

- **EEOC v. Protis Executive Innovations, Inc.**

No. 1:04-cv-1585-DFH-TAB (S.D. Ind. March 18, 2005)

In this ADEA action based on a directed investigation, the Indianapolis District Office alleged that Protis Executive Innovations, a professional recruitment and placement agency, coded applications by age and denied referrals to applicants age 40 and older because of their ages. EEOC's investigation identified various age-related comments in defendant's database, and a number of defendant's former employees said they had been instructed not to refer older applicants to particular clients.

Under the 3-year consent decree resolving this case, defendant will pay \$150,000 to affected individuals identified by the Commission; an initial payment of \$100,000 is due in July 2005 and a final payment of \$50,000 is due on or before December 30, 2007. Defendant is permanently enjoined from engaging in any act or practice in its recruitment and referral processes that has the purpose or effect of discriminating on the basis of age, including the use of codes to identify applicants' ages. Defendant is also prohibited from engaging in retaliation. The decree requires defendant to update its recruitment database so that it can regularly search the database for age-related references to applicants (such as "old," "long in the tooth," "youthful," "up and coming," and similar terms listed in the decree). Defendant is prohibited from using age-related terms, birth dates, or age codes in its database, except where the applicant has voluntarily provided such information or where age is a bona fide occupational qualification for the position. Defendant must keep records of any age discriminatory requests from clients and report the requests to EEOC within 5 days. Defendant must also inform such clients in writing within 5 days that both the client and Protis are prohibited under federal law from discriminating against job candidates on any protected basis, that Protis will not discriminate against job candidates on any protected basis, and that Protis will cease making referrals to the client unless it receives a written commitment of nondiscrimination from the client. Defendant will provide copies of such correspondence to the District Office within 5 days.