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Business

Recipient of age bias award recalls ordeal

LIVING WITH WORK
Juliet F. Brudney

I AM SHOCKED TO this day at what happened to me three years ago," says James Ventresco. His manager, who had been hired six months earlier at Liberty Mutual Insurance Co. in Boston, told him his job was being eliminated in a department reorganization and he had 60 days to find a position elsewhere in the company before being terminated.

"There had been no warning," said Ventresco, who was then 51 and had worked for the company 25 plus years.

The subsequent grueling months have recently taken a hopeful turn. A Suffolk County Superior Court jury awarded Ventresco \$401,800 in his age discrimination suit against Liberty Mutual, with \$140,000 representing a pension benefit lost as a result of termination. The remainder was based on lost wages and emotional distress.

Ventresco's ordeal is a reminder of the escalating job casualties among older employees, especially managers and professionals who had been with the company for many years.

For Ventresco, sudden job death was a particularly severe jolt. The company had been his one and only employer, except for the US Army during the Vietnam War. He started in Liberty Mutual's mail room while in college, obtaining a bachelor's degree and state teaching certificate, then left for combat service in Vietnam. Ventresco returned to Liberty Mutual in 1973 at an entry-level spot, then went into the advertising and PR department, managing and directing production. His salary at termination was in the

\$50,000 range.

"I enjoyed my work at the company, my colleagues, received good performance ratings. There were no job actions. I'd also had good relations with the new manager ever since his arrival, liked him. We talked at weekly staff meetings. We had two or three one-to-one meetings, several hours each, just me and him, cordial and polite. Interesting discussion. No indication of a problem.

"I'm not naive," Ventresco said. "I would have done something about it otherwise. If you see something coming like what happened to me, you nip it in the bud, discuss it with your manager, write or talk to HR. This whole action was so contrary to how the company always operated. Everything very documented, based on facts. If a company is losing money, going through an actual downsizing, there's not much you can do. But they couldn't say they were trying to save money. I had facts.

"The action taken was against the personnel policies and procedures manual, the employee handbook."

The only additional job that the department reorganization eliminated was held by a 62-year-old man, with the company 38 years. "He went straight into retirement. . . . Three new jobs were created. None was posted. I had no opportunity to apply for them. After I left, two young people outside the company were hired. An employee transferred and was promoted to the third job.

Ventresco said he spent two months trying to hook on with another division at Liberty Mutual, with no success. "Word seemed to have gotten around that I was damaged goods," he said.

After job-searching outside Liberty Mutual for a few weeks, Ventresco obtained his current po-

sition - "project manager with a large and growing mutual fund company in the Boston area. I took a \$7,200 salary reduction. But I like what I'm doing, enjoy the fast-paced work environment and the people."

Also around then, Ventresco learned from his brother about Robert Berluti of Berluti & McLaughlin LLC in Boston, the lawyer who handled his age discrimination suit.

"This is supposed to be a good time in the job world for people in their 50s," said Berluti, who also represents employers in age discrimination actions. "Yet we're seeing more employment discrimination against this age bracket.

"A recent inquiry at our office came from someone working for a company where everyone who'd been there more than 20 years received a bad performance level rating at the same time. The staff person who established the ratings was very young, had been with the company one month! Everyone today is looking to trade down, not just in high tech but in most fields. They want newly minted college graduates, with up-to-the-minute skills."

To protect against age discrimination in employment, Berluti suggests. "Keep all memos, letters, documents, anything written by a supervisor about your work performance, skills, talents."

Two short, recent articles by Berluti and one by Karen Roh Young, an associate in his firm, suggest age discrimination safeguards for employers that are also useful to employees (617-557-3030; \$3.50 for postage and handling).

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(617) 557-3130