

# EEOC Claim-Filing Limits Altered by Supreme Court

In-House News:

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## EEOC Claim-Filing Limits Altered by Supreme Court

By Anique Gonzalez

Attention, American corporations: you can now breathe a sigh of relief. The Supreme Court, in a 5-to-4 vote, has drastically altered the landscape of Title VII lawsuits. On May 29, claims that allege discrimination based on gender or race will have their statute of limitations drastically altered; henceforth, the claimant must proceed with legal action, if he or she chooses to do so, within 180 days of the alleged incident. Previously, a claimant had to act within 180 days of his or her last paycheck.

The case, *Ledbetter v. Goodyear Tire Rubber Co.*, involved a manager of a Goodyear plant in Atlanta, Lilly Ledbetter, who alleged that her pay was significantly less than that of her male counterparts specifically because she was female. After filing suit in 1999, a federal court for the Northern District of Alabama found in her favor and awarded her \$223,000 in retroactive pay, as she was hired nearly 20 years before, as well as \$3 million in damages.

After the verdict, Goodyear Tire Rubber Co. filed an appeal with the 11th Circuit Court of Appeals citing that the time frame in which Ledbetter could file a claim had passed. The appeals court agreed with Goodyear, as did the Supreme Court in a subsequent ruling.

Responding to the ruling by the Supreme Court, Karen Harrod, the executive director of the National Federation of Independent Business Legal Foundation, said in a statement, "We are thrilled with the Ledbetter decision. Allowing an employee to wait years before they file a disparate pay claim is simply unfair to the defendant business." In the future, the ruling will help businesses better defend themselves against such claims, especially because it will help prevent suits that name individuals who no longer work for the companies in question.

Opponents of the ruling, however, maintain that the decision will make claims more complicated, as it will force employees to "complain early and complain often" so that they do not miss the deadline. Kevin Russell, principal of Washington, DC-based Howe & Russell and Ledbetter's attorney, said the decision "ultimately will not serve well the interests of anyone, employers and the [Equal Employment Opportunity Commission] included."

Justice Samuel Alito, Jr., had this to say in support of the majority: "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 nondiscriminatory acts that entail adverse effects resulting from the past discrimination."

Alito acknowledged that the revised deadline for claims had two sources—precedents from other courts as well as Congress, which sought a quicker turnaround time for discrimination claims.

"The Court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination," Justice Ruth Bader Ginsburg said on behalf of the minority. Ginsburg explained that women who have just entered

the workforce probably do not know the salaries of their male coworkers or may be reluctant to complain even if they notice an obvious discrepancy in pay. Moreover, over the course of several years, or decades, that discrepancy will grow exponentially, and if a woman does not discover that she was discriminated against until then, she will be unable to take action. Ginsburg added, "Only over time is there strong cause to suspect that discrimination is at work."

## **On the Net**

Title VII of the Civil Rights Act of 1964

[www.eeoc.gov/policy/vii.html](http://www.eeoc.gov/policy/vii.html)

Goodyear Tire Rubber Co.

[www.goodyear.com](http://www.goodyear.com)

National Federation of Independent Business

[www.nfib.com](http://www.nfib.com)