

Lilly Ledbetter Fair Pay Restoration Act (“the Act”)

January 30, 2009

President Obama signed the Lilly Ledbetter Fair Pay Restoration Act (“the Act”) into law on January 29, 2009. The Act is named after the plaintiff in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007).

The Equal Pay provisions of Title VII of the Civil Rights Act of 1964 make it an unlawful employment practice to pay one gender less than the other for comparable work. The Supreme Court held in *Ledbetter* that an employee must file an equal pay claim within 180 or 300 days (depending on the State) from the initial act of discrimination—otherwise the case is lost. The Supreme Court rejected the argument that each paycheck is a separate violation that restarts the statute of limitations. Opponents of the Supreme Court’s decision claimed it was unfair because workers often do not know what their co-workers are paid, especially since some employers ban them from talking about wages.

The Ledbetter Act undid the Supreme Court’s decision. It removes the provision requiring employees seeking equal pay to file a charge within 180 or 300 days of receiving their first unfair paycheck. Employees will now have the right to file a claim within 180 or 300 days of their most recent paycheck. The new Act applies not only to pay discrimination based on gender, but also based on age or disability. The Act states that the prior law was “at odds with the robust application of the civil rights laws that Congress intended.”

Authored By



James R. Wiley



Allison Oasis Kahn

Related Practices

[Labor & Employment](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.