

COMPLIANCE ALERT!

Fair Pay Analysis Report

New Compensation Service

Are you in compliance with the new Lilly Ledbetter Fair Pay Act?

This new law means significant changes for employers



President Obama recently signed the Lilly Ledbetter Fair Pay Act into law. There is expected to be a new wave of discrimination claims against employers, as fair pay will clearly be a focus of the new administration and the EEOC. The new law significantly expands employees' time to file a pay discrimination suit. Human resources and compensation professionals would be wise to reevaluate their documentation practices.

Are your pay practices "fair" under Ledbetter law?

The Act restores the EEOC's pre-*Ledbetter* position that discrimination occurs each time a discriminatory paycheck is issued, not just when the pay decision is initially made. The EEOC view is that "each paycheck that delivers discriminatory compensation is a wrong actionable under the federal EEO statutes, regardless of when the discrimination began." These claims are allowed under Title VII, ADEA, ADA, and the Rehabilitation Act. Individuals may file a charge in any of the following situations:

- when a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted;
- when the individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or
- when the individual's compensation is affected by the application of a discriminatory compensation decision or other discriminatory practice, including each time the individual receives compensation that is based in whole or part on such decision or other practice.

What can you do now to identify situations that could result in pay discrimination claims?

Contact The Employers Association! Our new "Fair Pay Analysis Report" can help you pinpoint the areas of your current compensation plan that may have discrimination issues. Employers with 500 employees or less can get this report for just \$400. Identify any concern areas now, before you become subject to a discrimination charge or costly law suit. For additional information or for pricing for larger employers, please contact Brandy Walser at 704.522.8011 or bwalser@employersassoc.com.