

HR 5574

Protecting Older Workers Against Discrimination Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Jun 24, 2016

Current Status: Referred to the Subcommittee on Workforce Protections.

Latest Action: Referred to the Subcommittee on Workforce Protections. (Sep 19, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5574>

Sponsor

Name: Rep. Scott, Robert C. "Bobby" [D-VA-3]

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Young, David [R-IA-3]	R · IA		Jun 24, 2016

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Sep 19, 2016

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
114 S 2180	Identical bill	Oct 8, 2015: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

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

- **Sep 19, 2016:** Referred to the Subcommittee on Workforce Protections.
- **Jun 24, 2016:** Introduced in House
- **Jun 24, 2016:** Referred to the House Committee on Education and the Workforce.