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Employment Statutes – Filing Requirements

Statute	Deadline To File With Agency ¹	Deadline To File In Court ¹	Minimum Number of Employees for Statute to Apply	Citations
Federal Law:				
Title VII–Equal Employment Opportunity	300 ² days after the alleged unlawful employment practice	90 days from right to sue or dismissal	15	42 U.S.C. § 2000e
Age Discrimination in Employment Act (ADEA)	300 ² days after the alleged unlawful employment practice	90 days from right to sue or dismissal	20	29 U.S.C. §§ 621-634
Pregnancy Discrimination Act	300 ² days after the alleged unlawful employment practice	90 days from right to sue or dismissal	15	42 U.S.C. § 2000e(k)
Americans with Disabilities Act (ADA)	300 ² days after the alleged unlawful employment practice	90 days from right to sue or dismissal	15	42 U.S.C. § 12101, <i>et seq.</i>
Fair Labor Standards Act/ Wage and Hour Law (FLSA)	N/A	2 years ³ after accrual of cause of action	N/A	29 U.S.C. § 201, <i>et seq.</i>
Family Medical Leave Act (FMLA)	N/A	2 years ³ after accrual of cause of action	50	29 U.S.C. § 2601, <i>et seq.</i>
Equal Pay Act (EPA)	N/A	2 years ³ after accrual of cause of action	N/A	29 U.S.C. § 206 (d), <i>et seq.</i>
Genetic Information Nondiscrimination Act (GINA)	300 ⁴ days after the alleged unlawful employment practice	90 days from right to sue or dismissal	15	42 U.S.C. § 2000ff, <i>et seq.</i>
Uniformed Services Employment and Reemployment Act (USERRA)	N/A	None	N/A	38 U.S.C. § 4301, <i>et seq.</i>
Section 1981	N/A	4 years	N/A	42 U.S.C. § 1981
Pennsylvania:				
Pennsylvania Human Relations Act (PHRA)	180 days after the alleged unlawful employment practice	2 years from discharge or dismissal of case by PHRC	4 ⁵	43 P.S. §§ 951-963
Equal Pay	N/A	2 years	N/A	43 P.S. § 336.1, <i>et seq.</i>
Workers' Compensation	120 days	N/A	N/A	77 P.S. § 1, <i>et seq.</i>
New Jersey:				
Law against Discrimination (LAD)	180 days ⁶ after the alleged discriminatory act	2 years from wrongdoing	N/A	N.J.S.A. 10:5-1, <i>et seq.</i>
Conscientious Employee Protection Act (CEPA)	N/A	1 year	N/A	N.J.S.A. 34:19-1, <i>et seq.</i>
Family Leave Act	180 days ⁶	2 or 6 years ⁷ from wrongdoing	50	N.J.S.A. 34:11B-1, <i>et seq.</i>

(over)

Statute	Deadline To File With Agency ¹	Deadline To File In Court ¹	Minimum Number of Employees for Statute to Apply	Citations
New Jersey (continued):				
Wage and Hour Law	2 years ⁶	2 years	N/A	N.J.S.A. 34:11-56a, <i>et seq.</i>
Wage Payment Act	6 years ⁶	6 years	N/A	N.J.S.A. 34:11-4.1, <i>et seq.</i>
Workers' Comp	2 years of accident or last payment of benefits	2 years for action alleging an "intentional wrong"	N/A	N.J.S.A. 34:15-1, <i>et seq.</i>
Delaware:				
Discrimination in Employment Act	120 days after the alleged unlawful employment practice	90 days from receipt of right to sue notice	4	19 Del. C. §§ 710-718
Handicapped Persons Employment Protections Act	120 days after the alleged unlawful employment practice	90 days from receipt of right to sue notice	15	19 Del. C. §§ 720-728
Minimum Wage Act	275 days (90 calendar days prior to the 1 year court deadline) ⁸	1 year	N/A	19 Del. C. §§ 901-914
Wage Payment and Collection Act	275 days (90 calendar days prior to the 1 year court deadline) ⁸	1 year	N/A	19 Del. C. §§ 1101-1115
Whistleblowers' Protection Act	N/A	3 years from occurrence of alleged violation	N/A	19 Del. C. §§ 1701-1708
Workers' Comp	2 years from date of accidental injury 1 year from knowledge of diagnosis of an occupational disease	2 years from adverse employment action	N/A	19 Del. C. §§ 2301-2397

1 Some exceptions exist. You are advised not to rely on and to confirm these deadlines yourself.

2 300 days if cross-filed with the PHRC or DCR. 180 days if not cross-filed with the PHRC or DCR.

3 The statute of limitations is expanded to three years if the violation is willful.

4 300 days if cross-filed with a state agency. 180 days if not cross-filed with a state agency.

5 A recent Pennsylvania case implied that, contrary to the explicit wording of the statute, employers with fewer than four employees could be subject to the PHRA if the aggrieved employee had no other remedy at law. Weaver v. Harpster, 885 A.2d 1573 (Pa. Super. 2005).

6 There is no administrative exhaustion requirement for alleged violations of this statute.

7 See Menz v. Retailers, No. 96-4703, 1997 U.S. Dist. LEXIS 23163 (D.N.J., Feb. 10, 1997); but see Montells v. Haynes, 133 N.J. 282 (1993).

8 The agency can only accept claims with a monetary value not exceeding \$15,000. Filing a claim with the agency merely assigns that claim to the agency, which will, if warranted, act to collect under the Delaware Code, 19 Del. § 911. Any wages collected by the agency, but not claimed by the employee within 1 year from the date of collection, will be remitted to the State Treasurer.

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*Information current
as of May 2010*