



**U.S. Equal Employment Opportunity Commission**

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**Press Release**

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# **EEOC Sues Exact Sciences Laboratories for Age Discrimination in Hiring**

**Cologuard Manufacturer Rejected Qualified Applicant It Viewed as Too Old, Federal Agency Charges**

DENVER – Exact Sciences Laboratories, LLC, manufacturer of the Cologuard colon cancer screening test, violated federal law by discriminating against a job applicant based on his age, according to a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC’s lawsuit, John Larkin was interviewed for a professional medical sales representative role in 2018. Afterward, an Exact Sciences recruiting consultant told Larkin he was not selected because the company was seeking “more junior” job applicants. The company then hired a younger candidate instead, although Larkin was qualified for the position. Although Exact Sciences claimed Larkin was not hired because of salary information he provided when asked during his interview, the company then paid the younger person hired more than the amount it claims disqualified Larkin.

This alleged conduct violates the Age Discrimination in Employment Act (ADEA) which prohibits discrimination based on age. The EEOC filed suit in the U.S. District Court for the District of Colorado, *Equal Employment Opportunity Commission v.*

*Exact Sciences Laboratories LLC*, Case No.1:23-cv-00817, after first attempting to reach a settlement through its pre-litigation conciliation process.

“The ADEA requires employers to provide equal opportunities to job applicants 40 and older as they provide to younger applicants,” said Amy Burkholder, director of the EEOC’s Denver Field Office. “Employers 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.”

“Federal courts in age discrimination cases have recognized when employers use words like ‘too senior’ or ‘overqualified,’ to reject a job applicant, that is often just a euphemism for age discrimination, unless those descriptions are based on objective job qualifications,” said Mary Jo O’Neill, the EEOC’s regional attorney for the agency’s Phoenix District. “Employers should hire the best candidates based on job qualifications, not based on cultural stereotypes about older workers.”

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

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information about age discrimination in employment is available at <https://www.eeoc.gov/laws/guidance/fact-sheet-age-discrimination> (<https://www.eeoc.gov/laws/guidance/fact-sheet-age-discrimination>). 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).