To amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2008

Mr. Voinovich introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Fair Pay Act of 2008”.

4
SEC. 2. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

“(3) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, on the date on which the aggrieved person knew or should have known that the person was affected by application of the discriminatory compensation decision or other practice involved.”.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “(d)” and inserting “(d)(1)”;

(3) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(4) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, on the date on which the aggrieved
person knew or should have known that the person was affected by application of the discriminatory compensation decision or other practice involved.”

SEC. 4. APPLICATION TO OTHER LAWS.

(a) Americans With Disabilities Act of 1990.—The amendment made by section 2 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) Rehabilitation Act of 1973.—The amendments made by section 2 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and
(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) Conforming Amendments.—

(1) Rehabilitation Act of 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e–5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)”; and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)”.

(2) Civil Rights Act of 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”.

(3) Age Discrimination in Employment Act of 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is
amended by striking “of section” and inserting “of sections 7(d)(3) and”.

SEC. 5. EFFECTIVE DATE.