

10.3: Case Study: Wellpath Sued by EEOC For Religious Discrimination

Health Care Company Denied Religious Accommodation for a Correctional Nurse To Wear a Scrub Skirt, Federal Agency Charges

SAN ANTONIO, Texas — Tennessee-based Wellpath, LLC, a provider of health services in correctional facilities, violated federal law when it refused to accommodate the religious beliefs of a nurse, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to the EEOC's lawsuit, a nurse who is a practicing Apostolic Pentecostal Christian was hired by Wellpath to work in the GEO Central Texas Correctional Facility in downtown San Antonio. Before reporting to work, the nurse told a Wellpath human resources employee that her religious beliefs require her to dress modestly and to wear a scrub skirt instead of scrub pants while at work. In response, Wellpath denied the request for her religion-based accommodation and rescinded the nurse's job offer. According to the suit, the nurse had worn a scrub skirt in other nursing jobs, including at a juvenile correctional facility.

Title VII of the Civil Rights Act of 1964 prohibits discrimination based on religion and requires employers to reasonably accommodate an applicant's or employee's sincerely held religious beliefs unless it would pose an undue hardship. The EEOC filed suit, Civil Action No. 5:20-cv-1092, in U.S. District Court for the Western District of Texas, San Antonio Division, after first attempting to reach a pre-litigation settlement through its conciliation process. In this case, the EEOC seeks back pay, compensatory and punitive damages and injunctive relief, including an order barring Wellpath from engaging in discriminatory treatment in the future.

"This nurse has treated patients and performed her job successfully while wearing a scrub skirt before," said Philip Moss, a trial attorney in the EEOC's San Antonio Field Office. "The EEOC is fully committed to enforcing laws that protect employees in the workplace from discrimination on the basis of religion."

Eduardo Juarez, a supervisory trial attorney in the EEOC's San Antonio Field Office, added, "Employers are required to reasonably adjust their dress codes to accommodate the religious beliefs of applicants or employees, unless these actions would constitute an undue hardship."

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov.

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