



# The Lilly Ledbetter Act, the Indiana Civil Rights Commission and You

Akia A. Haynes, Esq.  
Deputy Director  
Indiana Civil Rights Commission  
February 6, 2013





# Background

- **Ledbetter v. Goodyear Tire & Rubber Co.**
  - Ledbetter filed suit under Title VII alleging that she was paid upwards of 40% less than the lowest male supervisor
  - Lower Court prevailed with punitive damages
    - Company had a history of underpaying female supervisors and excluding women from management positions





# Background-cont.

- **11<sup>th</sup> Circuit Court of Appeals-REVERSED**

- Held that an employee had to challenge the discriminatory pay decision within the statute of limitations period (180 days/300 days)
- In English: Employee has to file Title VII claim within 180\* days of employer's "unlawful employment practice" aka, within 180 of employer's decision to intentionally pay an employee less because of gender

- **US Supreme Court (550 US 618 (2007))**

- Upheld decision even though Ledbetter continued to receive lower pay for the rest of her career at Goodyear

\*300 day statute of limitations applies if complaint initially filed with a state or local civil rights agency)





# The law from 2007-2009

- **After Supreme Court decision, Justice Ginsburg said it best:**
  - An annual pay decision not contested immediately (within 180 days)..becomes grandfathered..beyond the province of Title VII ever to repair.”
  - So even if you found out about the discriminatory practice AFTER 180 days, you were barred from filing a claim





# 2009: The Lilly Ledbetter Fair Pay Act (42 USC 2000e-5(e))

- **Redefined statute of limitations under Title VII (ADEA, ADA, and Rehabilitation ACT) to include:**
  - “When a discriminatory compensation decision or other practice is adopted.” (announced)
  - “When an individual becomes subject to a discriminatory compensation decision or other practice.” (implemented and applied)
  - “When an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or part from such a decision or other practice.” (affected)







# “Entitlement to Back Pay”

- **Aggrieved employees can recover “back pay for up to two years pending the filing of the charge...”**

Backpay\*

=

What an employee should have been paid


-

What an employee was paid

\* For two years preceding filing the charge of discrimination. A charge filed on Jan. 1, 2013 can receive back pay from Jan. 1, 2011 through the date of the verdict.

- Prior to the Act, backpay was limited to 180 days from the last act of discrimination.





Where does the  
Indiana Civil Rights  
Commission come in?





# Mission

The Indiana Civil Rights Commission enforces the Indiana civil rights laws and provides education and outreach to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana.







# Agency Functions

## Investigation

- State's enforcement agency for Indiana civil rights laws
- Receive claims of discrimination
- Fully investigate, litigate and provide legally-binding decisions

## Education

- Provide education and outreach to prevent discrimination
- Conduct workshops, events, seminars, public service announcements, etc.





# Complaint Process

- **Any person** who feels they have been ***denied rights*** under the civil rights laws, or ***faced illegal discrimination***, may file a complaint with the ICRC.
- The process can start:
  - in person
  - by phone
  - fax
  - mail
  - completing the on-line inquiry form on our website





# Contact Us

## Indiana Civil Rights Commission

100 North Senate Avenue, Room N103

Indianapolis, Indiana 46204

(800) 628-2909

<http://www.in.gov/icrc>

