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Today, the Supreme Court granted certiorari in *Green v. Donahoe*, No. 14-613, to decide, in the context of a suit brought by a former federal employee, whether the filing period for a constructive-discharge claim begins to run when the employee resigns or when the employer commits the last allegedly discriminatory act leading to the resignation.

Individuals seeking to file employment-discrimination suits under Title VII and most other federal employment-discrimination statutes must first exhaust their administrative remedies. Federal regulations provide that, in a case involving a complaint by an employee of the federal government, a suit is time-barred unless an administrative proceeding is initiated “within 45 days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action.” 29 C.F.R. § 1614.105(a)(1). Private-sector employees must file an administrative charge of discrimination “within [180] days after the alleged unlawful employment practice occurred,” or, if state or local proceedings are also initiated, “within [300] days after the alleged unlawful employment practice occurred, or within [30] days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier.” 42 U.S.C. § 2000e-5(e)(1) (Title VII).

In this case, a former postmaster initiated administrative proceedings alleging that the United States Postal Service forced him to resign by creating unendurably discriminatory work conditions in retaliation for his earlier filing of an administrative claim of race discrimination. He initiated the administrative proceedings 41 days after his resignation, but more than three months after the allegedly discriminatory conduct had ended. The district court held that his claim was time-barred and the Tenth Circuit affirmed, holding that the filing period for a constructive-discharge claim begins to run at the time of the last allegedly discriminatory act leading to the resignation, not at the time of the resignation itself.

According to petition for certiorari, this holding was consistent with the view of two other federal courts of appeals, but inconsistent with the majority view, held by five federal courts of appeals, that the filing period begins to run at the time of resignation.

Assuming that the Court addresses the issue of time-bars generally, as it was presented, and does not limit its holding to federal employees, its decision will be significant to all businesses that are covered by federal employment-discrimination laws. A more narrow decision may be of less interest to the private sector.

Absent extensions, amicus briefs in support of the petitioner will be due on June 18, 2015, and amicus briefs in support of the respondent ) in our Washington office.

will be due on July 20, 2015. Any questions about this case should be directed to Miriam Nemetz (+1 202 263 3253