



U.S. Equal Employment Opportunity Commission

Press Release

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Exact Sciences to Pay \$90,000 to Settle EEOC Age Discrimination Lawsuit

Federal Agency Charged That Molecular Diagnostics Company and Its Recruiter Rejected Sales Job Applicant Because of His Age

DENVER – Exact Sciences Corporation, a Madison, Wis.-based molecular diagnostics company, will pay \$90,000 and furnish other relief to settle an age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC’s lawsuit, a third-party recruiter for Exact Sciences rejected a 49-year-old applicant for a sales position. The recruiter told the applicant that he was “overqualified,” and that the company was “looking for someone more junior that can ... stay with the company for years to come.”

The EEOC alleged that this conduct violates the Age Discrimination in Employment Act (ADEA), which prohibits discrimination based on age. The EEOC filed suit in U.S. District Court for the District of Colorado, Equal Employment Opportunity Commission v. Exact Sciences Corporation, Case No.1:23-cv-00817, after first attempting to reach a settlement through its pre-litigation conciliation process. Exact Sciences denies that it violated the ADEA.

Under the consent decree resolving the lawsuit, Exact Sciences will pay \$90,000 in monetary damages to the applicant, implement additional training for hiring managers regarding age discrimination, and ensure any future third-party recruiters are aware of Exact Sciences' policies to prevent age discrimination during the hiring process.

“The ADEA applies to employers who use third-party recruiters to screen job applicants,” said Amy Burkholder, director of the EEOC’s Denver Office. “Recruiters are not free to discriminate based on age, or to refuse hire to applicants over 40 who may be making mid-career job transitions, and often bring valuable prior work experience.”

Mary Jo O’Neill, the EEOC’s Phoenix District regional attorney, said, “The EEOC encourages all employers to hire the best applicants based on job qualifications and not screen any applicants based on cultural stereotypes about older or ‘overqualified’ workers.”

For more information on age discrimination, please visit <https://www.eeoc.gov/age-discrimination> (<https://www.eeoc.gov/age-discrimination>).

The EEOC’s Phoenix District Office has jurisdiction over Arizona, Colorado, Utah, Wyoming and parts of New Mexico.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our [email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).