

January 29, 2009

Ledbetter Fair Pay Restoration Act Becomes Law

President Obama has signed into law The [Lily Ledbetter Fair Pay Restoration Act](#), overturning a U.S. Supreme Court decision, [Ledbetter v. Goodyear Rubber & Tire Co., Inc.](#), that put limits on how long an employee could wait to sue over pay discrimination. The bill is the first that Mr. Obama has signed since taking office last week. The new law makes it easier for employees to bring pay bias complaints, by specifying that an unlawful employment practice occurs – and the time for filing a charge restarts – each time an employee receives a paycheck that stems from a discriminatory pay decision, regardless of how long ago that decision was made. The Supreme Court had ruled that the statute of limitations began running from the date of the pay-setting decision, and that each new paycheck did not trigger a new charge-filing period.

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We'll have more details on this decision and its impact for employers in our February 12, 2009, Employment Law Update web seminar, "Discrimination and Sexual Harassment: Trends, Recent Developments and Training Requirements."

E-Verify Postponed to May 2009

Last month we alerted clients that U.S. Citizenship and Immigration Services (USCIS) had delayed to February 20, 2009, implementation of a rule requiring federal contractors to use E-Verify. The original effective date was January 15. Now the rule has been postponed again, this time to May 21, 2009, to give the Obama administration time to review the E-Verify mandate. Miller Law Group will keep you posted on further developments. Information about E-Verify is available on the [USCIS website](#).

High Court Expands Employee Retaliation Protections

In a new ruling, [Crawford v. Metropolitan Gov't of Nashville and Davidson County, Tennessee](#), the U.S. Supreme Court has ruled that retaliation protections under Title VII apply to individuals who take part in internal investigations. The decision focuses on a provision in Title VII that forbids retaliation against an employee because he or she has "opposed" discrimination. The high court decided that this language is broad enough to protect an employee who speaks out against discrimination by answering questions during an employer's internal investigation. A lower court had ruled that the anti-retaliation provision applied only where the employee instigated or initiated a complaint, and did not protect an employee who "had merely answered



questions by investigators in an already-pending internal investigation, initiated by someone else."

Miller Law Group is the leading woman-owned employment law firm in California, specializing in representing management in all facets of employment litigation and counseling. For more information about these new developments, or for general employment advice, please call Michele Ballard Miller (mbm@millerlawgroup.com), Kerry McInerney Freeman (kmf@millerlawgroup.com), or Carolyn Rashby (cr@millerlawgroup.com), or call (415) 464-4300.

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