

AMERICA'S AGING WORKFORCE: OPPORTUNITIES AND CHALLENGES

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WEDNESDAY, DECEMBER 6, 2017

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m., in room 562, Dirksen Senate Office Building, Hon. Susan M. Collins, Chairman of the Committee, presiding.

Present: Senators Collins, Fischer, Casey, Nelson, and Cortez Masto.

OPENING STATEMENT OF SENATOR SUSAN M. COLLINS, CHAIRMAN

The CHAIRMAN. The hearing will come to order. Good morning. America's work force is growing older. In fact, the number of older workers is growing at a rate that outpaces the overall growth of the Nation's labor force, as those of you who can see the chart that we have put up can tell. In the year 2000, under 13 percent of those over age 65 were working. By 2016, the participation rate increased to nearly 19 percent.

[The chart is in the Appendix, page 52.]

Today the Committee is releasing its annual report.

This year, we examined America's aging work force and how employers are responding to this unprecedented phenomenon.

While the labor force, as a whole, is projected to grow by an average of just 0.6 percent per year between 2016 and 2026, the number of workers ages 65 to 74 is projected to grow by more than four percent annually, and the number of workers aged 75 and above is projected to grow by nearly seven percent annually.

America needs our older workers. Many older workers are taking increasingly diverse paths to retirement. Fewer older workers are transitioning directly from full-time work to full-time retirement. Instead, many employees prefer to transition to part-time positions with their current employer or move into a second career or start their own business.

Nevertheless, many aging workers experience unique challenges. Too many workers cannot transition out of the labor force in the ways that I just described. Age discrimination, managing health conditions, balancing family caregiving responsibilities with work, and preparing financially for retirement are prominent challenges faced by aging workers.

To respond to those challenges, some employers are making exemplary efforts to meet the needs of their older employees. Leading

employers like L.L. Bean, which is headquartered in Maine, are instituting policies and program such as flexible schedules, family caregiving information and referral services, and retirement planning. Others are providing ergonomic office designs and changing cultures to welcome workers across the spectrum of age and disability levels.

Several organizations are supporting our aging work force. For example, many of our Nation's community colleges offer education and training programs that are geared at helping the older workers maintain and enhance their skills, and thus increase their value to the work force. These programs also help older individuals find work, often by linking with local employers through tuition assistance and internship programs.

I have seen, in Maine, how the Trade Adjustment Assistance Program has been invaluable in helping a lot of older workers who have lost long-time jobs at paper mills and other businesses retrain for new employment. And that is the story that we will hear today from one of my constituents, Ralph Jellison. After losing his long-time job and steady paycheck, at age 52 Ralph faced the daunting task of starting over. His decision to participate in a job retraining program at Eastern Maine Community College opened up a whole new world of possibilities, and he has really taken advantage of that.

We will also hear from policy experts about how to best advance best practices and policies to keep pace with an older work force. The aging of our population has transformed our economy in so many ways. As older Americans enter and remain in the work force in record numbers, they provide skills, judgment, and experiences that are often unmatched: a work ethic and principles that can be exemplary, a vision that is uniquely informed by the past to frame the future.

Research shows that meaningful work well into older ages is also linked with improved health and well-being. This silver trend is one to celebrate. Both employers and employees benefit as Americans are choosing to work longer.

I am now delighted to turn to our Ranking Member, Senator Casey, for his opening statement.

**OPENING STATEMENT OF SENATOR ROBERT P. CASEY, JR.,
RANKING MEMBER**

Senator CASEY. Thank you, Madam Chairman for your leadership on these issues and thanks for gathering us here today. I am also pleased that today the Committee's 2017 annual report tackles this important subject matter.

In 2006, workers 55 years of age and older made up 17 percent of the American work force. That 17 percent is now 22 percent. It will go to 25 percent in 2026. So in less than a decade, one in every four workers in the United States of America is 55 years of age or older.

