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Memo:The best of the blogs
bluegrass law

law helps workers recover fair pay *ROBERT ABELL*

The Lilly Ledbetter Fair Pay Act became law on Jan. 29, the first bill signed into law by President Obama. This law restores the ability of women and of all workers who have been unfairly and wrongly underpaid because of discrimination to recover the fair pay they have earned.

Lilly Ledbetter worked as an area supervisor for Goodyear in Alabama, the only woman out of 15 area supervisors. After nearly 20 years of good and productive work, she learned that she was being paid from \$500 to \$1,500 less per month than all her male counterparts, including a number with lesser seniority and a number whom she outperformed according to Goodyear's own criteria. She filed suit, a jury ruled that gender discrimination was the basis for her being underpaid and she was awarded some \$250,000 of wages she had rightfully and fairly earned.

But the Supreme Court took it away, ruling 5-4 in 2007 that Ledbetter could recover only that lesser pay that occurred within the last six months of her employment.

Goodyear, like many employers - studies have shown that one-third of private sector employers prohibit employees from discussing their pay - kept a tight lid on salary and pay information. As a result, Ledbetter, despite her undeniable qualifications and hard work, was grossly underpaid in comparison to her male counterparts for many years. Only when she found out what had been done to her did she file suit. But the Supreme Court ruled that no matter what, she had waited too late.

The Lilly Ledbetter Fair Pay Act injects the practical realism that the Supreme Court's decision ignored. The law provides that the time to file a claim of discrimination is renewed each time an employee receives a pay check that violates the fair pay requirement.

It recognizes that most employees will not easily learn that their pay is not compliant with fair pay laws because of pay secrecy rules. It also recognizes that an employer should not get away with unlawful discrimination just because it succeeded for a long time in hiding it. President Obama, at the ceremony for the bill's signing, remarked that studies show that women earn about 78 cents for every dollar that men earn and that the law's point was everyday fairness.

So signing this bill sends a clear message - that making our economy work means making sure it works for everybody.