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FOR IMMEDIATE RELEASE
April 26, 2005

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AARP ATTORNEYS JOIN AGE DISCRIMINATION LAWSUIT AGAINST 3M

(St. Paul, MN) --- AARP attorneys announced today that they have joined as co-counsel in the case *Whitaker and Mucci et al. v. 3M Co.*, a class action age discrimination lawsuit against 3M Company.

The suit involves claims that 3M violated the Minnesota Human Rights Act because of its "forced ranking" system and its Six Sigma leadership selection and training system. The suit alleges that these systems led to discriminatory selection for special training programs, discriminatory performance appraisals, as well as discrimination in promotions, compensation and terminations.

"Older workers are essential to the well being of companies in Minnesota and across the country and we cannot tolerate any actions which discriminate against them," said Dan Kohrman, an attorney with AARP. "Employers who practice age discrimination are astute enough to avoid stating that they want to get rid of their older workers, but often find more subtle ways of achieving their goal."

Under "forced ranking," employees supposedly are graded on how well they perform compared to other workers in their department. Reviewers must categorize employees into pre-established performance quotas. For example, under the forced ranking system previously in place at 3M, reviewers had to categorize 70% of employees as average, 10% as below average, and only 20% as above average. Critics of forced ranking note that the criteria used to rank employees to fill these quotas are subjective and subject to bias, particularly age bias. The subjectivity of the system may be compounded when employees are graded by reviewers not familiar with the employee, who may be more swayed by stereotypes and generalizations. The plaintiffs in the case against 3M allege that the company ranked them well below what their actual performance warranted and overall, ranked disproportionate numbers of older workers below average.

Under 3M's Six Sigma management philosophy, certain employees are chosen for intensive training, which leads to placement in leadership roles when they are through. Employees who have completed the Six Sigma training are often promoted several job grades to higher paying positions. The *Whitaker* suit alleges that 3M identified employees for the Six Sigma program in a discriminatory manner, disproportionately selecting younger employees over those aged 45 years or older. The suit makes similar claims against 3M's Accelerated Leadership Development Program. "A training program that presumes older workers should not be groomed for management is unfair, illegal and a waste of talent," said AARP attorney Kohrman.

AARP attorneys have become involved in several forced ranking cases over the past few years. In 2001, AARP attorneys were co-counsel in a forced ranking case against Ford Motor Company that ended with a settlement by Ford for \$10.6 million. A similar case against Capitol One in which AARP attorneys were co-counsel was settled in May 2003. Other forced ranking age discrimination cases in which AARP attorneys are co-counsel are pending.

The lawsuit against 3M was filed on December 20, 2004 in Minnesota State Court in Ramsey County on behalf of all salaried employees age 45 or older who have worked at 3M at any time since January 2001 and who have been subjected to 3M's forced ranking system or its Six Sigma leadership selection and training system. Judge Teresa Warner approved the motion of AARP attorneys to appear on April X, 2005.

3M has about 17,000 employees in Minnesota, 13,000 of which are at its Maplewood campus. About 33,000 people are employed by 3M in the U.S. overall.

AARP has 635,000 members in Minnesota and 35 million nationwide. AARP is a nonprofit, nonpartisan membership organization that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. We produce *AARP The Magazine*, published bimonthly; *AARP Bulletin*, our monthly newspaper; *AARP Segunda Juventud*, our bimonthly magazine in Spanish and English; *NRTA Live & Learn*, our quarterly newsletter for 50+ educators; and our website, www.aarp.org. AARP Foundation is our affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

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