED STATES DISTRICT JUDGE

BY CONSENT:

FOR DEFENDANT:

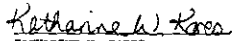

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Dear _____:

This letter is in response to your inquiry regarding the employment of Dianne D. Walker while employed at Methodist Healthcare, formerly Methodist Health Systems.

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