



US Supreme Court rules pay claims must be filed shortly after discriminatory decision; Ledbetter v Goodyear, 5/29/07

May 29, 2007: In [Ledbetter v. Goodyear Tire & Rubber Company](#), 550 U.S. 618, 128 S. Ct. 2162 (2007) ([FindLaw site opinion](#)), the [United States Supreme Court](#), in a 5-4 decision, issued an important decision in a [sex discrimination](#) case under [Title VII of the Civil Rights Act of 1964](#), which substantially limited the time period available to assert a claim for pay discrimination. The Supreme Court affirmed the decision of the Eleventh Circuit in [Ledbetter v. Goodyear Tire and Rubber Company, Inc.](#), 421 F.3d 1169 (11th Cir. 2005).

Ledbetter's Claims of Sex Discrimination and Lower Pay, and the Trial Result

Ledbetter filed a charge of [sex discrimination](#) with the [EEOC](#) in 1998 and then later in the year retired. She claimed that, years earlier in her career at Goodyear, male supervisors gave her bad performance reviews compared to what men received. She claimed that Goodyear awarded raises based on those performance reviews, so that her pay raises were reduced as a result of the discriminatory performance reviews.

Ledbetter went to trial and persuaded the jury that the performance reviews, years before she filed her [EEOC](#) charge, were discriminatory based on her sex, and the jury found her rights had been violated and awarded her damages based on her lower paychecks throughout her career. The trial judge entered a "judgment" in Ledbetter's favor based on the jury's verdict. So Ledbetter won at trial on her sex discrimination claim under [Title VII](#). The [Eleventh Circuit Court of Appeals](#) threw out the jury verdict and trial court judgment for Ledbetter, and entered a judgment in favor of Goodyear, based on her failure to file her [EEOC](#) charge within 180 days of when the performance reviews had been conducted. The [United States Supreme Court](#) affirmed, meaning that Goodyear won.

The Problem for Ledbetter Under Title VII Limitations Provisions

Here was the problem for Ledbetter: [Title VII of the Civil Rights Act](#), which governs sex discrimination in the workplace under federal law, says that an employee must file a charge of discrimination within 180 days (or, depending on the state, 300 days) after the discrimination occurred about which the employee is complaining. The Courts, in



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examining when the discrimination occurred (for purposes of figuring out when that 180 day "clock" starts to run), have focused on the "discrete" employment "decision" that caused some consequence (usually pay check-related) for the employee. Based on when Ledbetter filed her EEOC charge in 1998, for it to be timely, she had to be complaining about "decisions" which occurred within the 180-day window preceding the charge. But the discriminatory evaluations had occurred years before that, even though the reduced paychecks about which she complained continued into that 180-day window.

US Supreme Court: Ledbetter Loses Because She Didn't File Her Complaint Quick Enough

The US Supreme Court held that, in a situation where a decision (such as a performance review) was made that discriminated against a female employee by paying her less, the employee was required to file a charge of discrimination with the EEOC within 180 days of when the decision was made and communicated to her. That, for Ledbetter, would have been within 180 days after the bad performance reviews were conducted and the results were communicated to her. Since she did not file EEOC her charge until years later, the charge was not timely under Title VII. The consequence is that she loses all rights under the EEOC charge process, and she loses all rights to file suit on the same claims in Court under federal law.

The US Supreme Court's decision was a 5-4 vote that illustrates the ideological divide on the Court. The 5 vote majority consisted of the "conservative"; block on the Court (Alito, Roberts, Scalia, Kennedy, and Thomas), and the 4 vote dissent consisted of the "liberal" block on the Court (Ginsburg, Stevens, Souter, and Breyer).

The Backlash, and Congress Overrules the Supreme Court

The decision got a great deal of press attention, being both praised (Kiplinger Business Resource Center) and condemned (New York Times Editorial). The criticism of the decision generated political movement for Congress to revise the law to undo the decision (NYT editorial and story discussing those efforts). On April 24, 2008, the bill that would have overturned the decision failed to receive the 60 votes required in the Senate to begin consideration of the bill (NYT Article), so the bill died for the time being.

But then after the November 2008 election, where the Democrats gained seats in the Senate, Congress passed, and President Obama signed into law (on January 29, 2009), the Lilly Ledbetter Fair Pay Act (Pub. L. 111-2, sec.1, 123 Stat.5), which overturns the US Supreme Court's decision in Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007). You can review the history of the law on the Library of Congress THOMAS site.

For Supreme Court Groupies

The US Supreme Court's decision in Ledbetter is a good opportunity to study the significance of and controversy generated by the US Supreme Court's decisions. Read the press accounts when the decision was issued from the New York Times and the Washington Post. You can also listen, on the Oyez site, to the oral argument in the case before the Supreme Court, and the announcement at the Supreme Court of the decision and dissent. Or read the transcript of the oral argument. You can also read the briefs in the case at FindLaw.com. Read a summary of the decision in the Harvard Law Review.

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