

**TESTIMONY OF LILLY LEDBETTER
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES
ON THE IMPACT OF *LEDBETTER V. GOODYEAR* ON THE
EFFECTIVE ENFORCEMENT OF CIVIL RIGHTS LAWS**

June 28, 2007

Good afternoon. Thank you, Mr. Chairman and Mr. Ranking Member for inviting me. My name is Lilly Ledbetter. It is an honor to be here today to talk about my experience trying to enforce my right to equal pay for equal work. I wish my story had a happy ending. But it doesn't. I hope that this Committee can do whatever is necessary to make sure that in the future, what happened to me does not happen to other people who suffer discrimination like I did.

Experience At Goodyear

My story began in 1979, when Goodyear hired me to work as supervisor in their tire production plant in Gadsden, Alabama. I worked there for nineteen years. During that time, there must have been eighty or so other people who held the same position as me, but only a handful of them were women. But I tried to fit in and to do my job. It wasn't easy. The plant manager flat out said that women shouldn't be working in a tire factory because women just made trouble. One of my supervisors asked me to go down to a local hotel with him and promised if I did, I would get good evaluations. He said if I didn't, I would get put at the bottom of the list. I didn't say anything at first because I wanted to try to work it out and fit in without making waves. But it got so bad that I finally complained to the company. The manager I complained to refused to do anything to protect me and instead told me I was just being a troublemaker. So I complained to the EEOC. The company worked out a deal with the EEOC so that supervisor would no longer manage me. But after that, the company treated me badly. They tried to isolate me. People refused to talk to me. They left me out of important management meetings so I sometimes didn't know what was going on, which made it harder to do my job. So I got a taste of what happens when you try to complain about discrimination.

When I started at Goodyear, all the managers got the same pay, so I knew I was getting as much as the men. But then Goodyear switched to a new pay system based on performance. After that, people doing the same jobs could get paid differently. Goodyear kept what everyone got paid confidential. No one was supposed to know. Over the following years, sometimes I got raises, sometimes I didn't. Some of the raises seemed pretty good, percentage-wise, but I didn't know if they were as good as the raises other people were getting. I got laid off during general layoffs a couple of times when business was bad, but they brought me back and I worked hard and did a good job. I got a "Top Performance Award" in 1996.

Over time, I got the feeling that maybe I wasn't getting paid as much as I should, or as much as the men. I had heard rumors that some of the men were getting up to \$20,000 a

year extra for overtime work. However, I volunteered to work as much overtime as any of them, but I did not get anywhere near that much pay in overtime. I figured their salaries must be higher than mine, but I didn't have any proof – just rumors.

Eventually one of my managers even told me that I was, in fact, getting paid less than the mandatory minimum salary level put out in the Goodyear rules. So I started asking my supervisors to raise my pay to get me up to Goodyear's mandatory minimum salary levels. And after that, I got some good raises percentage-wise, but it turned out that even then, those raises were smaller in dollar amounts than what Goodyear was giving to the men, even to the men who were not performing as well as I was.

I only started to get some hard evidence of what men were making when someone anonymously left a piece of paper in my mailbox at work, showing what I got paid and what three other male managers were getting paid. Shortly after that, I filed another complaint of discrimination with the EEOC in 1998, when I got transferred from my management job to a job doing manual labor, requiring me to lift 80 pound tires all shift long. A little while after I filed my EEOC complaint, someone sent me an anonymous package showing what the other male managers were getting paid compared to me.

Pay Discrepancies

After I filed my EEOC complaint and then filed a lawsuit, I was finally able to get the whole picture on my pay compared to the men's. It turned out that I ended up getting paid what I did because of the accumulated effect of pay raise decisions over the years. In any given year, the difference wasn't that big, nothing to make a huge fuss about all by itself. Some years I got no raise, when others got a raise. Some years I got a raise that seemed ok at the time, but it turned out that the men got bigger percentage raises. And sometimes, I got a pretty big percentage raise, but because my pay was already low, that amounted to a smaller dollar raise than the men were getting.

For example, in 1993, I got a 5.28 percent raise, which sounds pretty decent. But it was the lowest raise in dollars that year because it was 5.28 percent of a salary that was already a lot less than the men's because of discrimination. So the gap in my pay grew wider that year. Without knowing what the other men were getting paid, I had no way of knowing whether that raise was potentially discriminatory or not. All I knew was that I got a raise.

The result was that at the end of my career, I was earning \$3,727 per month. The lowest paid male was getting \$4,286 per month for the same work. The highest paid male was making \$5,236. (An exhibit from my trial, showing my salary compared to some of the male managers, is attached to the end of this statement). So, I was actually earning twenty-percent less than the lowest paid male supervisor in the same position. There were lots of men with less seniority than me who were paid much more than I was.

Lower Court Proceedings

When we went to court, Goodyear acknowledged that it was paying me a lot less than the men doing the same work. But they said that it was because I was a poor performer and consequently got smaller raises than all the men who did better. That wasn't true and the jury didn't believe it. At the trial, two other women managers took the stand and explained how they were also discriminated against. One of them was a secretary who got promoted to manager, but only paid a secretary's salary. They kept telling her they would give her a raise, but they never did and she got fed up with that and went back to being a secretary. The other woman was also paid less than Goodyear's mandatory minimum wages.

