



January 21, 2009

Dear Senator:

The Society for Human Resource Management<sup>[1]</sup>, the College and University Professional Association for Human Resources<sup>[2]</sup>, and the International Public Management Association for Human Resources<sup>[3]</sup> urge your support for amendments to S. 181, the Lilly Ledbetter Fair Pay Act of 2009.

We support the Hutchison amendment (SA 25) to S. 181. If the Hutchison amendment fails, it is critical that the following amendments are accepted to improve S. 181:

- SA 26 (Specter) – Amendment would ensure an employer’s right to use a defense based on waiver of a right, or on an estoppel or laches doctrine, in order to curb abusive litigation where a plaintiff unreasonably delayed filing a claim and, in doing so, prejudiced an employer’s ability to defend itself.
- SA 27 (Specter) – Amendment would limit the scope of the bill to discriminatory pay, not other practices. The fundamental issue of the Ledbetter Fair Pay Act is pay discrimination, and the bill should not apply to other employment circumstances.

Furthermore, we also support two amendments that address an aspect of the Ledbetter bill that would significantly expand the current law by allowing not just an employee who was discriminated against, but other individuals who were “affected” by an act of pay discrimination to file claims—even after an employee was deceased.

SA 28 and SA 29 (Enzi) would limit to an aggrieved party the right to file a claim under the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973. These amendments would reasonably limit the statute of limitations to an employee’s lifetime.

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<sup>[1]</sup> The Society for Human Resource Management (SHRM) is the world’s largest association devoted to human resource management. Founded in 1948, SHRM has more than 250,000 members in over 140 countries, and more than 575 affiliated chapters.

<sup>[2]</sup> CUPA-HR serves as the voice of human resources in higher education, representing more than 10,000 HR professionals at over 1,600 colleges and universities across the country, including 85 percent of all U.S. doctoral institutions, 70 percent of all master’s institutions, more than half of all bachelor’s institutions and 465 community colleges.

<sup>[3]</sup> IPMA-HR represents the interests of human resource professionals at the Federal, State and Local levels of government. Our goal is to provide information and assistance to help HR professionals increase their job performance and overall agency function by providing cost effective products, services and educational opportunities.