



## Construction Industry Round Table

## Legislative News

A force for positive change in the design / construction industry

### 1/13/09 – Congress Moves Aggressively to Expose Employers to Labor Claims

In a matter of mere days the House of Representatives has introduced (on 1/06/09), debated (only 1 hour was allowed for each bill on the House floor without committee hearings), and passed (on 1/09/09) by wide margins H.R.11 (The Lilly Ledbetter Fair Pay Act) and H.R.12 (The Paycheck Fairness Act). These two acts (alone) tilt the complex balance between the employer and employee in favor of the “workers” in a clear effort to reward the voting constituents that have elected large Democrat majorities to Congress. H.R. 11 will remove (if signed into law) the current statute of limitations (either 180 or 300 days depending on the state jurisdiction) on discrimination claims so that a worker can sue in federal court for alleged actions years after the event (as many as 20 years or more). [This bill effectively overturns the Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co. (2007)* case in which the court recognized and upheld the statute of limitation on a 20-year old discrimination claim].

H.R.12, operating hand-in-hand with H.R.11, would remove existing statutory caps and allow for unlimited money damages to be awarded, even without proof of discriminatory intent. Moreover, the bill would mandate federal “guidelines” regarding the relative worth of different types of jobs – often referred to as “comparable worth” which means for the most part increasing the pay of traditionally held women’s jobs to match the pay for those traditionally held by men. Both bills taken together will expose companies to potential lawsuits going back decades – while imposing potentially higher wage requirements for certain jobs going forward. The U.S. Senate has similar legislation waiting to be brought-up on the floor as well. Taken together with the long anticipated “Card Check” legislation to eliminate secret ballots in “unionizing elections” – the balance is rapidly shifting towards a pro-worker more litigious employment environment. **[Contact your Senators to voice opposition to both H.R. 11/H.R. 12, which have been combined after the House passed both on January 9th].**