

## **BIS Records Control ALERT**

*This should be shared with your Human Resources Management*

### ***Lilly Ledbetter Fair Pay Act***



#### **What is the Lilly Ledbetter Fair Pay Act of 2009?**

This legislation is an amendment to the Civil Rights Act of 1964 passed as a result of the U.S. Supreme Court's decision in *Ledbetter vs. Goodyear Tire & Rubber Co.* **This Act restarts the 180-day statute of limitations** for complaints to Equal Employment Opportunity Commission (EEOC) alleging pay discrimination each time a new "discriminatory" paycheck is issued.

#### **What does the Act do?**

Retroactively effective to May 28, 2007, the Act holds that discriminatory pay decisions reoccur **each time** wages, benefits, or other compensation are paid. Therefore the 180-day time period (300 days if charges are also covered by state or local anti-discrimination laws) for employees to file EEOC charges against their employers is restarted **each time** employees are paid.

#### **How does the Act affect you?**

Following the passage of the Act, the EEOC announced it intends to **enhance enforcement** in the area of pay discrimination. As of January 2009, the EEOC received upwards of 5,000 wage bias complaints per year. **The Lilly Ledbetter Act is expected to increase the number of EEOC actions against Employers.**

#### **What should you do?**

Certainly you should consult with your human resources legal specialist. It is likely they will recommend that you revise your records disposal practices to account for the virtually indefinite period during which actions can be filed under the act. **Employers should plan to retain pay-related records indefinitely.** Employers should consider imaging pay-related employee records dating from May 28, 2007, to make them more accessible should they become the subject of actions filed under the Act.

*In addition to imaging and hardcopy document storage, BIS also offers secure document disposal (shredding and recycling), computer hardware disposal, and computer data backup and rotation.*