This is already true in my home State of Pennsylvania, which is home to over 1.6 million workers age 55 and older. The country's demographics are indeed changing. Americans are staying in the work force longer and working to older ages. Americans ages 75

and above are now twice as likely to be in the labor force as they were just 30 years ago.

So our economy is evolving. Some Americans are working longer because it has become harder for them to save for retirement and they still have bills and a mortgage to pay. Others are still working to help their children pay for college or to assist a loved one with steep medical bills.

We must recognize and address the challenges facing all older workers in the modern workplace. This month we are celebrating the 50th anniversary of the Age Discrimination in Employment Act, so-called ADEA. This law was a great achievement when it was passed. It was intended to protect jobs for older workers.

I remember working as a lawyer on age discrimination cases on the plaintiff side in Lackawanna County, Pennsylvania. I relied upon—as anyone representing a plaintiff bringing an action, I had to rely upon the ADEA in a substantial way in those days. It was hard then for workers to fight back against age discrimination under the law as it stood then. It is even harder now. As our witnesses will explain, it has gotten even more difficult.

Just as baby boomers were starting to turn age 65, a U.S. Supreme Court decision weakened the ADEA protections. We have got to fix that.

I would like to thank Chairman Collins for joining me and joining other Senators, Senator Grassley and Senator Leahy, in introducing legislation that would make clear that age discrimination is totally, totally unacceptable in the workplace. The Protecting Older Workers Against Discrimination Act would restore the tenets of the original ADEA.

As 10,000 people turn 65 every day, we have a responsibility, first to evaluate discrimination laws currently in place to make sure they are working as intended, and update them accordingly, and, second, pass new laws that respond to changing demographics, innovation, and changes in the economy. Families need support to care for loved ones while working and need help saving for retirement. Older workers with acquired disabilities need to be better supported in the workplace. Displaced workers need access to quality training opportunities and support finding new jobs.

As we have heard time and again, talent is ageless. Our lives must reflect that.

So I look forward to hearing from our witnesses about what more we can do to attract and retain older workers and to support America's aging work force.

Thank you, Madam Chair.

The CHAIRMAN. Thank you very much, Senator. I also want to acknowledge the other Senators who have joined us this morning, and I am sure there will be others in and out as they race among the various committee hearings that are scheduled. Senator Cortez Masto is here, Senator Fisher, Senator Nelson, a former Chairman of this Committee, have all joined us.

I want everyone to know that our new 53-page report, which the staff of the Committee on both sides worked so hard to complete, entitled "America's Aging Workforce: Opportunities and Challenges," has been approved by the Committee members and will be issued today in conjunction with this hearing. So I want to thank

everyone who worked so hard on that, both the staff and the members.

Our first witness today is Laurie McCann. Ms. McCann is a senior attorney with the AARP Foundation and an expert on age discrimination and other employment issues affecting our aging work force.

Next we will hear from Fernan Cepero, who will testify on behalf of the Society for Human Resource Management. Mr. Cepero is the Chief Human Resources Officer and the Chief Diversity Officer of the YMCA of Greater Rochester, and also serves as a member of the USA Human Resources Partner Organization and Global Leader.

Next I am delighted to introduce Ralph Jellison from Orland, Maine. For 27 years, Mr. Jellison worked at a paper mill in Bucksport, Maine. I will never forget the call that I got three years ago, telling me that this terrific paper mill that had always been such a gem was going to be closed. It was totally unexpected. Mr. Jellison lost his job, his paycheck, and his way of life. He will tell us how, at age 52, he, with a family of six, acquired new skills from a local training program and obtained a new job at GAC Chemical in Searsport, Maine, where he is now such a valued employee.

I am going to turn to our Ranking Member to introduce our witness from Pennsylvania.

