

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	03 C 2360
)	
v.)	Judge Zagel
)	
NORWEGIAN AMERICAN HOSPITAL,)	Magistrate Judge Keys
)	
Defendant.)	
)	

CONSENT DECREE

Plaintiff, Equal Employment Opportunity Commission (hereafter the "EEOC"), filed this action on April 7, 2003, alleging that Defendant Norwegian American Hospital (hereafter "NAH"), discriminated against Charging Party Rashidah Abdullah in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII) and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A, by discriminating against Abdullah because of her religion, Islam, by subjecting her to harassment of a religious nature and creating and maintaining an abusive and hostile work environment, by subjecting her to different terms and conditions of employment because of her religion, and by retaliating against her for reporting discrimination on the basis of her religion. NAH has filed an answer denying the allegations of the EEOC's complaint, specifically denying that it discriminated against, harassed or retaliated against Ms. Abdullah on the basis of her religion. As a result of the parties having engaged in settlement discussions, the EEOC and NAH have agreed that this action should be finally

resolved by entry of this Consent Decree. This Consent Decree is intended to and does fully and finally resolve any and all claims arising out of the Complaint filed by the EEOC.

Findings

Having examined the terms and provisions of this Consent Decree and based on the pleadings, records, and stipulations of the parties, this Court finds the following:

- A. This Court has jurisdiction over the subject matter of this action and over the parties.
- B. The terms and provisions of this Consent Decree are fair, adequate, equitable, and just. The rights of the parties are adequately protected by this Consent Decree.
- C. This Consent Decree conforms with the Federal Rules of Civil Procedure and Title VII and is not in derogation of the rights and privileges of any person. The entry of this Consent Decree will further the objectives of Title VII and will be in the best interest of the parties and the public.
- D. Neither party is conceding their positions nor are they making any admission as to liability or any disputed fact. Rather, both parties have agreed to this Consent Decree in order to resolve the parties' dispute and to end the cost of further litigation.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

Non-Discrimination

- 1. In all matters arising from or relating to employment, NAH, its officers agents, employees, successors, and assigns shall not discriminate on the basis of religion.

Non-Retaliation

- 2. NAH, its officers, agents, employees, successors, assigns and all persons acting in

concert with it shall not engage in any form of retaliation against any person because such person has opposed any practice made unlawful under Title VII, filed a Charge of Discrimination under Title VII, testified or participated in any manner in any investigation, proceeding, or hearing under Title VII, or asserted any rights under this Decree.

Monetary Relief

3. NAH shall pay to Rashidah Abdullah the sum of \$40,000. This sum, from which no deductions will be made, is to satisfy EEOC's claim for compensatory damages with respect to Abdullah and the Company will issue a Form 1099 to Abdullah. After the Consent Decree has been entered and within thirty (30) days after Rashidah Abdullah has provided to NAH an executed release approved by Ms. Abdullah's attorney, NAH shall send a check payable to Rashidah Abdullah at the address provided by the EEOC. NAH shall also mail a copy of this check to the EEOC within five (5) business days. Ms. Abdullah is responsible for paying her own taxes.

Notice Posting

4. Within twenty (20) days after the Court's entry of this Consent Decree and for the duration of this Decree, NAH shall continuously post the notice, attached hereto as Exhibit A, at locations where employment law notices are posted. Within twenty (20) days after the Consent Decree is entered NAH shall certify in writing to the EEOC's Chicago District Office that the Notice has been posted, and shall inform the EEOC of the locations where it has been posted.

Record Keeping and Reporting

5. For the duration of this Consent Decree, NAH shall maintain records of any complaints it receives regarding religious discrimination and any response or action taken with

respect to such complaints. Such records shall indicate the date the complaint was made, who made it, what was alleged, and what actions the Defendant took to resolve the matter. NAH shall maintain such records as required by this section for the duration of the Consent Decree.

6. NAH shall furnish to the EEOC written reports semi-annually for a period of eighteen (18) months following entry of this Decree. The first report shall be due six (6) months after entry of the Decree. The final report shall be due to the EEOC two (2) weeks prior to the date on which the Decree is to expire. Each such report shall contain a summary of the information recorded by NAH pursuant to Paragraph 5.

7. For the term of the Consent Decree and upon five (5) business days notice to NAH, the EEOC, if it believes NAH is not in compliance with the terms of this Consent Decree, shall have access to NAH facility to review and copy any documents and to interview any personnel employed by NAH for the purpose of determining NAH's compliance with the terms of this Consent Decree. In the event that the EEOC exercises its right to interview NAH personnel to determine compliance with the Consent Decree, NAH shall be permitted to have its management employees represented by counsel of its choice at all times during such interviews.

