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URGENT ACTION ALERT

DATE: April 22, 2008
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, Washington Bureau

NAACP-Supported Anti Wage Discrimination Legislation to Come Before the US Senate as Early as Tomorrow, Wed., April 23

THE ISSUE:

On May 29, 2007, the US Supreme Court handed down a troubling decision in *Ledbetter v. Goodyear Tire and Rubber Co.*, in which the Court held that an action for pay discrimination under Title VII of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, religion, national origin or sex must be brought *within 180 days of the initial discriminatory pay decision*. This means that an individual who is receiving less pay for equal work due to his or her race, ethnic background, gender or age, must file a lawsuit within 180 days of his or her first discriminatory paycheck in order for the suit to be considered by the courts.

This ruling ignores the fact that individuals who are receiving less pay often do not realize that they are being discriminated against in the first three months. Nor does it take into account the fact that oftentimes an individual is able to determine discrimination only after several months (and sometimes even years). Most individual's wages are kept confidential so comparison is often difficult.

To address the errors of the Supreme Court decision (and to reinstitute the original intent of Congress in the 1964 Civil Rights Act), the US House of Representatives passed, on July 31, H.R. 2831, the *Lily Ledbetter Fair Pay Act of 2007* by a bipartisan margin of 225 to 199. Under this legislation, an individual may file a discrimination suit against an employer (or former employer) within 180 days of the end of his or her employment. The Senate is now scheduled to consider companion legislation introduced by Senator Edward Kennedy (MA), S. 1843, possibly as early as Wednesday, April 23, 2008.

We must urge the Senate to pass H.R. 2831 / S. 1843 in order to restore the ability of victims of pay discrimination to obtain effective remedies.

[More...](#)

THE ACTION WE NEED YOU TO TAKE:

Contact both your Senators and **URGE THEM TO SUPPORT LEGISLATION TO RESTORE WORKERS' RIGHTS TO PURSUE REMEDIES AGAINST WAGE DISCRIMINATION.** To contact your Senators you may:

✓ **Make a Phone Call:**

Call your Senators in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators' offices. The switchboard phone number is **(202) 224-3121** (see message section, below).

✓ **Write a Letter**

To write letters to your Senators, send them to:
The Honorable (name of Senator)
U.S. Senate
Washington, D.C. 20540

**A SAMPLE
LETTER IS
ATTACHED**

✓ **Send a Fax**

If you would like to send a fax, call your Senators' offices (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ **Send an E-Mail**

To send an e-mail to your Senators, go to www.senate.gov; click on "*Find Your Senators*". Look up your Senators by state; go to their web sites for e-mail addresses.

REMEMBER TO CONTACT BOTH YOUR SENATORS!!!!

THE MESSAGE

- If not fixed, the Supreme Court's decision in *Ledbetter v. Goodyear Tire and Rubber* will result in American workers being unable to seek remedies for racial or gender discrimination under the 1964 Civil Rights Act.
- It is unreasonable to assume that workers are aware of pay discrimination 180 days after receiving their first pay check; it takes months, and sometimes years, to become aware of pay discrimination in the workplace because most employee's wages are often kept confidential and difficult to compare.
- The legislation passed by the House, and now being considered in the Senate, would reinstate Congress's original intent in the 1964 Civil Rights Act and allow workers to seek a remedy for unfair wage discrimination up to 180 days after leaving their place of employment.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!
If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

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No
time to
mail a
letter!
Call,
fax or
e-mail
today!

Sample Letter

(date)

The Honorable _____
United States Senate
Washington, D.C. 20510

RE: RESTORING WORKERS' RIGHT TO SEEK REMEDIES FOR PAY DISCRIMINATION UNDER THE 1964 CIVIL RIGHTS ACT

Dear Senator _____;

As your constituent, I am writing to urge you to do all you can to see the quick enactment of H.R. 2381 / S. 1843, the *Lily Ledbetter Fair Pay Act of 2007*. This legislation is urgently needed if workers are to be allowed to have adequate access to remedies for pay discrimination as prescribed in the 1964 Civil Rights Act.

This legislation is in response to the Supreme Court's May 2007 ruling in *Ledbetter v. Goodyear Tire and Rubber*. If left as is, the Supreme Court's decision in that case will result in it being much more difficult for workers to address pay discrimination under the 1964 Civil Rights Act. It is unreasonable to assume that workers are aware of discrimination 180 days after receiving their first pay check; it takes months, and sometimes years, to become aware of pay discrimination in the workplace because most employee's wages are often kept confidential and difficult to compare.

The legislation passed by the House, and now being considered in the Senate, would reinstate Congress's original intent in the 1964 Civil Rights Act and allow workers to seek a remedy for pay discrimination up to 180 days after leaving their place of employment. As I said earlier, this legislation is vital in order to restore the ability of victims of pay discrimination to obtain effective remedies.

Thank you in advance for your attention to this matter; I look forward to hearing from you soon to let me know what you intend to do on this matter and what I can do to be helpful.

Sincerely,

(sign and print your name and
remember to include your address)

*Remember to
contact BOTH your
Senators.*