OPINION

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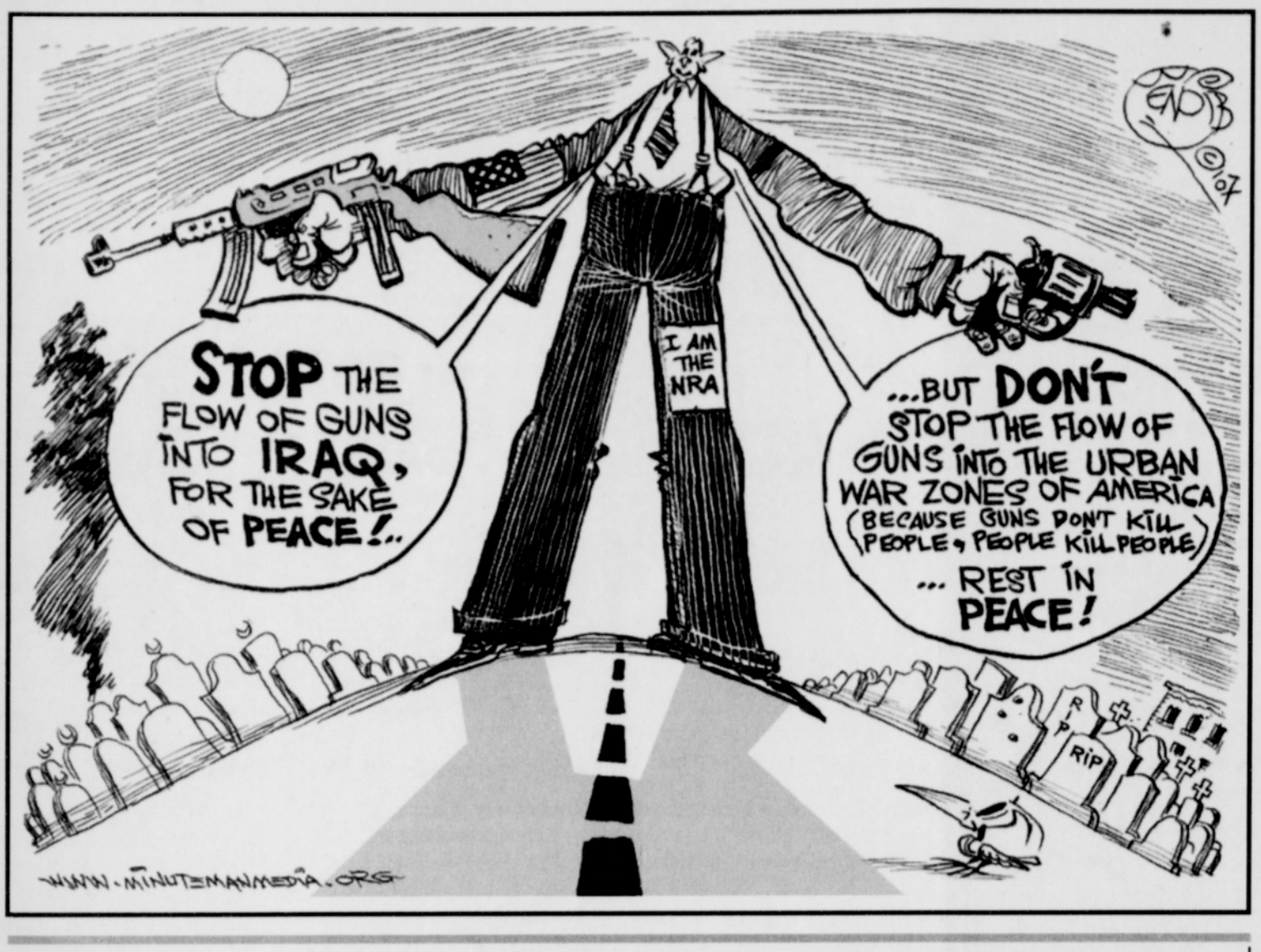

Families Deprived by Low Wages

Living wage law and other solutions needed

BY JUDGE GREG MATHIS

More than 9 million American families are considered low-wage families, or working poor.

