U.S. Supreme Court Provides Clarity On Statute Of Limitations In Constructive Discharge Title VII Cases

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In a ruling on May 23, 2016, the United States Supreme Court provided much needed clarity on an issue that had caused a split among federal Circuit courts: when is a claim for constructive discharge under Title VII filed too late? Specifically, the Supreme Court held that the statute of limitations (i.e., a plaintiff's clock for filing a claim) begins to run at the time of the employee's resignation. Prior to the decision, federal courts handled the issue differently. Some courts, like the Seventh, Tenth, and District of Columbia Circuits, applied a test that attempted to look at the "last discriminatory act" experienced by the employee; other courts used the date of the employee's resignation. The problem with the "last discriminatory act" test was that it created ambiguity, because plaintiffs and defendants often disagreed about whether an action was part of the pattern of "discrimination" that resulted in the resignation and ultimate claim. In rejecting the "last discriminatory act" test, the Supreme Court provided clear guidance to both employees and employers about the time limits for filing Title VII constructive discharge claims: the clock begins to run when the employee resigns. While this particular case dealt with a claim brought by a federal civil servant (and, therefore, involved a 45-day statute of limitations), the logic of the case suggests that the ruling would be applied to the 180 and 300-day statutes of limitation contained in Title VII, as well.

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515 North State Street, Suite 2400, Chicago, Illinois 60654 t: 312.467.9800 f: 312.467.9479