

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY : CIVIL ACTION
COMMISSION :
 :
v. :
 :
THE GEO GROUP, INC. : NO. 07-cv-04043-JF

MEMORANDUM

Fullam, Sr. J.

May 18, 2008

Women who adhere to the Muslim faith are required to wear head-coverings outside the home. In its recent decision in Webb v. City of Philadelphia, No. 07-3081 (3d Cir. Apr. 7, 2009), our Court of Appeals held that, notwithstanding this religious requirement, the City of Philadelphia could lawfully discharge a female Muslim police officer for not adhering to Police Department regulations concerning uniforms to be worn by police officers (which did not include head coverings of the type required by the Muslim faith). In the present case, the issue is whether a company which operates prison facilities pursuant to a contract with the appropriate governmental entity can similarly enforce a no-head-coverings policy against its employees within the prison.

The parties here have filed cross-motions for summary judgment, but the case was stayed pending the Court of Appeals decision in Webb. In view of the Court of Appeals decision in that case, I conclude that it is permissible for the employer of

personnel working within a prison to refuse to permit a Muslim employee to wear a head covering while on duty. There is, in my view, no meaningful distinction between prison guards and similar personnel, on the one hand, and police officers. The same considerations advanced to justify the regulation in question apply equally to prison guards and employees working in the medical department.

I therefore conclude that the defendant's motion for summary judgment must be granted.

An Order follows.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 18th day of May 2009, upon consideration
of the cross-motions for summary judgment, IT IS ORDERED:

1. Plaintiff's motion for summary judgment is DENIED.
2. Defendant's motion for summary judgment is
GRANTED.
3. This action is DISMISSED with prejudice.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.