

## S 485

### Protecting Older Workers Against Discrimination Act

**Congress:** 116 (2019–2021, Ended)

**Chamber:** Senate

**Policy Area:** Labor and Employment

**Introduced:** Feb 14, 2019

**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. (Feb 14, 2019)

**Official Text:** <https://www.congress.gov/bill/116th-congress/senate-bill/485>

## Sponsor

**Name:** Sen. Casey, Robert P., Jr. [D-PA]

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

## Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Collins, Susan M. [R-ME]	R · ME		Feb 14, 2019
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 14, 2019
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 14, 2019

## Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Feb 14, 2019

## Subjects & Policy Tags

### Policy Area:

Labor and Employment

## Related Bills

Bill	Relationship	Last Action
116 HR 1230	Identical bill	Jan 16, 2020: Received in the Senate and 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 establish an unlawful employment practice 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 the employment practice (thereby rejecting the Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which required a complainant to prove that age was the "but-for" cause for the employer's decision).

The bill authorizes a court in a claim in which age discrimination is shown to grant declaratory and injunctive relief, but prohibits a court 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, and the Rehabilitation Act of 1973.

## Actions Timeline

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- **Feb 14, 2019:** Introduced in Senate
- **Feb 14, 2019:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.