

- **EEOC v. Borland Software Corp.**
No. 05-3979 HRL (N.D. Ca. Oct. 19, 2005)

In this Title VII/EPA case, the San Francisco District Office alleged that defendant (which makes technology used to develop, deploy, and integrate software programs) paid charging party, who was performing the duties of Director of Technical Support in Cupertino, California, less than white male employees performing substantially similar work, because of her sex (female), race (Asian), and national origin (Vietnamese). Defendant hired charging party as a Senior Technical Support Engineer in February 2000 (\$75,000 annual salary) and promoted her 2 months later to Manager of Technical Support (\$85,000 salary). San Francisco alleged that charging party began managing half of her supervisor's group in February 2002 and took on all of his duties in October 2002, without a change in title or salary increase. Charging party's salary was lower than the person she replaced (white male, with a \$125,000 base salary), the Directors of other departments (all white men, with base salaries ranging from \$95,000 to \$125,000), and two of the white men who reported to her. Defendant officially promoted charging party to Director of Technical Support in September 2004 and raised her base salary to \$100,000.

Under the 3-year consent decree resolving this case, Borland will pay charging party \$80,000 in monetary relief (\$66,500 in backpay and \$13,500 in reimbursement for expenses not covered by defendant's policies). Borland is also required to raise charging party's annual salary from \$100,000 to \$110,000 effective immediately, and will place an action notice in her personnel file reflecting a title change to Director effective April 2002. The salary increase will not have any negative effect on charging party's future bonuses or raises.