



timing is everything

Jeremy Mittman & Alfredo Ortega
MSK Client Alert

June 24, 2019

Why This Matters

Earlier this month, the U.S. Supreme Court unanimously ruled in *Fort Bend County v. Davis*. The message received loud and clear for **employers** is that timing is everything when it comes to discrimination cases and the use of claim-processing rules, embedded in Title VII, as an affirmative defense. Employers would be well served to 'watch the clock' and avoid losing the opportunity to receive an early dismissal. The Court ruled that federal courts can hear discrimination claims under Title VII of the Civil Rights Act if employers do not timely raise the defense that workers failed to first file a charge with the U.S. Equal Employment Opportunity Commission ("EEOC") or state enforcement agencies, as Title VII requires, before filing suit in federal court. Title VII is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, or religion.

[View Full Alert](#)

attorneys

Jeremy Mittman

practice areas

labor & employment