

THE DAILY RECORD

LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

GRAWA continues to advocate for the rights of women

BY GRETA K. KOLCON

Daily Record Columnist

GRAWA kicked off 2008 with a host of programs, including a lovely mentorship program dinner hosted by GRAWA Past-President Diane Cicero, and a chamber chat by the Hon. Robert J. Lunn.

A family court walk-through continuing legal education course was presented by the Hon. Gail Donofrio and the Hon. Joan Kohout, and a patent law CLE was presented by Tracy Jong.

In addition to these types of programs, GRAWA continues to advocate for the rights of women. Changes in the law and in funding priorities take place constantly. In order to protect existing programs and rights, it is crucial for individuals to become educated and active in the political process. Two current projects are highlighted here, and GRAWA invites your participation and support.

The Displaced Homemaker Program

The New York State Department of Labor's Displaced Homemaker Program provides multipurpose vocationally related services to individuals who have been displaced from their careers as unpaid homemakers. The goal of the program is to help long-term homemakers develop and implement sound vocational plans leading to employment, which will allow them to become economically independent. In Monroe County, this program is administered by LIFESPAN through its Women in Transition Services.

Gov. Eliot Spitzer's proposed budget eliminates 100 percent of the funding for the Displaced Homemaker Program throughout New York State. The Western New York Chapter of WBASNY, under the leadership of Kelly Philips, spearheaded a "purple postcard campaign" to barrage the governor's office with support to reinstate funding. GRAWA and the other 16 chapters of WBASNY are spreading the word and the purple postcards.

More information on the Displaced Homemaker Program

GRAWA PRESIDENT'S MESSAGE



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is available at www.labor.state.ny.us/workforcenewyorkpartners/dhpcenters.shtm. Please send a letter, a postcard or an e-mail to the governor requesting reinstatement of funding for this important program.

Support for the Fair Pay Restoration Act

The Fair Pay Restoration Act is a bipartisan bill introduced in 2007 that seeks to amend Title VII of the Civil Rights Act of 1964 and the Age Discrimination and Employment Act of 1967 by clarifying that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice. This bill is a direct response to the U.S. Supreme Court's decision in *Ledbetter v. Goodyear Tire and Rubber Co.*, 127 S.Ct. 2162 (2007).

Ledbetter involved Lilly Ledbetter's claim of sexual harassment and gender discrimination

and, although she suspected she was being discriminated against in rates of pay, she did not have any proof until she received an anonymous note documenting the salaries of three of her male co-workers. At trial, the jury awarded her back pay and about \$3.3 million in compensatory and punitive damages for the extreme nature of the pay discrimination to which she was subjected.

The case was reversed on the issue of a statute of limitations argument, which was ultimately affirmed by the Supreme Court. The court ruled that employees cannot challenge ongoing pay discrimination if the employer's original discriminatory pay decision falls outside of the statute of limitations, even when the employee continues to receive paychecks that have been discriminatorily reduced.

Prior to this decision, both the EEOC and a majority of courts applied a "paycheck accrual rule," which treated each new paycheck as a separate discriminatory act. Because of the confidential nature of pay information, and the fact that disparities can expand exponentially over the course of an employee's career, the Supreme Court's holding in *Ledbetter* undercuts the public policy supported by

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federal employment discrimination laws.

As a result, hundreds of organizations and individuals throughout the country have issued support for the Fair Pay Restoration Act. GRAWA and WBASNY have signed on in support of the Act, and individuals are invited to contact their legislators to express support for the bill. More information is available on www.opencongress.org.

The Senate Health, Education, Labor and Pensions Com-

mittee held a hearing on the Act on Jan. 24, but less than a third of the Senate has signed on to support this bill. The American Association of University Women currently maintains a Web site that helps individuals to support the Fair Pay Restoration Act through e-mail. Visit www.aauw.org for a convenient link.

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