



Employers Can Shorten the Statute of Limitations for Employment Related Claims

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A recent Kentucky case allowed an employer to shorten the five year statute of limitations on employment discrimination claims to one year. The application for employment had a provision that the applicant agreed to bring any claim within one year from the date of the event giving rise to the cause of action, and that the applicant agreed to waive all other statutes of limitation. The employee "checked" a box next to this provision stating that she agreed to it. The court held that under existing Kentucky law two contracting parties are free to shorten the length of a limitations period. Although there are no prior Kentucky cases applying that rule to the employment context, the court found that there was no reason that it should not also apply to an employer and employee. The court also held that any agreed-upon contractual statute of limitation would have to be "reasonable." In this case, the court found that a one year period was reasonable. Thus the court dismissed the employee's complaint, which was filed 18 months after her termination of employment.

There is no downside to employers to attempt to follow suit and amend applications for employment. This will significantly limit liability on employment related claims.