

Support the Fair Pay Restoration Act (S. 1843)

September 13, 2007

Dear Senator:

On behalf of the 100,000 bipartisan members of the American Association of University Women, AAUW urges you to **cosponsor the Fair Pay Restoration Act (S. 1843)**. In the wake of the U.S. Supreme Court's decision, AAUW believes now is the time to strengthen all pay discrimination laws, and this bill is a good step in that direction. In actively and quickly addressing the Court's misstep in *Ledbetter*, Congress can demonstrate its resolve to reduce pay discrimination and clarify its intent within the current statute, providing needed guidance to the courts in the process.

The Supreme Court's decision in *Ledbetter v. Goodyear* severely limits the ability of victims of pay discrimination to sue under Title VII. AAUW believes this decision is inconsistent with Congressional intent and the Court's own precedents. Under this new rule, employers are immunized from accountability for their discrimination once 180 days have passed. AAUW believes the Court's decision ignores the realities of today's workplace; employees generally don't know enough about what co-workers earn or how pay decisions are made to file a complaint precisely when a discriminatory pay decision is made. The *Ledbetter* decision also reversed the Equal Employment Opportunity Commission's longstanding position that repeated payments of discriminatory paychecks can be challenged as long as one discriminatory payment occurred within the charge filing period.

AAUW is pleased that Congress is moving swiftly to address this conceptually wrongheaded decision with a legislative fix. The Fair Pay Restoration Act (S. 1843), which was introduced by Senator Edward Kennedy (D-MA), will simply restore the law to how it was applied by the EEOC and the courts prior to the *Ledbetter* decision. It amends Title VII to clarify that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it. Ironically, this rule was not something that businesses had been clamoring to change – the new rule is instead an unexpected gift that makes it much more difficult for victims of discrimination to vindicate their rights and hold employers accountable for their actions.

According to the U.S. Census Bureau, women who work full time, earn, on average, only 77 cents for every dollar men earn.¹ The figures are even worse for women of color. AAUW's recent report, *Behind the Pay Gap*, controlled for factors known to affect earnings such as education and training, parenthood and hours worked, and found that college-educated women still earn five percent less than men one year out of college and 12 percent less than men 10 years out of college.² These findings suggest that sex discrimination not only continues to be a problem in the workplace, but that it affects the incomes of even the most educated women and affects them immediately out of college.

AAUW has been fighting for equal pay for American women since 1913, and believes that equal pay for equal work is a simple matter of justice. We urge you to **cosponsor the Fair Pay Restoration Act (S. 1843)**. To become a cosponsor contact Sharon Block (Sharon_Block@help.senate.gov or 202/224-5441) at the Committee on Health, Education, Labor and Pensions. If you have any questions, please do not hesitate to contact me at 202/785-7793, or Tracy Sherman, government relations manager, at 202/785-7730.

Sincerely,



Lisa M. Maatz
Director, Public Policy and Government Relations

¹ U.S. Census Bureau and the Bureau of Labor and Statistics. August 2006. Annual Demographic Survey. http://pubdb3.census.gov/macro/032006/perinc/new05_000.htm Accessed January 16, 2007.

² AAUW Educational Foundation. *Behind the Pay Gap*, 11. April 23, 2007.