



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2291      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 6/23/2023      **In control:** Metropolitan Council

**On agenda:** 7/6/2023      **Final action:** 7/6/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Isha Kabba against the Metropolitan Nashville Hospital Authority in the amount of \$96,919.50, with \$34,000.00 reflecting backpay to be paid from the Hospital Authority’s operating budget and the remaining \$62,919.50 to be paid from the Judgements and Losses fund.

**Sponsors:** Kevin Rhoten

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter to Metro Clerk Signed

Date	Ver.	Action By	Action	Result
7/10/2023	1	Mayor	approved	
7/6/2023	1	Metropolitan Council	adopted	
7/5/2023	1	Budget and Finance Committee	approved	
6/27/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Isha Kabba against the Metropolitan Nashville Hospital Authority in the amount of \$96,919.50, with \$34,000.00 reflecting backpay to be paid from the Hospital Authority’s operating budget and the remaining \$62,919.50 to be paid from the Judgements and Losses fund.

WHEREAS, Isha Kabba filed a lawsuit against the Metropolitan Nashville Hospital Authority (“Hospital Authority”) and its employees alleging discrimination and retaliation under Title VII of the 1964 Civil Rights Act based on events that occurred during her employment with the Hospital Authority; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that any and all claims or causes of action brought or that could have been brought by Isha Kaba related to the events detailed above be compromised and settled for \$96,919.50, and that this amount be paid as follows: \$34,000.00 in back pay to be paid from the Hospital Authority’s operating budget and \$62,919.50 to be paid from the Judgments and Losses Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the claim of Isha Kabba for the sum of \$96,919.50, with \$34,000.00 reflecting back pay to be paid from the Hospital Authority’s operating budget and the remaining \$62,919.50 to be paid from the Judgments and Losses Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

In December 2018, Isha Kabba was hired as a PRN nurse for the Hospital Authority. This is not a full-time position, and, at the time, there was no full-time position available. Ms. Kabba accepted the position with this knowledge. There were no full-time patient services representative positions available or hired from November 2018 until May 2019.

According to Ms. Kabba, in early March 2019, her team lead made racially derogatory remarks about Black women. Ms. Kabba claims that she reported her team lead to a department manager. She claims that, after reporting her team lead, she received hostile and aggressive tones, negative performance claims, and time-clock issues from her team lead. The team lead denies making these alleged remarks and an SEIU hearing officer determined that Ms. Kabba's claims were unsubstantiated.

Ms. Kabba also made allegations that the department manager began speaking in hostile and condescending tones after her complaints and began criticizing her performance. She also claims that the department manager refused to consider her for any positions unless she dropped her complaints about the team lead. The department manager disputes these allegations.

In June 2019, a full-time patient services representative position became available. This position would be supervised by an individual who already supervised Ms. Kabba. The supervisor had no knowledge of Ms. Kabba's complaint about the team lead or the investigations into the complaint. The supervisor did not hire Ms. Kabba based upon her previous work performance, including violation of policies, disregard for scheduled shifts, and use of her cell phone while on duty.

Ms. Kabba was terminated for violating the Hospital Authority's cell phone usage policy as well as her subsequent behavior. On September 3, 2019, Ms. Kabba's cell phone was confiscated by her supervisor because it was visible on her work station in violation of the policy. The supervisor told Ms. Kabba that the cell phone would be returned at the end of her shift. Ms. Kabba threatened to call the police. An HR manager heard about the interaction and requested to meet with Ms. Kabba. Ms. Kabba declined to attend the meeting. Ms. Kabba was terminated on September 6, 2019.

Ms. Kabba filed an order of protection against the HR manager, claiming that the HR manager threw her cell phone at her and became irate. Witnesses dispute this claim.

Ms. Kabba brought several claims including a Title VII race discrimination claim for the failure to hire/promote, Title VII race discrimination related to the September 2019 termination, Title VII retaliation, Title VII retaliatory hostile work environment, and the Tennessee Public Protection Act. This case is dependent on the credibility of witness testimony. Many of the witnesses that would be favorable to Metro are unavailable, including the HR manager who has moved out of state and has become unresponsive and Ms. Kabba's supervisor who has indicated she does not desire to participate.

The Department of Law recommends settlement of this claim for \$96,919.50, which \$34,000 for approximately one year of Ms. Kabba's salary. The total settlement to Ms. Kabba would also include an additional \$180,000 from the Hospitality Authority's insurance provider AIG.

*Fiscal Note: The total settlement amount is \$96,919.50. The \$34,000 backpay would be paid from the Metropolitan Nashville Hospital Authority's operating budget and the remaining \$62,919.50 from Judgements*

*and Losses Fund. This \$62,919.50 settlement would be the 5th payment from the Judgment and Losses Fund in FY23 for a cumulative total of \$1,928,258. The fund balance would be \$15,391,929 after this payment.*