

COURT REPORT

May 2026



Eleventh Circuit Court of Appeals

ADA – Statute of Limitations

***Plagianes v. Fulton County School District*, 2026 WL 1195531 (11th Cir. May 1, 2026)**

This case involves an employee who was initially on unpaid leave and announced that she would be returning to work upon receiving her second dosage of the COVID-19 vaccine. However, the school system's legal counsel then contacted the employee in April 2021, informing her that she had the option to either resign, medically resign, or be terminated from her school position. The employee informed the system's legal counsel that same month about her decision to medically resign from her job, effective July 31, 2021. On January 5, 2022, the employee filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC). In August 2024, she filed suit against the school district, claiming failure to accommodate and constructive discharge. A magistrate judge dismissed the employee's claims under the Americans with Disabilities Act (ADA) because of the employee's failure to timely file her EEOC charge and the trial court upheld the dismissal. The employee appealed.

On review, the Eleventh Circuit disagreed with the employee's assertions that she timely filed her EEOC charge of discrimination and even if she had not, she was still entitled to equitable tolling. When an alleged discriminatory action is a termination, "the 180-day filing period begins to run from the final decision to terminate the employee because it is the final termination decision rather than actual termination that constitutes the discriminatory action." *Wright v. AmSouth Bancorporation*, 320 F.3d 1198, 1201 (11th Cir. 2003) (citations omitted). Here, the Court found the 180-day period to file an EEOC charge commenced when the school system gave the employee unequivocal notice of termination in April 2021. The Court added that it did not matter if the employee's termination went into effect later that summer of 2021 after she received notice in April. Since the employee did not file her EEOC charge until January 5, 2022, which was more than 180 days after April 2021, the Court found that she failed to timely exhaust her administrative remedies regarding her termination.

The Court was further unpersuaded by the employee's additional contention that she timely filed her EEOC charge under the continuing violation doctrine because she brought her claim as one for constructive discharge. The statute of limitations for a constructive discharge claim begins to run once the employee actually resigns. *Green v. Brennan*, 578 U.S. 554-56 (2016) (citations omitted). Here, the Court highlighted how the 180-day deadline for the employee's constructive discharge claim began on April 12, 2021, the day of the employee's official resignation. The Court concluded that the employee's constructive discharge claim under the continuing violation doctrine failed because she filed her EEOC charge more than 180 days after April 12, 2021. Lastly, the Court did not entertain the employee's claim that she was entitled to equitable tolling because she did not raise the argument before the trial court. The Eleventh Circuit ruled in favor of the school system, finding no error in the trial court's dismissal of the employee's ADA claims for failure to timely file her EEOC charge.

Congressional Districting Plans

Singleton v. Allen, 2026 WL 1469518 (N.D. Ala. May 26, 2026)

A federal three-judge panel in Alabama ordered this year's congressional elections must be conducted using a court drawn map used in 2024 rather than a map created by the Alabama Legislature in 2023. Last year, the panel found evidence that Alabama's legislative map violated the Voting Rights Act by weakening the voting power of black residents by dividing them across congressional districts in a way that prevented them from electing candidates of their choice. On May 11, 2026, the U.S. Supreme Court vacated the 2025 judgment and sent the case back to the lower court to reconsider its decision in light of the Supreme Court's new decision in *Louisiana v. Callais* (2026), which updated the legal standards that apply to Voting Rights Act claims. The federal court reviewed the record once more applying the new standards and reached the same conclusion.

The court rejected arguments that the Legislature's map was based on neutral or partisan considerations, concluding instead that race played a central role in the decision-making process. Due to these findings, the court issued a preliminary injunction requiring Alabama to use the court drawn "Special Master Plan" map for the 2026 elections. The court emphasized that using the existing court approved map would help Alabama's elections run more smoothly and minimize confusion. However, the court made clear that the Alabama Legislature retains the authority to draw a new lawful map for future election cycles. This decision has been appealed to the U.S. Supreme Court.

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