



Leadership Conference on Civil Rights

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January 6, 2009

Support the Lilly Ledbetter Fair Pay Act (H.R. 11) and the Paycheck Fairness Act (H.R. 12)

Dear Representative:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, representing nearly 200 member organizations, we urge you to support the Lilly Ledbetter Fair Pay Act (H.R. 11), and the Paycheck Fairness Act (H.R. 12) when they are voted on in the House this week, and to reject a motion to recommit either bill.

In today's economic climate, working families are struggling to make ends meet. Women and minorities in particular are often forced to raise their families on incomes lower than those of colleagues performing the same jobs. These two bills will help ensure that women and minority workers are not shortchanged, thus promoting stable family incomes and preventing the kinds of home foreclosures and credit defaults that precipitated the current recession.

The Lilly Ledbetter Fair Pay Act, which passed the House of Representatives in the 110th Congress on July 31, 2007 by a 225-199 margin, will ensure that victims of workplace discrimination are able to remedy the harm done to them. The Supreme Court, in its May 29, 2007 *Ledbetter v. Goodyear Tire & Rubber* decision, upended decades of paycheck discrimination precedent. The Court held that the 180-day statute of limitations for paycheck discrimination claims under Title VII should be calculated from the day a pay decision is made, rather than from when the employee is subject to or injured by the decision, such as when he or she received the most recent paycheck. As a result, victims who did not learn of their discrimination until well after the date their pay rate was set were left without recourse. The *Ledbetter* decision affected a wide range of discrimination claims, including not only Title VII claims based on race, gender, and religion, but also claims based on disability and age. The Lilly Ledbetter Fair Pay Act will reinstate the old rule, allowing workers to pursue a claim within 180 days of their last paycheck.

The Paycheck Fairness Act, which passed in the House on July 31, 2008 by a 247-178 margin, updates the Equal Pay Act (EPA). Loopholes in the EPA have diluted its effectiveness in combating unfair and unequal pay. Indeed, while the EPA has helped to narrow the wage gap between men and women in our workforce, significant disparities remain and need to be addressed. The Paycheck Fairness Act ensures that women can obtain the same remedies for sex-based pay discrimination as those awarded to individuals who suffer discrimination based on race and national origin; eliminates unfair defenses to pay discrimination currently available to employers; prohibits employers

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from retaliating against employees who disclose or discuss their salaries; improves wage data collection; and makes clear that individuals may compare themselves to similarly situated employees to determine whether wage discrimination exists, even if those employees do not work in the same physical location.

We urge you to support economic security for working families by voting for the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act, and against any motion to recommit. Please contact Paul Edenfield, LCCR Counsel and Policy Analyst at 202-263-2852, or Nancy Zirkin at 202-263-2880, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wade Henderson', with a long horizontal flourish extending to the right.

Wade Henderson
President & CEO

A handwritten signature in black ink, appearing to read 'Nancy Zirkin', with a long horizontal flourish extending to the right.

Nancy Zirkin
Executive Vice President