

Constructive Discharge Case Reaches The U.S. Supreme Court

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While the U.S. Supreme Court is sprinting to the finish line of its current 2014-2015 term at the end of June, the court already is starting to fill its docket of cases for the October 2015 term and a constructive discharge case will be among those heard and decided in the next year. In a nutshell, a constructive discharge claim arises when an employee asserts that an employer made working conditions so intolerable that a reasonable person in the employee's position would feel forced to resign. The case of *Green v. Donahoe*, which will be before the court during its next term, raises a question as to the timeliness of an employee's claim for constructive discharge. The court is being asked to decide whether the filing period for a constructive discharge claim begins to run (1) when the employee quits or (2) at the time of the employer's last discriminatory act giving rise to the resignation. The plaintiff, a postal worker, argued that he was constructively discharged from his position because he was subjected to workplace harassment that forced him to retire. As an employee of a federal agency, he had a 45-day period in which to start the internal administrative process by contacting a postal service EEO counselor. The case is on appeal from the Tenth Circuit Court of Appeals, which affirmed a lower court ruling that the plaintiff's constructive discharge claim was not timely. The plaintiff argued that his time period for taking action started to run when he submitted his retirement decision, but the lower courts decided that because the last alleged discriminatory acts occurred far earlier, plaintiff acted too late. For further details on the facts of the case and an analysis of the circuit split on the issue, you can read the appellate court opinion [here](#). To follow the case as it proceeds in the Supreme Court, visit the [scotusblog page](#).

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