

President Obama's First Signed Bill, The Lilly Ledbetter Fair Pay Act of 2009, Restores Essential Protection Against Pay Discrimination

The first piece of legislation signed into law by President Obama was the Lilly Ledbetter Fair Pay Act, which reverses a 2007 Supreme Court decision that limited the filing period for wage discrimination claims to 180 days after the discriminatory pay decision was made. Now, employees can count each paycheck after the discriminatory decision as a separate act of discrimination, giving them 180 days after each paycheck to file a claim. So, for example, an employee who can show she was discriminated against five years ago in a pay decision can now file a claim as long as she is still receiving a paycheck affected by that act of discrimination. Further, the Act applies to all forms of pay discrimination, (race, sex, age)

The Fair Pay Restoration Act was passed as a direct response to the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007). In that case, the Court determined that employees have only 180 days to file claims of pay discrimination under Title VII of the Civil Rights Act, and that the time calculation is measured from the date the discriminatory pay decision was made, not the date of the last paycheck. The Supreme Court rejected Ms. Ledbetter's pay discrimination claim because it was not filed within 180 days of any discriminatory decision.

Ms. Ledbetter, alleged that over the course of 20 years she had been given poor evaluations based on her sex, and that these resulted in lower pay raises, so that by the end of her employment, she was making significantly less than her male coworkers. She did not find out about the discrimination until she received an anonymous tip that she was making substantially less than her male coworkers right before her retirement. She filed a charge of discrimination with the Equal Employment Opportunity Commission, alleging that each paycheck should be considered a continuing violation of Title VII. The Court disagreed, finding the act of issuing a paycheck to the employee, by itself, is a nondiscriminatory act, and that the employee should have filed a claim within 180 days of the alleged discriminatory pay decision.

Congress responded to the Supreme Court's decision by immediately proposing a law to extend the filing period for pay discrimination claims after the decision was issued on May 29, 2007. But, it was not until after the Democrats' victories last fall that the Act was finally passed and signed by President Obama. President Obama's decision to proudly sign the Ledbetter Act signals not only more robust protection against pay discrimination, but also the potential for further improvements and expansion to our nation's civil rights laws. As Obama declared in his speech at the Ledbetter signing, the bill sends "a clear message that making our economy work means making sure it works for everybody."