Lawrence Livermore lab faces age discrimination lawsuits

February 4 2009, By Suzanne Bohan, Contra Costa Times

A law firm on Tuesday announced its intention to file age discrimination complaints with a state agency on behalf of 100 workers laid off in May by Lawrence Livermore National Security.

The corporation, formed by a partnership between the University of California and several companies led by Bechtel Corp., operates Lawrence Livermore National Laboratory.

The complaints will all be filed by Wednesday with the California Department of Fair Employment and Housing.

In late May, the laboratory laid off 440 permanent employees, including scientists, engineers, financial analysts, facilities technicians and administrative assistants.

Of those laid-off workers, 94 percent were over the age of 40, affording them status as "protected employees" under anti-discrimination laws, said J. Gary Gwilliam, an attorney representing the former lab workers. Federal and state law prohibits discrimination against citizens based on race, gender, age or disabilities.

Gwilliam asserted that the laid-off employees were targeted because they were nearing retirement age, and earning advanced salaries.

"It's unfortunate that the Lawrence Livermore Lab, the University of California and Bechtel Corporation would treat their employees in such

a discriminatory manner. I don't think the Department of Energy, with whom they contract, would approve of such conduct."

Gwilliam said today's actions will likely lead to a lawsuit in state court, where the 100 individual suits would be merged into a "consolidated suit." In discrimination cases, attorneys are required to first file complaints with the state employment and housing agency. If the agency declines to investigate, plaintiffs are freed to file a lawsuit.

"The chances are overwhelming that we'll file a lawsuit," he said.

Jim Bono, a lab spokesman, countered that the lab's management "followed Department of Energy regulations during the entire (layoff) process." He declined further comment, stating he hadn't read the complaints.

If the administrative complaints advance to litigation, they'll add to "an explosion" of discrimination litigation against employers during a difficult economic time, according to a new report on 2008 U.S. workplace-related legal decisions, released Feb. 1 by the law firm Seyfarth Shaw LLP. The top 10 settlements in class action and collective action settlements involving workplace issues collectively totaled $18.2 billion, according to the report.

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