



CLIENT ADVISORY

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**Lilly M. Ledbetter, Petitioner v.
The Goodyear Tire & Rubber Company, Inc.,
Respondent
United States Supreme Court
No. 05-1074
(May 29, 2007)**

The United States Supreme Court affirmed the decision of the Court of Appeals in this case asserting pay discrimination under Title VII. Ledbetter was employed by Goodyear as a manager. Ledbetter claimed that she had been given poor evaluations based on her sex. Since pay raises were tied to these evaluations, Ledbetter also claimed that as a result she was paid less than her male colleagues. The District Court granted summary judgment in favor of Goodyear on several of Ledbetter's claims, including her Equal Pay Act claim, but allowed the Title VII pay discrimination claim to proceed to trial. The jury found for Ledbetter and awarded her back pay and damages.

On appeal, Goodyear contended that Ledbetter's pay discrimination claim was time barred with respect to all pay decisions made prior to September 26, 1997 (180 days prior to filing the EEOC questionnaire). Title VII requires an individual to file a charge with the EEOC within a specified time period (180 or 300 days depending on the State) after the alleged unlawful employment practice occurred. Goodyear claims that no discriminatory act occurred after that date. The Court of Appeals for the Eleventh Circuit reversed the jury's decision, ruling that a Title VII pay discrimination claim cannot be based on any pay decision that occurred prior to the last pay decision that affected the employee's pay during the EEOC charging period.

Ledbetter appealed, asking the Supreme Court to

determine "Whether and under what circumstances a plaintiff may bring an action under Title VII of the Civil Rights Act of 1964 alleging illegal pay discrimination when the disparate pay is received during the statutory limitations period, but is the result of intentionally discriminatory pay decisions that occurred outside the limitations period."

The Court held that the "EEOC charging period is triggered when a discrete unlawful practice takes place. A new violation does not occur, and a new charging period does not commence, upon the occurrence of subsequent non-discriminatory acts that entail adverse effects resulting from the past discrimination." The Court also ruled against Ledbetter's argument that the paychecks received by Ledbetter during the charging period and the denying of a raise violated Title VII and triggered a new EEOC charging period. The Court stated that a Title VII claim is time barred if it is not filed within the limits specified by law, and that any unlawful employment practice, including those involving compensation, must be presented to the EEOC within the period prescribed by statute.

Justice Ginsberg strongly dissented, arguing that Congress never intended discriminatory pay to go unchallenged outside the statutory period because back pay can be awarded for up to two years prior to the time a claim is filed. Both the Senate and the House are also sponsoring measures to enable claimants to sue for continuing violations.

For more information please contact Popovits & Robinson at 708/479-3230.

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