



# EEOC News

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## **EEOC SUES AMERISOURCEBERGEN CORPORATION FOR AGE DISCRIMINATION**

*Fortune 500 Pharmaceutical Services Company Failed to Hire Older Worker,  
Federal Agency Charges*

PHILADELPHIA – AmerisourceBergen Corporation, one of the world’s largest pharmaceutical services companies, violated federal law when it refused to hire a qualified applicant for a telecom manager position based on his age, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

The EEOC says that Valley Forge, Pa.-based Amerisource advertised for a vacant manager-telecom position at its Chesterbook, Pa. facility. The position was responsible for managing a category of telecom products and the business relationship between Amerisource and respective suppliers. Robert Aellis applied for the position and submitted his resume, which demonstrated that he had 40 years experience in the telecommunications industry in numerous roles including as a technical engineer, project manager and director level manager responsible for dealing with vendors and negotiating contracts.

Aellis was qualified for the position, and in fact Amerisource rejected Aellis for the position because he was “[o]verqualified for this need.” Aellis assured Amerisource that he was genuinely interested in the position and argued that his significant skills and experience would be to the company’s benefit. Nevertheless, despite Aellis’ stellar qualifications, the company rejected him because of his age, 60, and ultimately hired someone twenty years younger for the position, the EEOC charges.

Such alleged conduct violates the Age Discrimination in Employment Act of 1967 (ADEA) which prohibits age discrimination against individuals age 40 or older. The EEOC attempted to reach a pre-litigation settlement before filing suit in U.S. District Court for the Eastern District of Pennsylvania, Civil Action No.12-cv-5538. In its lawsuit, the EEOC seeks injunctive relief prohibiting the company from engaging in age discrimination in hiring, as well as lost wages and liquidated damages for Aellis.

“Older applicants often are not given the same opportunity to compete for jobs because of age-based myths and stereotypes some hiring managers have,” said District Director Spencer H. Lewis, Jr., of the EEOC’s Philadelphia District Office. “Too often employers try to mask age discrimination by using euphemisms like ‘overqualified’.”

EEOC Regional Attorney Debra Lawrence added, “It is not only bad business to refuse to hire well-qualified workers simply because of their age, it is blatantly illegal. The EEOC will take strong action to combat age discrimination even if employers try to hide age discrimination by using code words like ‘overqualified’.”

According to its website, [www.amerisourcebergen.com](http://www.amerisourcebergen.com), AmerisourceBergen has more than \$80 billion in annual revenue and employs approximately 11,000 people. AmerisourceBergen is ranked #27 on the Fortune 500 list.

The Philadelphia District Office of the EEOC oversees Pennsylvania, Maryland, Delaware, West Virginia and parts of New Jersey and Ohio.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at [www.eeoc.gov](http://www.eeoc.gov).

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