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ISSUE UPDATE

DATE: January 29, 2009
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, Washington Bureau



NAACP–Supported Legislation to Correct a Loophole in Pay Discrimination Passes Congress

THE LILLY LEDBETTER FAIR PAY ACT IS NOW ON ITS WAY TO PRESIDENT OBAMA

THE ISSUE

One of the first acts of legislative business for the Congress was to pass key legislation to combat wage discrimination. This bill, which is a legislative priority for the NAACP, has now passed both the House and the Senate and is on its way to President Obama for his signature. President Obama supported the legislation while a member of the US Senate and has said he will sign the bill when it is presented before him.

On May 29, 2007, the US Supreme Court handed down a reckless 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). The *Lilly Ledbetter Fair Pay Act* addresses the errors of the Supreme Court decision, and reinstates the original intent of Congress in the 1964 Civil Rights Act, by mandating that an individual may file a discrimination suit against an employer (or former employer) within 180 days of the end of his or her employment, thereby restoring the ability of victims of pay discrimination to obtain effective remedies.

The *Lilly Ledbetter Fair Pay Act* will help to remedy the continuing pay gap; for every dollar made by a Caucasian male in the United States today, it is estimated that an African American male makes 79 cents for equal work and a woman makes 77 cents.

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