

May 29, 2007

Justices Limit Discrimination Suits Over Pay

By [DAVID STOUT](#)

WASHINGTON, May 29 — The Supreme Court ruled today, in a case of considerable interest to companies and workers alike, that employers are protected from lawsuits over pay discrimination linked to gender or race when the claims are based on decisions made or acts committed by the employer years ago.

Voting 5 to 4 after apparently heated deliberations, the justices found in favor of the Goodyear Tire and Rubber Company and against Lilly M. Ledbetter, who worked for 19 years at the company's plant in Gadsden, Ala., and was paid substantially less than men doing work at the same level.

The majority found against Ms. Ledbetter, saying she could not show that there had been intentional discrimination in the 180-day period before she complained to the [Equal Employment Opportunity Commission](#) in March 1998, shortly after she retired from the company following an unwanted transfer.

Goodyear's argument that federal law protected the company from claims concerning discrimination that occurred before Sept. 26, 1997 — or 180 days before Ms. Ledbetter filed her complaint — was upheld.

Today's ruling affirmed a decision by the United States Court of Appeals for the 11th Circuit, in Atlanta, which overturned a Federal District Court jury's award to Ms. Ledbetter. The jury had awarded her more than \$3 million in back pay and compensatory and punitive damages, but the judge lowered the amount to \$360,000 because of limits imposed by Title VII of the Civil Rights Act of 1964.

The high court's majority rejected the position taken by other federal appeals courts and by the commission that the "paycheck accrual rule" should be followed, meaning that each pay period that fails to correct past discrimination should be regarded as a new incident of discrimination.

Justice [Samuel A. Alito Jr.](#), writing for the majority, said that "current effects alone cannot breathe life into prior, uncharged discrimination."

"Ledbetter should have filed an E.E.O.C. charge within 180 days after each allegedly discriminatory pay decision was made and communicated to her," Justice Alito wrote. "She did not do so, and the paychecks that were issued to her during the 180 days prior to the filing of her E.E.O.C. charge do not provide a basis for overcoming that prior failure."

Alluding to an earlier Supreme Court ruling, Justice Alito conceded that the 180-day deadline is "short by any measure." But he went on, "This short deadline reflects Congress's strong preference for the prompt

resolution of employment discrimination allegations through voluntary conciliation and cooperation.”
Joining Justice Alito were Chief Justice [John G. Roberts Jr.](#) and Justices [Antonin Scalia](#), [Clarence Thomas](#) and [Anthony M. Kennedy](#).

The Bush administration had entered the case on Goodyear’s behalf. The case, *Ledbetter v. Goodyear Tire and Rubber Company*, No. 05-1074, was argued on Nov. 27.

Neal D. Mollen, an employment-law attorney in Washington who filed a brief backing Goodyear on behalf of the United States Chamber of Commerce, told Bloomberg News that today’s ruling has “great importance for employers.”

Michael Harper, a [Boston University](#) law professor who is an expert on labor and employment law, called the decision “definitely wrong from the point of view of policy” but “fully defensible” in view of the prior cases cited by the majority. “Congress had an opportunity to get this issue correct when it amended the statute in 1991, and some legislative history suggests the drafters of the 1991 amendments thought that they did so,” Mr. Harper said. “But they drafted the relevant amendment in a way that obscured that intent, and allowed the majority to issue this decision. To me, the case presents another lesson in the cost of poor legislative drafting.”

Justice [Ruth Bader Ginsburg](#) read part of her dissent aloud (an unmistakable sign of anger), and the tone of her opinion showed how bitterly she differed with the majority. She asserted that the effects of pay discrimination can be relatively small at first, then become far more serious as subsequent raises are based on the original low pay, and that instances of pay inequities ought to be treated differently from other acts of discrimination. For one thing, she said, pay discrimination is often not uncovered until long after the fact.

The majority’s holding, she said, “is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure.” She said the majority “does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination.”

“This is not the first time the Court has ordered a cramped interpretation of Title VII, incompatible with the statute’s broad remedial purpose,” she wrote. Her dissent was joined by Justices [John Paul Stevens](#), [David H. Souter](#) and [Stephen G. Breyer](#).

“Once again, the ball is in Congress’s court,” Justice Ginsburg wrote, expressing the hope that the lawmakers “may act to correct this parsimonious reading of Title VII.”

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