

## OVERVIEW OF THE LEDBETTER FAIR PAY ACT H.R. 2831

	Ledbetter v. Goodyear Tire & Rubber Co. Decision & Current Law	H.R. 2831 Fair Pay Act
<b>Filing Periods</b>	Reaffirms that the time period (statute of limitations) an employee has to file a charge of discrimination, including pay discrimination against an employer, is 300 or 180 days from the time of the alleged discriminatory act.	Effectively eliminates all time requirements for filing a claim involving allegations of pay discrimination or <i>any</i> "other practice" of alleged discrimination. Permits pay discrimination claims to be brought within 300 or 180 days of receiving <i>any</i> paycheck or pension disbursement no matter how far in the past the underlying act of discrimination allegedly occurred.
<b>Timely Remedies</b>	Reaffirms federal anti-discrimination policy that prompt reporting requirements are necessary to quickly address allegations of employer discrimination.	Allows for an unlimited filing period for employees, which would result in charges to be filed long after the discrimination occurs and make effective claim resolution much more difficult.  Burdens the judicial system with having to deal with cases in which the search for truth may be seriously impaired by the loss of evidence, whether by death or disappearance of witnesses, fading memories, disappearance of documents or otherwise.
<b>Covered Individuals</b>	All federal anti-discrimination laws permit only employees or job applicants who are subject to discrimination to sue an employer or potential employer for unlawful discrimination.	Anyone who was "affected by" the alleged employee discrimination such as family members or friends of an employee could possibly sue the employer.
<b>Definition of a Discriminatory Act</b>	Reiterates that the mere act of issuing paychecks is not a discriminatory act. A discriminatory act is the actual discriminatory decision such as the denial of a raise.	Imposes an unrestrained "paycheck" rule which re-starts the clock each time an individual receives a paycheck or pension disbursement that reflects an alleged discriminatory decision made in the past.  For the first time, includes "Benefits" and "Other Compensation" to extend the time to file discrimination charges by decades as long as the alleged discrimination arguably affected paychecks, pensions or other benefits.
<b>Effective Remedies</b>	Courts routinely apply the accepted and long standing doctrines of equitable tolling, estoppel or waiver to give individuals additional time to file discrimination charges in instances where the evidence of the discrimination could not have been reasonably known.	Goes far beyond endorsing the flexibility that already exists in current law by effectively eliminating the statutes of limitation under all federal anti-discrimination laws.  Permits individuals with full knowledge of alleged discriminatory acts to wait years or even decades before filing a claim provided they could point to a paycheck, retirement benefit, or other benefits received the previous 300 or 180 days.