Senator CASEY. Thank you, Madam Chairman. I am pleased to introduce Lisa Motta from Pittsburgh, Pennsylvania, as well as her guide dog, Aspen. Lisa, I want to first of all apologize. I was running from one meeting to this hearing and I have not had a chance to personally greet you and say hello, but we will make sure we do that after the hearing.

Lisa is a recruiting administrator at PNC Financial Services, of course headquartered in Pittsburgh, one of the largest financial services firms in the United States. She will tell us about her experience re-entering the work force in her 50's, and starting a new job in an entirely new field. She will also tell us how she succeeded in her current job and how her employer and vocational rehabilitation programs have supported her.

Lisa is joined by her manager at PNC, Deborah Smoody, who is seated behind her. Thanks for being here.

Lisa's presence is illustrative of PNC's support of its workers and the company's commitment to their employees and continued success. Lisa, we look forward to your testimony and I look forward to catching up with you afterwards.

I also want to note, Madam Chair, that Laurie McCann has roots in Pennsylvania. Is that true?

Ms. MCCANN. Yes.

Senator CASEY. Erie?

Ms. MCCANN. Born in Erie. Raised in Pittsburgh.

Senator CASEY. Raised in Pittsburgh. Well, thanks very much. I am sorry to have Pennsylvania dominate this hearing.

The CHAIRMAN. I was going to say, how did I allow that to happen?

Senator CASEY. We were trying to be balanced, but I think we have achieved an imbalance, but I am happy about that.

The CHAIRMAN. Thank you. Ms. McCann, we will start with you.

**STATEMENT OF LAURIE McCANN, M.S., J.D., SENIOR
ATTORNEY, AARP FOUNDATION, WASHINGTON, DC**

Ms. McCANN. Thank you. Chairman Collins, Ranking Member Casey, and members of the Committee. Thank you for inviting AARP to testify today. AARP commends you and your staff for the important report on older workers the Committee is releasing today. With the 50th anniversary of the enactment of the ADEA just nine days away, this is a fitting moment to discuss how best to ensure that older workers are able to put their experience to work, and to underscore that it is simply good business to recruit and to retain talent, regardless of age.

Older workers face numerous obstacles that cannot be fully addressed in one hearing. Since the ADEA turns 50 next week, and age discrimination is my area of expertise, my principal focus will be age discrimination. I will then touch briefly on the challenges of balancing work with family caregiving responsibilities and preparing for retirement.

While the ADEA has achieved a great deal in the past 50 years, age discrimination remains persistent and pervasive. Nearly two-thirds of older workers report that they have either experienced or observed age discrimination in the workplace. Negative stereotypes about older workers that were the target of the ADEA in 1967 are still distressingly prevalent, but age discrimination is also taking new forms, such as requiring applicants to be digital natives, limiting recruitment for entry-level positions to college campuses, and online job sites using algorithms to screen out older applicants.

Best practices by employers are important but are no substitute for strong legal protections. Unfortunately, over the year, courts have failed to interpret the ADEA as a remedial civil rights statute. Instead, they have narrowly interpreted its protections and broadly construed its exceptions. A prime example is the 2009 Supreme Court Decision in *Gross v. FBL Financial Services*, which imposes a much higher burden of proof on age discrimination victims than on those who experience race, sex, or religious bias. Discrimination is discrimination, and cases of proven age discrimination should not be treated more leniently than other forms of discrimination.

The most important step policymakers can take to enhance opportunity for older workers is to restore and strengthen the ADEA. The first step should be the immediate passage of the bipartisan Protecting Older Workers Against Discrimination Act, sponsored and co-sponsored by the leaders of this Committee. AARP greatly appreciate your leadership and consistent support of this legislation to relevel the playing field for older workers under the law.

Next, this Committee should hold a series of hearings on the challenges facing older workers in today's economy, and specifically what changes are needed to update and strengthen the ADEA to adequately protect older workers for the next 50 years.

