



# The Disparate Impact of Hiring Practices

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Matt Simpson's article "The Disparate Impact of Hiring Practices" was featured in *The Corporate Counselor* in February 2016.

In a first-of-its-kind decision, the U.S. Court of Appeals for the 11th Circuit deferred to the Equal Employment Opportunity Commission (EEOC) and held that job applicants may bring "disparate impact" claims for age discrimination against potential employers, even in the absence of evidence of intentional discrimination. In *Villarreal v. R.J. Reynolds Tobacco Co.*, 806 F.3d 1288 (11<sup>th</sup> 2015), the court additionally held that the statute of limitations for filing a charge with the EEOC may be tolled in such cases.

This ruling marks departures from the statutory language of the Age Discrimination in Employment Act (ADEA) as well as Supreme Court dicta interpreting the Act. Most importantly, the decision reflects courts' new found willingness to defer to agency interpretation at a time when the federal government continues to advance expansive theories of employment law.

In the article, Matt examines the following topics:

- ADEA Claims
- The ADEA and Disparate Impact Claims
- The 11th Circuit's Decision
- Tolling the Status of Limitations

## Related People

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