RBG's Greatest Hits

"Don't be distracted by emotions like anger, envy, resentment.
These just zap energy and waste time."

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Tracie L. Lopardi, Esq.
(716) 200-5128
TLopardi@HarrisBeach.com

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Ledbetter v. Goodyear Tire & Rubber Co.

550 U.S. 618 (2007)

Background

- Lilly Ledbetter worked for Goodyear Tire and Rubber Company as a supervisor at its Gadsden, Alabama plant for 19 years, from 1979 until 1998

- For most of these years, she was employed as an area manager, a predominantly male job classification.

- Ledbetter alleged that although initially her compensation was comparable to that of male managers performing similar work, over time, a substantial pay gap emerged as she received smaller raises due to allegedly discriminatory performance evaluations, which were used to determine the amount of managers' raises.

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Background (con't)

- By 1997, Ledbetter was the only woman employed as an area manager along with 15 men, and was the lowest paid in this position. At that time, she earned $3,727 per month. The next lowest paid (male) employee was paid $4,286 per month, and the highest paid (male) area manager received $5,236 per month.

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Background (con't)

- Filed an EEOC Charge

- Federal District Court
  - SJ in favor of Goodyear on many claims
  - Jury: back pay and damages in excess of $3 million
  - Trial Judge: reduced it to $360,000!

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Background (Con't)

- U.S. Court of Appeals for the 11th Circuit
  - Goodyear appealed
  - District Court decision reversed

Writ of Certiorari Filed

- Review the question:

  - Whether and under what circumstances a plaintiff may bring an action under Title VII of the Civil Rights Act of 1964 alleging illegal pay discrimination when the disparate pay is received during the statutory limitations period, but is the result of intentionally discriminatory pay decisions that occurred outside the limitations period?

Crux of the holding – Majority Decision

- 5-4 decision affirmed 11th Circuit (for Goodyear)

- ***Because the later effects of past discrimination do not restart the clock for filing an EEOC charge, Ledbetter's claim is untimely.***

- Pay setting decisions are discrete employment events

- As such must be filed with the federal or state statute of limitations (EEOC – 300/NYS – 180 days, at that time) of the adverse pay-setting decision

- Insulate employers from being forced to defend "stale" pay discrimination claims and save employers years of back pay in pay discrimination suits.

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Dissent

- Stood Up and Delivered Orally from the Bench

- Criticized Majority for failing to recognize reality→

"The Court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination."

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Dissent (con't)

- "Comparative pay information … is often hidden from the employee's view. Employers may keep under wraps the pay differentials maintained among supervisors, no less the reason for those differentials.
- "Though component acts fell outside the charge-filing period, with each new paycheck, Goodyear contributed incrementally to the accumulating harm."
- "The ball is in Congress' court…the Legislature may act to correct this Court."

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Effect of Decision – Initially….

- Pressuring employees to file EEOC charges asap

- Employers forced to litigate a greater number of pay discrimination suits

- Focus on other avenues such as Equal Pay Act

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Ledbetter's Grass-Roots Campaign: The Impact

- She was motivated by Ginsberg
- Two long years she campaigned to pass the Lilly Ledbetter Fair Pay Restoration Act
- 2009: signed into law
- 2017: froze equal pay rule
  - would have been effective in 2018
- 2021: Paycheck Fairness Act reintroduced into Congress

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What about in New York State?

- A few states, including NY, amended equal pay laws

- New York's Equal Pay Act

- Amended in 2019

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Ledbetter and Ginsberg

- May not have known how their works and actions would change the world

   BUT

- They knew how to say no and how to work for decades against the odds

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THANK YOU!

(may we all have insight from
***Notorious RBG*)**

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