Training

8. Within sixty (60) days after entry of this Consent Decree, NAH shall arrange for an outside, independent organization, or outside counsel, to conduct training of NAH's Human Resources Director, Vice President of Patient Services, and all certified midwives regarding religious discrimination and retaliation issues. NAH shall obtain the EEOC's approval of its proposed trainer(s) prior to the training session. NAH shall submit the name, address, telephone number, resume and training proposal of the proposed trainer(s) to the EEOC at least fifteen (15)

days prior to the proposed date(s) of the training. The EEOC shall have five (5) calendar days from the date of receipt of the information described above to accept or reject the proposed trainer(s). In the event the EEOC does not approve NAH's designated trainer(s), NAH shall have five (5) calendar days to identify an alternate trainer(s). The EEOC shall have five (5) calendar days from the date of receipt of the information described above to accept or reject the alternate trainer(s). If the parties cannot through this process agree on a trainer(s), then they may seek the Court's assistance under paragraph 12.

9. Within five (5) days after the completion of the training described above, NAH will certify to the EEOC that the training has been completed, the name(s) of the person(s) conducting the training, the time(s), duration and date(s) the training was held and a list identifying by name and position all individuals who received the training.

Distribution of Policy Against Religious Discrimination

10. Within fourteen (14) working days after the entry of this Consent Decree, NAH shall distribute to all employees at NAH a policy against religious discrimination ("the Policy"). NAH shall also provide a copy of the Policy to the EEOC within five (5) business days after entry of this Decree.

Duration of Decree/Retention of Jurisdiction

11. The terms of this Consent Decree shall be in effect (and the Court will retain jurisdiction of this matter to enforce this Decree) for a period of eighteen (18) months from the date on which this Consent Decree is entered.

Dispute Resolution

12. If the EEOC has reasonable cause to believe that NAH has violated any of the terms of this Consent Decree, the EEOC shall notify NAH in writing and NAH will then have ten (10)

business days in which to satisfy the EEOC that there has not been a violation or that the violation has been corrected. If at the expiration of such time period, the dispute has not been resolved to the mutual satisfaction of the EEOC and NAH, then either party may immediately resort to the Court for a determination regarding whether or not any further action or relief is required under the Consent Decree, and if so, to seek any appropriate relief.

Miscellaneous Provisions

13. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, assigns, and successors of NAH in their capacities as representatives, agents, directors and officers of NAH.

14. NAH will provide Abdullah with a neutral letter of reference in a form agreed upon by the parties.

ENTERED AND APPROVED FOR:

For Plaintiff the United States
Equal Opportunity Commission

ERIC S. DREIBAND
General Counsel

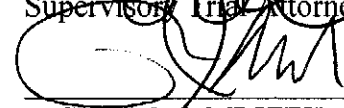
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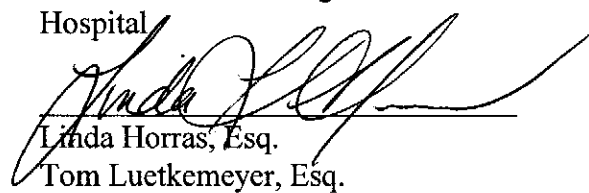

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ENTERED:


Honorable James B. Zagel
United States District Court Judge

Date:

1/24/2005

EXHIBIT A

NOTICE TO ALL NORWEGIAN AMERICAN HOSPITAL EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered by the federal court in EEOC v. Norwegian American Hospital, Inc., No. 03 C 2360 (N.D. Ill.), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Norwegian American Hospital, Inc. ("NAH")

In its suit, the EEOC alleged that NAH discriminated against a former employee on the basis of her religion by subjecting the former employee to religious harassment, by subjecting the employee to different terms and conditions of employment because of religion, and by retaliating against the employee for reporting the discrimination on the basis of her religion, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). NAH specifically denied that it discriminated against, harassed, or retaliated against the former employee on the basis of religion.

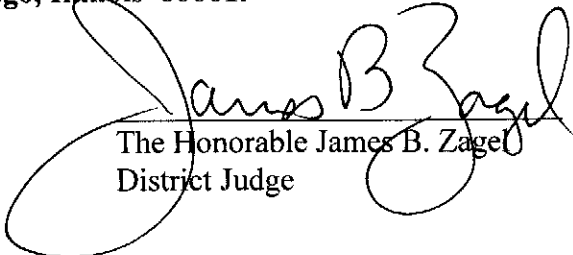
To resolve the case, NAH and the EEOC have agreed to the entry of the Consent Decree which provided, among other things, that: 1) NAH will provide relief as provided in the consent decree to a former employee; 2) NAH will not discriminate on the basis of religion; 3) NAH will not retaliate against any person because he or she opposed any practice made unlawful by Title VII, filed a Title VII charge of discrimination, participated in any Title VII proceeding, or asserted any rights under the Consent Decree; and 4) NAH will train its employees as provided in the consent decree with respect to the laws prohibiting religious discrimination.

The EEOC enforces the federal laws against discrimination in employment on the basis of race, color, religion, national origin, sex, age or disability. If you believe you have been discriminated against, you may contact the EEOC at (312) 353-8195. The EEOC charges no fees and has employees who speak languages other than English.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED

This Notice must remain posted for 18 months from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to: EEOC 500 West Madison Street, Suite 2800, Chicago, Illinois 60661.

1/24/2005
Date


The Honorable James B. Zage
District Judge