

Worker says his age, not performance reason for his firing

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In March 1990, William Schooley of Mountain View joined the ranks of thousands of other unemployed technicians and managers when he was laid off by Raytheon Semiconductor Co. for "economic reasons."

But Schooley, 50, says his case is different from most. Schooley believes it was his age rather than the economy that put him out of work.

Schooley filed suit against Raytheon on Friday for age discrimination and breach of contract.

Five months after Schooley was laid off, Raytheon advertised an opening for his old job as a Computer Assisted Design manager, the complaint said. The suit maintains that Raytheon's policy is to give preferential treatment in rehiring old employees who leave the company under good standing, so Schooley applied to get his job back.

During the job interview, he was told that the company was "looking for something new," the complaint said. A man in his early 30s was hired for the job, Schooley maintains.

"Like many other older companies, (Raytheon) is in the process of trying to weed out older employees to avoid downstream pension commitments and to try to upgrade the corporate culture to more modern technologies," Schooley said.

Schooley contends he got good performance reviews from Raytheon. He believes that his salary may have been a factor in the lay-off. He was making \$75,000 at the time of his termination, and while he doesn't know how much the company is paying his replace-

ment, he suspects it is considerably less.

Raytheon spokeswoman LeRaine Jenkins declined to comment on the case.

Schooley has been looking for another job for the last year. He is still unemployed. Although he has responded to dozens of advertisements and interviewed with about eight companies, most seem to be looking for younger workers.

"The world we live in today is very different from the way it was 25 years ago when I entered the industry, and a lot of the older employees are not necessarily keeping up," Schooley said.

His comments were echoed by Program Director Betsy Collard of the Career Action Center in Palo Alto. Many older workers are finding that "the technology wave has swept over them," Collard said.

Few cases of age discrimination are black and white, and they are so difficult to prove that they rarely go to court, Collard said. But once a person over 50 loses his or her job, it is difficult to find a new one.

Age discrimination cases usually rely entirely on circumstantial evidence, said Jody LeWitter, who represents Schooley. She said the her case will focus on alleged statements a Raytheon manager made about looking for something new, as well as the fact that the company advertised for Schooley's job soon after laying him off.

"They're not easy cases," LeWitter said. "I think juries look at them sympathetically, though, and you only need circumstantial evidence to go to a jury."