

Help Protect Older Workers from Age Discrimination

First Name

Last Name

Street Address

City

ZIP / Postal Code

State

Email Address

Phone

Your Subject

Date: _____

Dear _____,

As your constituent, I am writing to urge your support as either a cosponsor or a pledged "aye" vote for two critical bipartisan bills designed to protect older workers from age discrimination:

- HR 3491: Protect Older Job Applicants (POJA) Act
- S. 1030 and HR 6581: Protecting Older Workers Against Discrimination Act (POWADA)

Support for HR 3491: Protect Older Job Applicants (POJA) Act

The POJA Act (HR 3491) would address age discrimination in hiring, helping to ensure that older workers are fairly considered for new positions. Today, three-quarters of older workers perceive age discrimination as a barrier to reemployment, and 44% of older job applicants report being asked age-related questions when applying for jobs. During the pandemic, over half of older workers faced long-term unemployment, with many forced to abandon their job search and enter early retirement.

In 2019, the 7th U.S. Circuit Court of Appeals ruled in *Kleber v. CareFusion Corp.* that Age Discrimination in Employment Act (ADEA) protections do not extend to external job applicants, which effectively weakens protections for older individuals seeking new employment. The POJA Act would restore the original intent of ADEA, clarifying and codifying these essential protections.

Support for S. 1030 and HR 6581: Protecting Older Workers Against Discrimination Act (POWADA)

Once in the workforce, older employees must also be safeguarded from discrimination. However, the 2009 *Gross v. FBL Financial Services* Supreme Court decision placed a higher burden of proof on age discrimination claims than on other discrimination cases, such as those based on race, sex, or national origin. This decision signaled that age discrimination could be permissible in certain situations, undermining ADEA's protections.

The POWADA bills (S. 1030 and HR 6581) would amend ADEA, along with the Americans with Disabilities Act, the Rehabilitation Act of 1973, and Title VII of the Civil Rights Act, to restore fair treatment for older workers. These amendments would reestablish the "mixed-motive" standard, recognizing claims where age discrimination is one of several influencing factors, and affirm that any form of admissible evidence can be used to prove these claims.

A Call for Action

Thank you for your dedication to improving the lives of older Americans. I urge you to lend your support to these essential bills to help end age discrimination and promote fairness for older workers. Please do all you can to ensure Congress passes:

-HR 3491: Protect Older Job Applicants (POJA) Act

- S. 1030 and HR 6581: Protecting Older Workers Against Discrimination Act (POWADA)

Thank you for considering this critical step toward a more equitable workplace for all.

Sincerely,
