A Door Opens for Workers

Workers won an important victory at the Supreme Court on Monday when the justices ruled unanimously that a group of African-American applicants to the Chicago Fire Department did not wait too long to challenge a hiring test they claimed was discriminatory.

If interpreted properly by the lower courts, the ruling could give a chance at relief to minority groups, women, the elderly the disabled and others claiming to be victims of a discriminatory employment practice long after the practice went into effect.

The court ruled that the black firefighters could sue the city of Chicago over the scoring system on a test that they claimed had overwhelmingly favored white applicants. The issue was not the test itself, which a lower court had already ruled discriminatory against blacks, but the time lapse in bringing the suit. Under Title VII of the civil rights law, plaintiffs are supposed to file no later than 300 days after an unfair practice occurs; the question here is whether the practice occurred only when the scoring system began or every time the test was given.

Determining when a time limit begins became a serious issue after the Supreme Court ruled in 2007 against Lilly Ledbetter, who had been paid less than men for years by her employer, Goodyear Tire and Rubber, saying she should have filed her complaint shortly after her pay was set, even if she did not know then about the disparity. Fortunately, Congress overturned that decision last year.

Writing for the full court, Justice Antonin Scalia insisted that there was a difference between the two cases.

Ms. Ledbetter’s deadline, he wrote, started with the first act of discrimination against her because she was trying to prove that Goodyear’s pay system caused a “disparate treatment” of men and women, a stricter standard that can result in more damages but requires proof of intentional discrimination. The aspiring firefighters, on the other hand, were trying to show that the test had only a “disparate impact,” which does not require intentional discrimination, and, Mr. Scalia wrote, lacks the strict deadline requirements.
Justice Scalia had written in a racial discrimination case last year that he had serious misgivings about the disparate-impact laws, and — as much as we disagreed with the Ledbetter decision — it was encouraging to see that he did not give in to those doubts on Monday.

It might be cynical to suggest that one reason for the court’s unanimity was the firm response by Congress to the Ledbetter decision. Whether through newfound judicial wisdom, or political calculation, the door has now been opened a bit further to victims of discrimination.