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**CLIENT ADVISORY**

**UNITED STATES SUPREME COURT DECISION ON EEOC  
FILING DEADLINES FOR ALLEGED DISCRIMINATION IN PAY**

On May 29, 2007, the United States Supreme Court handed down a decision concerning the deadline for filing a charge for discriminatory pay-setting decisions. *Ledbetter v. Goodyear Tire & Rubber Co., Inc.* (U.S. No. 05-1074 5/29/07). Justice Alito, writing for the majority, held that an employee has 180 or 300 days (depending on the State) from the date of the alleged unlawful employment practice in which to file a charge with the Equal Employment Opportunity Commission.

The Court, in a 5 to 4 decision, rejected Ledbetter's argument that each paycheck which reflected an implementation of an allegedly discriminatory pay-setting decision constituted a new violation of Title VII and, therefore, allowed an employee to sue on that decision. Any difference in pay which is allegedly the result of a decision made before the commencement of the EEOC charging period is not actionable. In making its decision, the Court pointed to two aims of statutes of limitations, repose for potential employer-defendants and assurance that evidence would be preserved. The Court explained that evidence relating to an employer's alleged intentional discrimination in pay-setting is likely to fade quickly.

Justice Ginsberg's dissent urged Congress to correct what she sees as the Court's misinterpretation of Title VII. According to an article in the May 30, 2007 *New York Times*, Senator Clinton of New York intends to submit a bill which would overturn the Court's decision in *Ledbetter*.

Please feel free to contact us with any questions.