

- **EEOC v. Memscap, Inc.**

No. 03-4323 JF (N.D. Cal. Mar. 18, 2004)

The Seattle District Office brought this ADEA action, alleging that defendant, a French corporation that designs, manufactures and markets microscopic machines and structures and has a small North American subsidiary headquartered in San Jose, terminated two charging parties because of their ages. CP Michael Tavares (50) and CP Robert Miller (52) were hired for management positions in February and March 2002, respectively, after they had face-to-face interviews with the subsidiary's employees in the San Jose office and a phone interview with defendant's head of sales in North America and its President/CEO. Charging parties first met defendant's management during their training in Grenoble, France the week of March 15, 2002, and a month later they received identical e-mails informing them of their dismissals. The explanation offered by the North American head of sales was that the President/CEO thought charging parties were "too seasoned," and the head of sales agreed with one of the CPs that this meant too old. Further, charging parties were told that their jobs had been eliminated but evidence revealed that defendant sought to fill their jobs immediately after their dismissals.

The case was resolved by a three-year consent decree that requires defendant to pay a total of \$125,000 to the charging parties. In addition, defendant agrees to adopt, with the assistance of an independent consultant, a new written EEO policy that specifically sets forth federal requirements prohibiting age discrimination, and to provide annual EEO training to all HR staff, managers, and employees with an emphasis on defendant's anti-discrimination policies and complaint procedures. Finally, every six months defendant will submit a report to the EEOC detailing all complaints of harassment, discrimination, or retaliation and their resolutions.