



Legislation Text

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Res. No. 714-A

Resolution calling upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act.

By Council Members Chin, Rosenthal, Vallone, Lander, Eugene, Rose, R. Diaz, Ayala, Rivera and Levin

Whereas, The Age Discrimination in Employment Act of 1967 (ADEA), enforced by the United States (U.S.) Equal Employment Opportunity Commission (EEOC), protects individuals aged 40 and older from age discrimination in the workforce, including discrimination involving promotion, hiring, compensation, discharge, and privileges of employment; and

Whereas, Advocates argue that protections put forth by ADEA were weakened by the 2009 U.S. Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires that plaintiffs seeking to prove age discrimination in the workforce prove that age was the only motivating factor for the employer's action; and

Whereas, In 2019, U.S. Senator Robert P. Casey Jr. and Congressman Robert C. Scott introduced S.485 and H.R. 1230, respectively, also known as the Protecting Older Workers Against Discrimination Act (POWADA); and

Whereas, POWADA would reverse the Supreme Court's decision in *Gross v. FBL Financial Services Inc.*, by reinstating the "mixed-motive" claim, which permitted employees to only prove that age was one of the factors of an employer's actions; and

Whereas, The American Association of Retired Persons reported that 78 percent of older voters support legislation that protect older adults from age discrimination; and

Whereas, In Fiscal Year 2017, age discrimination accounted for 21.8 percent of complaints made to the

U.S. EEOC, with more than 18,000 complaints filed; and

Whereas, While recent research on age discrimination in New York City (NYC) is limited, advocates argue that age discrimination is largely prevalent in NYC; and

Whereas, As reported by the NYC Commission on Human Rights (CCHR), of the 193 queries CCHR received about age discrimination in 2017, 119 of them were related to age discrimination in employment; and

Whereas, According to the U.S Senate's Special Committee on Aging, remaining in the workforce is beneficial for many aging adults, and studies show that working improves emotional, physical and cognitive health, financial stability and security, and quality of life; and

Whereas, Advocates argue that the government should make discrimination laws stronger, not weaker; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act.

LS # 8809  
5/6/19  
KJ