

07-543 AT&T CORP. V. HULTEEN

DECISION BELOW: 498 F3d 4001

LOWER COURT CASE NUMBER: 04-16087

QUESTION PRESENTED:

Before the passage of the Pregnancy Discrimination Act of 1978 (PDA), it was lawful to award less service credit for pregnancy leaves than for other temporary disability leaves. *Gilbert v. Gen. Elec. Co.*, 429 U.S. 125 (1976). Accordingly, the questions presented are

1. Whether an employer engages in a current violation of Title VII when, in making post-PDA eligibility determinations for pension and other benefits, the employer fails to restore service credit that female employees lost when they took pregnancy leaves under lawful pre-PDA leave policies.
2. Whether the Ninth Circuit's finding of a current violation of Title VII in such circumstances gives impermissible retroactive effect to the PDA.

CERT. GRANTED 6/23/2008