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CO-SPONSOR S. 1843, The Fair Pay Restoration Act RESTORE EFFECTIVE REMEDIES FOR WORKPLACE DISCRIMINATION

August 20, 2007

Dear Senator:

On behalf of the Leadership Conference on Civil Rights, the nation's oldest, largest and most diverse civil and human rights coalition, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups, and the other organizations indicated below, we urge you to co-sponsor the Fair Pay Restoration Act of 2007 (S. 1843) to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

S. 1843, whose companion measure, H.R. 2831, passed the House of Representatives July 31, is necessary to ensure that victims of workplace discrimination receive effective remedies. Title VII requires individuals to file complaints of pay discrimination within 180 days of "the alleged unlawful employment practice." In *Ledbetter v. Goodyear Tire & Rubber*, decided on May 29, 2007, the Supreme Court held that the 180 day statute of limitations should be calculated from the day a pay decision is made, rather than from when the employee is subject to that decision or injured by it. The Court's decision in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights. Moreover, it has implications beyond Title VII, including for pay discrimination claims brought under the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it.

As Justice Ginsburg pointed out in her dissent in *Ledbetter*, Congress has stepped in on other occasions to correct the Court's cramped interpretation of Title VII. The Civil Rights Act of 1991 overturned several Supreme Court decisions that eroded the power of Title VII. As Justice Ginsburg sees it, "[o]nce again, the ball is in Congress' court." We agree and urge you to act expeditiously and reaffirm that civil rights laws have effective remedies.

Thank you for your time and attention to this important matter. If you have any questions, please feel free to contact Julie Fernandes, LCCR Senior Counsel, at (202) 263- 2856 or Fernandes@civilrights.org.



Sincerely,

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