

## HR 2852

Protecting Older Workers Against Discrimination Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Labor and Employment

**Introduced:** Jul 30, 2013

**Current Status:** Referred to the Subcommittee on Workforce Protections.

**Latest Action:** Referred to the Subcommittee on Workforce Protections. (Sep 13, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/2852>

### Sponsor

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**Name:** Rep. Miller, George [D-CA-11]

**Party:** Democratic • **State:** CA • **Chamber:** House

Cosponsors (30 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Clarke, Yvette D. [D-NY-9]	D · NY		Jul 30, 2013
Rep. Conyers, John, Jr. [D-MI-13]	D · MI		Jul 30, 2013
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Jul 30, 2013
Rep. Langevin, James R. [D-RI-2]	D · RI		Jul 30, 2013
Rep. Loebsack, David [D-IA-2]	D · IA		Jul 30, 2013
Rep. Nadler, Jerrold [D-NY-10]	D · NY		Jul 30, 2013
Rep. Swalwell, Eric [D-CA-15]	D · CA		Aug 2, 2013
Rep. Speier, Jackie [D-CA-14]	D · CA		Jan 8, 2014
Rep. Lofgren, Zoe [D-CA-19]	D · CA		Mar 5, 2014
Rep. Horsford, Steven [D-NV-4]	D · NV		Mar 21, 2014
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Apr 29, 2014
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		May 22, 2014
Rep. Moore, Gwen [D-WI-4]	D · WI		May 22, 2014
Rep. Richmond, Cedric L. [D-LA-2]	D · LA		May 29, 2014
Rep. DelBene, Suzan K. [D-WA-1]	D · WA		May 30, 2014
Rep. Titus, Dina [D-NV-1]	D · NV		May 30, 2014
Rep. Enyart, William L. [D-IL-12]	D · IL		Jun 9, 2014
Rep. Waxman, Henry A. [D-CA-33]	D · CA		Jun 10, 2014
Rep. Cartwright, Matt [D-PA-17]	D · PA		Jun 25, 2014
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		Jul 8, 2014
Rep. McDermott, Jim [D-WA-7]	D · WA		Jul 17, 2014
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Jul 22, 2014
Rep. Murphy, Patrick [D-FL-18]	D · FL		Jul 24, 2014
Rep. Beatty, Joyce [D-OH-3]	D · OH		Jul 31, 2014
Rep. Doggett, Lloyd [D-TX-35]	D · TX		Sep 8, 2014
Rep. Holt, Rush [D-NJ-12]	D · NJ		Sep 11, 2014
Rep. Ruiz, Raul [D-CA-36]	D · CA		Sep 11, 2014
Rep. Matsui, Doris O. [D-CA-6]	D · CA		Nov 12, 2014
Rep. Cicilline, David N. [D-RI-1]	D · RI		Dec 1, 2014
Rep. Wilson, Frederica S. [D-FL-24]	D · FL		Dec 10, 2014

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Sep 13, 2013

Subjects & Policy Tags

Policy Area:

Labor and Employment

## Related Bills

Bill	Relationship	Last Action
113 S 1391	Identical bill	<b>Jul 30, 2013:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced in Senate: CR S6076-6077)

## Summary (as of Jul 30, 2013)

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

- **Sep 13, 2013:** Referred to the Subcommittee on Workforce Protections.
- **Jul 30, 2013:** Introduced in House
- **Jul 30, 2013:** Referred to the House Committee on Education and the Workforce.