

Lilly Ledbetter Fair Pay Act: Preparing For and Defending Against Pay Discrimination Claims

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Lilly Ledbetter Fair Pay Act

- Amends Title VII, the ADEA, the ADA, and the Rehabilitation Act
- Charge timely if filed within 300 days after employee is “affected by” discriminatory pay decision or other practice
- Eviscerates statute of limitations for pay claims; two-year limit on back pay



Lilly Ledbetter Fair Pay Act

- Retroactivity – May 28, 2007
- Likely impact
 - Significant in class action context
 - More workplace discussion of pay issues



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- Recommendations
 - Holistic privileged review of compensation practices
 - Focus on areas of managerial discretion
 - Privileged analyses of pay
 - Base pay analysis
 - “Real-time” analysis of pay change decisions
 - Expand data capture - electronic

