

## S 2180

### Protecting Older Workers Against Discrimination Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Labor and Employment

**Introduced:** Oct 8, 2015

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Oct 8, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2180>

### Sponsor

**Name:** Sen. Kirk, Mark Steven [R-IL]

**Party:** Republican • **State:** IL • **Chamber:** Senate

### Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Oct 8, 2015
Sen. Collins, Susan M. [R-ME]	R · ME		Oct 8, 2015
Sen. Coons, Christopher A. [D-DE]	D · DE		Oct 8, 2015
Sen. Grassley, Chuck [R-IA]	R · IA		Oct 8, 2015
Sen. Leahy, Patrick J. [D-VT]	D · VT		Oct 8, 2015
Sen. Ayotte, Kelly [R-NH]	R · NH		Apr 4, 2016
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 11, 2016

### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Oct 8, 2015

### Subjects & Policy Tags

#### Policy Area:

Labor and Employment

### Related Bills

Bill	Relationship	Last Action
114 HR 5574	Identical bill	<b>Sep 19, 2016:</b> Referred to the Subcommittee on Workforce Protections.

## **Protecting Older Workers Against Discrimination Act**

This bill 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 unlawful employment practice, even though other factors also motivated the practice (thereby allowing what are commonly known as "mixed motive" claims).

The bill: (1) 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; and (2) 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).

The bill: (1) authorizes a court, in 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; and (2) prohibits a court in such an instance from awarding damages or issuing an order requiring any admission, reinstatement, hiring, promotion, or payment.

The bill 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**

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- **Oct 8, 2015:** Introduced in Senate
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