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## U.S. SUPREME COURT LIMITS TIMELY TITLE VII CLAIMS TO FILED WITHIN 180 DAYS OF EMPLOYER'S PAY-SETTING ACTIONS

In a May 30, 2007 ruling, the United States Supreme Court held that a plaintiff's claim of employment discrimination under Title VII was untimely, on the grounds that the plaintiff had filed her claim outside of the statutory limitations period. *Ledbetter v. Goodyear Tire & Rubber Co.*, 07 C.D.O.S. 5967 (2007). This decision confines timely claims to those claims that are filed within 180 days of when the employer set the plaintiff-employee's pay.

### FACTS:

A female employee of Goodyear Tire & Rubber Company worked for Goodyear from 1979 until 1998. The employee filed a questionnaire in March 1998 with the Equal Employment Opportunity Commission (EEOC) alleging sex discrimination. She filed formal charges in July 1998 and took early retirement in November of that year. The present suit commenced after her retirement.

### COURT'S ANALYSIS:

The Supreme Court rooted its holding on Title VII's requirement that a plaintiff file a charge of employment discrimination when the discriminatory act occurs. The Court accepted the employer's contention that the plaintiff's pay discrimination claim was untimely as to all pay decisions made prior to September 26, 1997—180 days before the plaintiff filed her EEOC questionnaire.

Here, the Court isolated the discriminatory act at issue as occurring when the defendant set plaintiff's pay. The Court's majority explained that an employment discrimination claim is triggered by an identifiable "employment practice." Employment practice is defined as a "discrete act" or single occurrence that took place at an identifiable point in time. The limitations period to file a claim starts to run when the triggering event happens.

RECOMMENDED ACTION:

Evaluate all pending Title VII litigation to determine whether the 180-day statutory limitations period applies to limit potential liability. Work with legal counsel to ensure that all arguments regarding statutory limitations have been considered and maximized.

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