

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

AMISUB (SFH), INC., subsidiary
d/b/a ST. FRANCIS HOSPITAL,

Defendant.

CIVIL ACTION NO.
99-2834 MI/A

CONSENT DECREE

This civil action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against the Defendant, AMISUB (SFH), Inc. doing business as St. Francis Hospital, pursuant to Sections 706(f)(1) and 3 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq. and the Civil Rights Act of 1991, 42 U.S.C. §1981a, to remedy unlawful practices alleged in the Complaint filed in this action on September 22, 1999. AMISUB (SFH), Inc., is a subsidiary of Tenet HealthSystem Medical, Inc.

The Complaint alleged Defendant violated Sections 703(a) and 704(a) of Title VII, as amended, 42 U.S.C. Sections 2000e-2(a) and 2000e-3(a), by retaliating against Shirley Lewis, a Black female, because she complained about race discrimination in the workplace and terminating her employment because of her race. Defendant denies that it discriminated against Shirley Lewis because of retaliation or her race.

This Consent Decree does not constitute an admission by the Defendant of the

allegations of the Complaint. Defendant maintains that the actions of its officials were proper and lawful in all regards. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this case.

In the event this proposed 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 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.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Western District of Tennessee, 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 the Commission's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 250-98-1289 filed by the Charging Party, Shirley Lewis with the Commission. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any other charge now pending before any office of the Commission, or any other lawsuits pending against Defendant or its parent or its parent's other subsidiaries other than Charge No. 250-98-1289.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for one year.

III. NON-RETALIATION PROVISION

The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are enjoined from engaging in any practices that discriminate based on race. Defendant is further enjoined from taking any adverse action against any employee of Defendant or any other individual because he or she opposed practices made unlawful under Title VII of the Civil Rights Act of 1964 or for making a charge or complaint to the Commission, testifying, assisting or participating in any manner in any investigation, proceeding or hearing under the Title VII of the Civil Rights Act of 1964.

IV. SPECIFIC RELIEF

A. In compromise and settlement of these disputed claims, Defendant agrees to pay a lump sum payment of \$10,000 in back pay, less withholding taxes and \$17,000 compensatory damages, to Shirley Lewis.

B. The Defendant shall expunge from Shirley Lewis' personnel records any unfavorable or adverse personnel comments regarding her discharge from employment with Defendant.

C. The Defendant shall issue a cashier's check to Shirley Lewis payable to her at the following address:

3466 Mitch Road
Memphis, TN 38115

V. NOTICE

The Defendant shall continue to conspicuously post at its Memphis, Tennessee facility, the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964. Furthermore, the Defendant shall conspicuously post the notice at Appendix A of this Decree at its Memphis facility for one year commencing within ten (10) days after entry of this Decree by the Court.

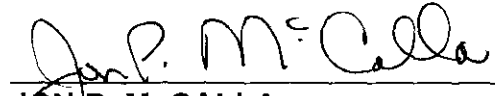
VI. TRAINING

Defendant will provide training in the workplace for its management staff which includes respect for diversity and compliance with Title VII of the Civil Rights Act of 1964.

VII. COSTS

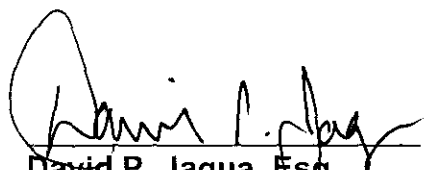
Each of the parties shall bear its own costs, including attorneys' fees.

IT IS SO ORDERED THIS 3 DAY OF Feb., 2000.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE

FOR DEFENDANT:

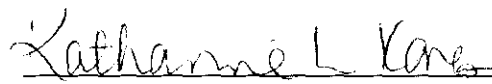


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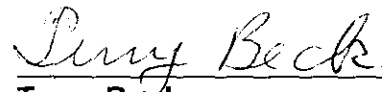
FOR THE COMMISSION:

C. GREGORY STEWART
General Counsel

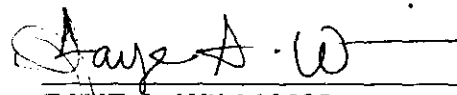
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**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104
Telephone: (901) 544-0088

NOTICE

1. This Notice to all employees of AMISUB (SFH), d/b/a/ St. Francis Hospital is being posted as part of the remedy agreed to between St. Francis Hospital and the Equal Employment Opportunity Commission in resolution of a complaint of employment discrimination filed by an employee of St. Francis Hospital.
2. Federal law requires that there be no discrimination against any employee because of retaliation or race.
3. St. Francis 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.
4. The posting of this Notice by St. Francis Hospital does not constitute an admission by St. Francis Hospital of any liability under Federal law.
5. This Notice shall be posted by St. Francis Hospital for one year.

SIGNED this ____ day of _____, 2000.

APPENDIX A