These families, more often than not, look like a typical American family: Two parents living at home who are U.S. citizens with at least a high school diploma. They struggle to raise a healthy family and to keep their children safe. Yet, their income often falls far short of the family's needs.

If a child gets sick, the resulting medical bill could put a serious financial burden on the family. The cost of quality childcare has to be measured against the need to pay utility bills. Too many American families – a large percentage of them African-American – are forced to make these tough decisions day in and day out. They shouldn't have to.

Policy changes and increased supports can ensure that all of America's workers have the resources they need.

According to a study released by the Center for Labor Research and Education at the University of California at Berkeley, more than half of black workers in this country hold down jobs that don't pay a living wage or provide healthcare or retirement benefits. These jobs are usually in the retail, healthcare or social assistance industries and often don't offer any room for advancement – employees are stuck in the low-paying jobs into which they are initially hired.

Despite the long hours many of these workers put in, countless numbers of them are unable to keep themselves – and their families - afloat financially.

A single-parent with three children earning the national minimum wage – currently $5.85 an hour – will bring home $12,168 a year. This number falls far short of the federal poverty level for a family of four - $20,650.

Because the family won't have enough money to meet basic needs, Medicaid, subsidized housing and free school lunch programs help fill the void, increasing the burden on tax payers. Increasing the minimum wage to a living wage would force employers to shoulder more of the responsibility for their employee's basic needs, lowering costs for the states and, ultimately, the taxpayer.

If America continues to ignore the plight of the working poor, the gap between the poor and the rich will continue to widen.

Besides establishing a living wage law, there are other things the government can do to ease the burden on the working poor. Creating job programs that provide tax credits to employers who train and promote low-wage workers into hirer paying jobs is a start. Allowing employees to unionize and fight for their fair share of the pie is another.

There are no easy solutions to this issue. But solutions have to be created.

If America continues to ignore the plight of the working poor, the gap between the poor and the rich will continue to widen. And the social ills that result from poverty – crime, homelessness, etc. – will only increase. And society at large will have to foot the bill.

Judge Greg Mathis is national vice president of Rainbow PUSH and a national board member of the Southern Christian Leadership Conference.

Ticking Clock on Pay Discrimination

Congress must close loophole

BY BARBARA ARNWINE

Look around your office. Do you know what your co-workers are really being paid? Probably not. A recent survey found that only 10 percent of companies have pay openness policies.

And if you were paid less by your employer simply because you are female how long do you think it would take to find out? Probably not until you've been working there a long time, maybe years.

That is exactly what happened to Lilly Ledbetter. Her employer, Goodyear, kept compensation information confidential and it wasn't until decades after the fact she found out that she was being paid less. By the time of her retirement, she was paid $3,727 monthly, while the lowest paid male doing the same job was paid $4,286.

Taking her employer to court, a jury found that she received raises less frequently than her male colleagues because of her gender. The jury awarded her damages for this intentional discrimination, but on appeal to the Supreme Court, a majority tossed out the award because Ms. Ledbetter failed to file her claim within 180 days of her employer's discriminatory decisions – decisions she didn't have reason to suspect until long after they were made.

Pay discrimination based on gender is a violation of federal law and victims of such discrimination should be able to recover lost wages and perhaps other damages as well. But the Supreme Court has now made it practically impossible for victims to recoup damages when they have been discriminated against.

The Supreme Court has now made it practically impossible for victims to recoup damages when they have been discriminated against.

In order to encourage victims of discrimination to file their claims promptly, the law requires that they file within 180 days of the discriminatory practice. So far, so good. But the Supreme Court's decision in Ledbetter v. Goodyear Tire, interpreted the law to mean that the 180-day clock starts when the employer makes the discriminatory decision, not each time the employee receives a smaller paycheck.

