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LILLY LEDBETTER FAIR PAY RESTORATION ACT ("THE ACT")

EFFECTIVE JANUARY 29, 2009

President Obama signed the Lilly Ledbetter Fair Pay Restoration Act ("the Act") into law on January 29, 2009. The Act is named after the plaintiff in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007).

The Equal Pay provisions of Title VII of the Civil Rights Act of 1964 make it an unlawful employment practice to pay one gender less than the other for comparable work. The Supreme Court held in *Ledbetter* that an employee must file an equal pay claim within 180 or 300 days (depending on the State) from the initial act of discrimination—otherwise the case is lost. The Supreme Court rejected the argument that each paycheck is a separate violation that restarts the statute of limitations. Opponents of the Supreme Court's decision claimed it was unfair because workers often do not know what their co-workers are paid, especially since some employers ban them from talking about wages.

The Ledbetter Act undid the Supreme Court's decision. It removes the provision requiring employees seeking equal pay to file a charge within 180 or 300 days of receiving their first unfair paycheck. Employees will now have the right to file a claim within 180 or 300 days of their most recent paycheck. The new Act applies not only to pay discrimination based on gender, but also based on age or disability. The Act states that the prior law was "at odds with the robust application of the civil rights laws that Congress intended."

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