



DEADLINES FOR LEGAL ACTIONS

Is it too late?

AEA Arizona
Education
Association

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ARIZONA LAW

ACTION AGAINST A PUBLIC ENTITY OR PUBLIC EMPLOYEE (including lawsuits against school districts and their employees) within **1 year**. A.R.S. § 12-821

ALSO plaintiffs must file a **NOTICE OF CLAIM** with supporting facts and a specific amount to settle the claim within **180 days**. A.R.S. § 12-821.01

A cause of action accrues when the person “realizes he or she has been damaged and knows or reasonably should know the cause, source, act, event...which caused...the damage.” A.R.S. § 12-821.01(B)

The cause of action does not accrue until there is a final decision issued in a required alternative dispute resolution procedure, administrative claim process, or review process. A.R.S. § 12-821.01(C)

A minor may file a claim within 180 days of becoming 18 years old. An insane or incompetent person may file a claim within **180 days** after the disability ceases. A.R.S. § 12-821.01(D)

TORT – a cause of action arising from damage to person or property including for example, negligence, wrongful death, and medical malpractice — within **2 years**. A.R.S. § 12-542

BREACH OF EMPLOYMENT CONTRACT, wrongful termination, defamation, a liability created by statute within **1 year**. A.R.S. § 12-541

BREACH OF CONTRACT – written contract within **6 years**. A.R.S. § 12-548; oral contract within **3 years**. A.R.S. § 12-543. See above special time limits for actions against a public entity.

WAGE CLAIMS for unpaid wages up to \$5000.00 (filed with the Labor Department of the Arizona Industrial Commission) or, in the alternative, in court with no limit on dollar amounts within **1 year**. A.R.S. § 23-356; A.R.S. §12-541.

WORKERS’ COMPENSATION within **1 year**. A.R.S. § 23-1061(A)

ALSO, the accident must be reported “forthwith” to the employer. A.R.S. § 23-908(E)

ARIZONA CIVIL RIGHTS ACT – employment discrimination based on race, color, religion, national origin, sex, genetic testing, age [40+ only], or disability within **180 days** (filed with the Arizona Civil Rights Division of the Attorney General’s Office). A.R.S. § 41-1481 (**90 days** for lawsuit after right to sue letter).

NOTE: Arizona law against age discrimination applies to employers of 15 or more whereas federal law prohibits age discrimination for employers of 20 or more. The statute of limitations for age discrimination if an employer has 15-19 employees is only 180 days.

The time period before an individual becomes 18 years old or when an individual is mentally incompetent may not count. A.R.S. § 12-502

CRIMINAL PROSECUTIONS SUBJECT TO NO TIME LIMITATION – prosecution for any homicide, Class 2 felony sexual offenses, sexual exploitation of a child, violent sexual assault, act of terrorism or bioterrorism, misuse of public monies, or a felony involving falsification of public records or attempt to commit any of these offenses. A.R.S. § 13-107(A) The time limitation for other criminal offenses depends on the offense. See A.R.S. § 13-107(B).

FEDERAL LAW

TITLE VII OF THE 1964 CIVIL RIGHTS ACT, AGE DISCRIMINATION IN EMPLOYMENT ACT, AMERICANS WITH DISABILITIES ACT – employment discrimination based on race, color, religion, national origin, sex (includes sexual orientation and gender identity), genetic information, age [40+], disability - within **300 days** (filed with the Equal Employment Opportunity Commission). 42 U.S.C. § 2000e-5 (**90 days** for lawsuit after receipt of right to sue letter)

FAIR LABOR STANDARDS ACT for overtime and minimum wage violations within **2 years (3 years if willful)** (filed with U.S. Department of Labor). 29 U.S.C. § 255(a), or in court, 29 U.S.C. § 216.

FAMILY AND MEDICAL LEAVE ACT within **2 years (3 years if willful)** (filed with the U.S. Department of Labor). 29 U.S.C. § 2617(c), or in court, 29 U.S.C. § 2617.

FEDERAL CIVIL RIGHTS STATUTES – 42 U.S.C. §§ 1981 and 1983 within **2 years** (same statute of limitations as personal injury tort – A.R.S. § 12-542).

DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS within **180 days** – enforces several federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, or age in programs that receive federal financial assistance from the Department of Education.



arizonaea.org/helpdesk

(877) 828-1983

A Final Note

For more information and assistance, contact your local association, arizonaaea.org/helpdesk, or your AEA Organizational Consultant.

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This booklet is a general guide for AEA members and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided. To find Arizona statutes on the Internet, go to www.azleg.gov.



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