S 2189

Protecting Older Workers Against Discrimination Act

Congress: 112 (2011–2013, Ended)
Chamber: Senate
Policy Area: Labor and Employment
Introduced: Mar 13, 2012
Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure
Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S1616-1617) (Mar 13, 2012)
Official Text: https://www.congress.gov/bill/112th-congress/senate-bill/2189

Sponsor

Name: Sen. Harkin, Tom [D-IA]
Party: Democratic • **State:** IA • **Chamber:** Senate

Cosponsors (16 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Mar 13, 2012
Sen. Leahy, Patrick J. [D-VT]	D · VT		Mar 13, 2012
Sen. Kohl, Herb [D-WI]	D · WI		May 16, 2012
Sen. Murray, Patty [D-WA]	D · WA		Jun 20, 2012
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Jun 21, 2012
Sen. Brown, Scott P. [R-MA]	R · MA		Jun 25, 2012
Sen. Franken, Al [D-MN]	D · MN		Jun 26, 2012
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Jun 28, 2012
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Jun 29, 2012
Sen. Merkley, Jeff [D-OR]	D · OR		Jul 10, 2012
Sen. Tester, Jon [D-MT]	D · MT		Jul 10, 2012
Sen. Begich, Mark [D-AK]	D · AK		Jul 31, 2012
Sen. Murkowski, Lisa [R-AK]	R · AK		Sep 19, 2012
Sen. Kirk, Mark Steven [R-IL]	R · IL		Sep 20, 2012
Sen. Snowe, Olympia J. [R-ME]	R · ME		Nov 13, 2012
Sen. Collins, Susan M. [R-ME]	R · ME		Nov 26, 2012

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Mar 13, 2012

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

No related bills are listed.

Summary (as of Mar 13, 2012)

Protecting Older Workers Against Discrimination Act - Amends the Age Discrimination in Employment Act of 1967 to specify that an unlawful employment practice is established when the complaining party demonstrates that age or participation in investigations, proceedings, or litigation under such Act was a motivating factor for any practice, even though other factors also motivated the practice (thereby allowing what are commonly known as "mixed motive" claims).

Permits a complaining party to rely on any type or form of admissible evidence, which need only be sufficient for a reasonable trier of fact to find that an unlawful practice occurred. Declares that a complaining party shall not be required to demonstrate that age or retaliation was the sole cause of a practice (thereby rejecting the Supreme Court decision in *Gross v. FBL Financial Services, Inc.*, which requires a complainant to prove that age was the "but-for" cause for the employer's decision).

Authorizes the court, on a claim in which an individual demonstrates that age was a motivating factor for any employment practice and in which a respondent demonstrates that the same action would have been taken in the absence of the impermissible motivating factor, to grant declaratory relief, injunctive relief, and attorney's fees and costs directly attributable only to the pursuit of a claim. Prohibits the court in such an instance from awarding damages or issuing an order requiring any admission, reinstatement, hiring, promotion, or payment.

Applies the same standard of proof to other employment discrimination and retaliation claims, including claims under the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, the Rehabilitation Act of 1973, and similar laws concerning federal employees.

Actions Timeline

- **Mar 13, 2012:** Introduced in Senate
- **Mar 13, 2012:** Sponsor introductory remarks on measure. (CR S1615-1616)
- **Mar 13, 2012:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S1616-1617)

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