On caregiving, most of us have been, are, or will be family caregivers, and most are employed, juggling work and caregiving responsibilities. Employers have an economic interest in supporting their employee caregivers so they do not lose talented workers, and many have instituted programs and benefits to support them.

Policymakers also have a role. The leaders of this Committee have been champions for family caregivers. AARP appreciates Chairman Collins' sponsorship of the Raise Family Caregivers Act. We also thank Chairman Collins and Ranking Member Casey for their leadership on the Lifespan Respite Care Reauthorization Act.

On retirement, the principal reason older workers do work longer is financial need. Fewer are covered by traditional pensions that promise guaranteed lifetime income, and unless Congress takes immediate action to pass Senator Brown's Butch Lewis Act of 2017, as part of any omnibus government funding bill, more retirees worked their entire lives to earn a modest pension will see those promises broken and their pensions cut, not years before retiring but while already retired and living on those pensions.

Moreover, retirement savings are woefully inadequate. About three in ten near-retiree households have no retirement savings at all, and the median retirement savings of all near-retiree households was only \$14,500 in 2013. Yet federal action on this front has stalled. Our written statement mentions some steps that AARP is taking to address this serious problem.

While many people plan to work longer to boost savings, unplanned events like job loss, health problems, and caregiving often prevent them from doing so. Public policy must empower workers to work longer, but it must also enable workers to retire with dignity and financial security after a lifetime of work. Older workers make valuable contributions to their employers, the economy, and the Nation as a whole.

AARP again thanks this Committee for inviting us to testify, and I would be happy to answer any questions.

The CHAIRMAN. Thank you so much for your excellent testimony. Mr. Cepero.

**STATEMENT OF FERNAN R. CEPERO, MA, MS, PHR, SHRM-CP,
CHIEF HUMAN RESOURCES OFFICER AND CHIEF DIVERSITY
OFFICER, THE YMCA OF GREATER ROCHESTER, ROCHESTER,
NY, ON BEHALF OF THE SOCIETY FOR HUMAN RE-
SOURCE MANAGEMENT**

Mr. CEPERO. Good morning, Chairwoman Collins and Ranking Member Casey. It is an honor to be with you today to discuss opportunities and challenges presented by America's aging work force. I am Chief Human Resources Officer and Chief Diversity Officer at the YMCA of Greater Rochester, and I appear today on behalf of the Society for Human Resource Management, or SHRM.

Chairwoman Collins, according to the U.S. Department of Labor, by 2050 the number of individuals in the labor force who are age 65 or older is expected to grow by 75 percent, while those who are 25 to 54 is expected to grow by two percent. At the same time, baby boomer employees are retiring and taking their skills with them.

At the YMCA of Greater Rochester, for example, older workers are attracted because we offer meaningful work, flexible work arrangements, and attractive benefits. Our current work force is 35 percent comprised of employees over the age of 50, up from five percent in 2002. My experience, a diverse work environment positively impacts the workplace. At the YMCA, we have seen real-life examples, not only of the value of retaining the skills of older work-

ers but also of mentoring of employees of different experience levels. I would like to share a couple of stories.

One of our most valuable employees has been Sonny Veltre, a former Olympic swimmer who passed the rigorous lifeguard recertification test at age 87. Sonny's contributions to the Y have been immeasurable. Just ask the nine people whose lives Sonny has saved over the years, including three people who had heart attacks while in the water, and a young woman with special needs who suffered a seizure in the pool.

We have also had successful mentoring relationships between Tom, an experienced buildings and ground director of the baby boomer generation, and Brad, a generation Y director who is new to his position. As Brad attests, Tom coached him on all sorts of issues, from mechanics to staffing. Likewise, Tom cited benefits of sharing his expertise and gaining personal and professional satisfaction from seeing Brad grow and succeed in his role.

SHRM and the SHRM Foundation, along with AARP, have looked at similar effective strategies used by employers in various industries. These are focused on key elements: retaining and engaging older workers as long as possible, transferring older workers' knowledge to younger employees before they leave, recruiting older talent, and creating a successful age-diverse environment.

