

Pay Discrimination Claims May Be on the Uptick under Lilly Ledbetter Fair Pay Act

The Lilly Ledbetter Fair Pay Act is retroactively effective to May 28, 2007. The Act amends Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), and the ADA to effectively eliminate the limitations period for discriminatory pay claims. Although employees will still be required to file charges of discrimination with the EEOC or state agencies before going to court, the Act provides that the initial charge-filing period restarts each time an employee receives a paycheck reflecting a discriminatory pay practice. This means that an employee who receives a paycheck on February 6, 2009 may file a charge, and later a lawsuit, alleging pay discrimination **regardless of when the decision which created the pay disparity occurred**. Although employees can still recover only up to two years' back pay and other statutory remedies, employers may find defense of such claims daunting, particularly if the original pay decision occurred years earlier.

What should you do to prepare for this change and others that the Obama administration may implement and to deal with the "here and now" on the labor and employment front?

Attend Thompson Coburn's Annual Human Resources Law Conference. We will be discussing the Lilly Ledbetter Fair Pay Act and the latest legislative initiatives and regulations on the labor and employment front on February 24, 2009 at the St. Louis Marriott West. For details regarding the event and to register, go to www.thompsoncoburn.com/hrlaw.

If you have questions regarding the Lilly Ledbetter Fair Pay Act or if you would like assistance in preparing for these impending changes, contact:

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