

- **EEOC v. Jillian's of Indianapolis, Inc., Jillian's Entertainment Holdings, Inc. & Jillian's Entertainment Corp.**

No. IP00-1452-C-B/G (S.D. Ind. Aug. 12, 2004)

In this Title VII class suit, the Indianapolis District Office alleged that an Indianapolis restaurant, which is part of a chain that operates restaurants with big screen TVs, video games, billiards, and live music, unlawfully refused to hire men as food servers. The restaurant's general manager told male applicants that the company did not hire men for server positions, and said during the Commission's investigation that its patrons preferred female servers and that therefore male applicants were steered to door host, bar, and kitchen positions. The district office amended its complaint to allege discrimination against men at Jillian's restaurants nationwide, but in June 2003, the district court dismissed claims against all but the Indianapolis restaurant, finding that the nationwide allegation had not been investigated or conciliated.

The case was resolved by a three-year consent decree, which is contingent on Jillian's, which has filed a reorganization plan under Chapter 11 of the Bankruptcy Code, obtaining an order from the bankruptcy court approving the use of funds from its employment practices liability insurance policy to pay \$350,000 in compensatory damages to the class members and \$10,000 in administrative expenses to advertise for and locate class members. Class members include male applicants and former and current male employees who were denied server positions at the Indianapolis restaurant in 1999 or were deterred from applying for such positions, and all males employed as servers in 1999 or 2000 who were afforded less favorable server shifts, areas, and/or parties than female servers. The amounts of the class member awards shall be determined by EEOC and can be disputed in a fairness hearing.

The injunctive provisions of the decree apply at all Jillian's locations until Jillian's bankruptcy confirmation, with the exception of facilities sold prior to the confirmation. The decree provides that Jillian's will hire for all positions without regard to sex, and will maintain applicant flow logs and applications at all facilities for the duration of the decree. The decree requires Jillian's to post prominently a non-discrimination notice on the front door of and employee bulletin board at each of its facilities for the duration of the decree. In addition, Jillian's must include the statement that "Jillian's is an equal opportunity employer" in its advertisements to recruit or locate employees and append to its application forms a statement advising applicants of defendant's commitment to EEO hiring and the procedures to follow if they believe they have been discriminated against. Jillian's shall also revise to make sex neutral the job descriptions for the positions of server, door host, and beer tub girl (including changing "girl" to "server").