At the end of the trial, the jury found that Goodyear had discriminated against me in violation of Title VII. The jury awarded me backpay as well as \$4,662 for mental anguish and \$3,285,979 in punitive damages.

At the trial, the jury found that Goodyear had discriminated against me in violation of Title 7. The jury awarded me more than \$3 million in back pay, mental anguish and punitive damages. I can tell you that was a good moment. It showed that the jury took my civil rights seriously and wasn't going to stand for a big company like Goodyear taking advantage of a chance to pay me less than others just because I was a woman. And it seemed like a large enough award that a big company like Goodyear might feel the sting and think better of it before discriminating like that again.

I was very disappointed, however, when the trial judge was forced to reduce that award to the \$300,000 statutory cap (which would, in the end, be reduced further by taxes, my trial lawyer informed me). It felt like the law was sending a message that what Goodyear did was only 10% as serious as the jury and I thought it was.

I'm not a lawyer, but I am told that most of the time, the law doesn't put an arbitrary cap like that on the amount a defendant has to pay for mental anguish or punitive damages. I don't see why a company like Goodyear should get better treatment just because it broke a law protecting workers against discrimination instead of some other kind of law.

Supreme Court Decision

The Supreme Court took it all away, even the backpay. They said I should have complained every time I got a smaller raise than the men, even if I didn't know what the men were getting paid and even if I had no way to prove that the decision was discrimination. They said that once 180 days passes after the pay decision is made, the worker is stuck with unequal pay for equal work under Title VII for the rest of her career and there is nothing illegal about that under the statute.

Justice Ginsburg hit the nail on the head when she said that the majority's rule just doesn't make sense in the real world. You can't expect people to go around asking their

coworkers how much money they're making. At a lot of places, that could get you fired. And nobody wants to be asked those kinds of questions anyway.

Plus, even if you know some people are getting paid a little more than you, that's no reason to suspect discrimination right away. Pay can go up and down and you want to believe that your employer is doing the right thing and that it will all even out down the road. Especially when you work at a place like I did, where you are one of the only women in a male-dominated factory, you don't want to make waves unnecessarily. You want to try to fit in and get along. As I found out all too well, calling something "discrimination" isn't appreciated -- I suffered the consequences when I went to the EEOC with proof of sexual harassment. Without proof, I would never go to the EEOC because it might cost me my job.

Anyway, the little amount of money at issue early on isn't worth fighting over at first. No lawyer is going to take a case to fight over an extra \$100 a month and most people can't afford to pay a lawyer out of their own pockets. It would have been hard to demonstrate to the EEOC or a jury that the first \$100 pay difference was discrimination. It was only after I got paid less than men again and again, without any good excuse, that I had a case that I could realistically bring to the EEOC or to court.

Consequences

What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled to under the law. The Supreme Court said that this didn't count as illegal discrimination, but it sure feels like discrimination when you are on the receiving end of that smaller paycheck and trying to support your family with less money than the men are getting for doing the same job. And according to the Court, if you don't figure things out right away, the company can treat you like a second-class citizen for the rest of your career. That isn't right.

The truth is, Goodyear continues to treat me like a second-class worker to this day because my pension and social security is based on the amount I earned while working there. Goodyear gets to keep my extra pension as a reward for breaking the law.

As you may know, making ends meet during retirement is not easy for a lot of seniors like me, even under the best of circumstances. It shouldn't be harder just because you are a woman who was discriminated against during your career.

Conclusion

My case is over and it is too bad that the Supreme Court decided the way that it did. I hope, though, that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if, at least at the end of it, I knew that I played a part in getting the law fixed so that it can provide real protection to real people in the real world. Thank you.

AREA MANAGER BASE SALARY COMPARISON CHART

(Excluding Overtime)

LILLY LEDBETTER

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
10/1/79	\$18,216.96
10/1/79	\$18,633.00
11/1/98	\$44,724.00
(Last day worked)	

TERRY AMBERSON

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
7/1/79	\$18,216.96
10/1/79	\$18,633.00
7/1/98	\$59,028.00
4/1/99	\$60,816.00
4/1/99	\$64,944.00
5/1/99	\$67,541.52
5/1/02	\$69,221.52

DAVID BARNES

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
7/1/79	\$18,216.96
10/1/79	\$18,633.00
9/1/98	\$55,679.16
4/1/99	\$58,463.16
4/1/99	\$61,247.16
5/1/01	\$63,383.16

DONALD MYERS

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
7/1/79	\$18,216.96
10/1/79	\$18,633.00
11/1/98	\$57,696.00
1/1/99	\$66,348.00

JERRY THOMPSON

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
7/1/79	\$18,216.96
10/1/79	\$18,633.00
5/1/98	\$58,226.88
4/16/99	\$60,555.96
4/16/99	\$64,049.16
10/16/00	\$73,644.00
5/1/01	\$76,956.00
5/1/02	\$78,876.00

JIMMY TODD

<u>Date:</u>	<u>Base Salary:</u>
4/1/79	\$16,760.52
4/16/79	\$17,842.56
7/1/79	\$18,216.96
10/1/79	\$18,633.00
9/1/00	\$58,464.00
5/1/01	\$60,444.00
5/1/02	\$61,656.00

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