

## S 1391

### Protecting Older Workers Against Discrimination Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Labor and Employment

**Introduced:** Jul 30, 2013

**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 in Senate: CR S6076-6077) (Jul 30, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/1391>

#### Sponsor

**Name:** Sen. Harkin, Tom [D-IA]

**Party:** Democratic • **State:** IA • **Chamber:** Senate

#### Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Jul 30, 2013
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jul 30, 2013
Sen. Coons, Christopher A. [D-DE]	D · DE		Dec 18, 2013
Sen. Kirk, Mark Steven [R-IL]	R · IL		Dec 18, 2013
Sen. Collins, Susan M. [R-ME]	R · ME		Dec 20, 2013
Sen. Warren, Elizabeth [D-MA]	D · MA		Feb 6, 2014
Sen. Heller, Dean [R-NV]	R · NV		Jul 10, 2014

#### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jul 30, 2013

#### Subjects & Policy Tags

##### Policy Area:

Labor and Employment

#### Related Bills

Bill	Relationship	Last Action
113 HR 2852	Identical bill	Sep 13, 2013: Referred to the Subcommittee on Workforce Protections.

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**

---

- **Jul 30, 2013:** Introduced in Senate
- **Jul 30, 2013:** Sponsor introductory remarks on measure. (CR S6074-6076)
- **Jul 30, 2013:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced in Senate: CR S6076-6077)