So, if the employee didn't learn about her employer's decision to pay her less when the decision was made, her claim of discrimination will probably be too late, even though the employer continues to pay her less money.

The pattern in the Ledbetter case is not unusual. In a 2002 case, another employee didn't find out about her employer's compensation policies until a printout of salaries appeared on her desk seven years after her starting salary was set lower than co-workers. In a 1998 case, the employee found out about salary disparities when she read about them in the newspaper.

Unlike discriminatory decisions to hire and fire, compensation decisions are typically confidential. Consequently, it makes more sense to start the clock each time the employer makes a discriminatory payment rather than when the decision to discriminate is made.

Ledbetter was a 5-4 decision in which the conservative majority rejected the consistent position held by most of the lower courts for years. Over 20 years ago, in a race discrimination case, the court observed that "each week's paycheck that delivers less to a black than to a similarly situated white is a wrong actionable under Title VII." This common sense idea means that if the employee files within 180 days of receiving the discriminatory pay, he or she can have their day in court.

Some argue that the clock should start when a reasonable person would have discovered the wrong, but this vague standard is very difficult to apply in a compensation setting. In particular, employees may learn about pay differences but might not have enough information to suspect discrimination until much later. It's a cruel joke on the victim if their clock runs out before they even know it started.

Rather than opening the door to such time-consuming disputes, a better approach would be to change the law back to the definition that worked for decades and that has proven to be workable for both employers and employees. As it stands right now the Supreme Court has practically given employers a loophole to discriminate, as long as they aren't found out in 180 days.

Congress has a lot of difficult issues to deal with – Iraq, immigration, the deficit, on and on. But some problems are easy to solve if the political will to stand up to the White House and the business community is there. This is one of them.

Barbara Arnwine is the executive director for the Lawyers' Committee for Civil Rights Under Law.

Letters to the Editor

Police Shooting Needs Review

Editor's note: The following is an open letter to the Multnomah County District Attorney asking for a criminal investigation in a police officer's conduct in shooting a suspect in a domestic violence call:

District Attorney Schrunk and Deputy D.A. Anderson:

We urge you to convene a grand jury hearing in the police shooting of Leslie Stewart.

You told the Oregonian that your office generally does not hold grand jury hearings in officer shootings if "no one was injured." Mr. Stewart was injured, however minor it may be, either directly or indirectly by the bullet.

Regardless, the Oregon State Statute governing police use of deadly force requires that officers reasonably believe that there is an imminent threat to them or to another person. It does not require that the officer's use of deadly force result in an injury or death.

Therefore, if Officer Stephanie Rabey's shot through a window at Mr. Stewart was not justifiable under the statute, a crime has been committed.

Because of the Oregon Attorney General's plan for county response procedures to be developed for police shootings and deaths, we hope that your office will make a commitment to investigate and hold a grand jury hearing on every case where officers discharge weapons toward other human beings in the line of duty.

Please reconsider this decision, as it is crucial for the public to believe that our officers are being held to the strictest standards as they are given the power of life and death over the community.

Dan Handelman, Portland Copwatch and Alejandro Queral, NW Constitutional Rights Center

Proud to see Boston Run

Thank you for your recent profile of Cyreena Boston (Aug. 22 issue) who is running for House District 45. Cyreena's experience, energy, voice and vision would suit her and her Portland constituents well.

The challenges we face are more complex than ever, and thus require someone who is intelligent and independent-minded, but who also exercises a collaborative leadership style. Cyreena Boston is all of this and more.

Her commitment to strong schools, affordable housing, healthcare for all, and efficient and effective transportation systems is laudable.

As an African-American, I am genuinely proud to see Miss Boston, an experienced and young African-American woman, reach to assume the mantle of public service.

John Branam
Northeast Portland