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Freescale Semiconductor Inc. accused of retaliating for discrimination complaints

Austin Business Journal - by Christopher Calnan ABJ Staff

Freescale Semiconductor Inc.'s former diversity director has filed a federal lawsuit accusing it of retaliating for her previous discrimination complaints when it cut her job.

Rosetta Santana, a black woman from Williamson County who was hired as a diffusion process engineer by Austin-based Freescale in August 2000, was terminated in 2008 as part of companywide layoffs. But the company "retained less qualified white and male employees," Santana alleges in the lawsuit filed July 2.

Freescale declined to comment on the lawsuit "as a matter of policy" regarding pending litigation, Freescale spokesman Andy North said.

In late 2007, Santana filed a discrimination complaint against Freescale with the U.S. Equal Employment Opportunity Commission in addition to several such complaints made internally to company officials, the lawsuit states.

Santana lost her job one week after the EEOC concluded its discrimination investigation of Freescale, and she initially filed a lawsuit in Travis County District Court. The more recent lawsuit, filed in the U.S. District Court for the Western District of Texas, doesn't provide details about the findings of the EEOC's investigation.

Santana's lawyer, Kell Simon of the Austin-based Ross Law Group, couldn't be reached for comment. The EEOC doesn't publicly confirm the existence of its investigations nor publicly disclose its findings, spokeswoman Janet Elizondo said.

Emily Frost, a lawyer specializing in labor and employment law at Austin-based **McGinnis Lochridge & Kilgore LLP**, said the number of such lawsuits has risen in tandem with the increased number of recession-fueled layoffs. Although workers are required to go through the EEOC administrative process before filing discrimination lawsuits, the vast majority of investigations result in "no cause" findings because discrimination is so difficult to prove, she said.

While employed by Freescale for seven years, Santana received just one promotion in which she kept the same job but at a higher grade level, according to the initial 2008 lawsuit.

In late 2008, Freescale announced plans to cut at least 2,400 jobs from its global workforce. The company planned to lay off 138 workers at facilities in Travis and Williamson counties as part of a 10 percent companywide reduction in workforce. At the time, Freescale employed about 5,000 workers in Central Texas.

Santana earned her undergraduate degree in chemical engineering from North Carolina Agricultural and Technical State University, a historically black college in Greensboro, N.C. Before **Motorola Inc.** (NYSE: MOT) spun out Freescale as a separate business unit in 2004, she worked at Motorola's silicon factories in Austin, where she led a \$2 million yield enhancement project, according to an online profile by U.S. Black Engineer and Information Technology magazine.

The lawsuit alleges that Freescale discriminated against Santana because of her race and gender. She is seeking unspecified compensatory damages.

Last year, Round Rock-based **Dell Inc.** (Nasdaq: DELL) settled a \$9.1 million federal gender-discrimination class-action lawsuit filed in October 2008 by former Dell human resources manager Jill Hubley, who alleged that Dell "systematically denied equal employment opportunities to its female employees." A second former manager, Laura Guenther, later joined the suit.

Hubley received \$50,000 and Guenther received \$25,000 in the settlement, but they were prohibited from commenting to the media about the lawsuit after the company distributed a news release following the settlement, court documents show.

Both women are now working for **Advanced Micro Devices Inc.** (NYSE: AMD), a California-based semiconductor company that operates a facility in Austin.

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