My written statement highlights several effective employer practices, but I will highlight some of the key ones here. First, flexible work arrangements are valued by employees of all ages, but can especially be attractive to older employees. Designing these arrangements with older workers in mind may result in continued innovations, offering shorter shifts, offering a shared leave pool, or offering project-based work. CVS Caremark, for example, offers the Snowbird program, a flexible work option that allows older workers to transfer to different CVS pharmacy store regions on a seasonal basis.

Then there is phased retirement. Phased retirement is an attractive strategy for keeping older employees in the workplace, giving the employees the possibility to reduce work hours to transition into full-time retirement. The Steelcase company, for example, was facing a large number of retiring boomers, especially in the IT and manufacturing departments, and then Steelcase began their phased retirement plan in 2012.

In addition, there is mentoring and knowledge transfer programs that can work both ways. The most common way is ensuring that older workers pass along their institutional knowledge to younger workers. But some knowledge areas, such as technology skills, are ripe for reverse mentoring, where younger workers help mature workers learn about new technology.

And finally, health and wellness benefits. These are cited by older employees as a top priority.

In closing, SHRM supports many public policies that encourage employment of the aging work force as outlined in the Committee's reports. Specifically, we support and encourage employer-sponsored health insurance, wellness programs, and retirement plans, and support new workplace flexibility legislation that would expand workplace flexibility for all employees.

SHRM and the SHRM Foundation are committed to advancing this conversation, and I am happy to answer any questions that you may have. Thank you.

The CHAIRMAN. Thank you very much. Mr. Jellison.

**STATEMENT OF RALPH JELLISON, RETRAINED
MANUFACTURING EMPLOYEE, ORLAND, MAINE**

Mr. JELLISON. Good morning, Chairman Collins, Ranking Member Casey, and distinguished members of the Senate Special Committee on Aging. Thank you for the opportunity to testify today. My name is Ralph Jellison. I am a Marine Corps veteran, a husband, and a father of six children.

After serving in the Marine Corps, I returned home to Sorrento, Maine, and got a job working for G&G Electric. The following year I got hired at the Champion Paper mill in Bucksport, Maine. It later became known as Verso Paper. The last five years of my employment there, I worked as a calendar operator on No. 1 paper machine that produced specialty-grade paper. It was a really good job that paid well and had great health and retirement benefits.

I had been at the mill for 27 years when, in October 2014, we got word that the mill was going to make an announcement. We had already been through a restructure, a redesign, and we saw the shutdown of No. 2 paper machine. Through buyouts and attrition, the company managed to keep many of its people employed. Since the line I worked on had nine months of orders to fill, we thought it would not be us. No such luck. The company announced that it would be shutting down at the end of the year, right around the holidays.

I became overwhelmed with anxiety. What would I do for a job? This is all I have done for 27 years. Luckily, I was one of the fortunate ones to get one of the few remaining bids in the power plant. We were told that the demolition company planned on running the power plant for at least two years, and maybe longer if it proved profitable. Now I had time to get things in order and figure out what I wanted to do should they choose to shut it down. Well, what was supposed to be two years turned out to be just four months.

So here I was—52 years old with my family relying on me, and I was out of work like the rest of them. The job market had been flooded with hundreds of unemployed mill workers. I live in a small town where there are not a whole lot of options for me to just go out and find another job that paid as well as the mill. I became very depressed when one of my former bosses, who had pushed hard for me to go back to school, called and said, “Ralph, I do not want to be the bearer of any more bad news, but do not waste your time going to school because in this field they want someone they can vest in for 30 years, not 10. I am sorry, but I just would have hated to see you go through this on my recommendation and then not get hired.” I also had been told that the state could only extend benefits for a certain amount of time and going to school full-time would have been hard on my family financially.

To make matters worse, my son had been diagnosed with chronic Lyme disease. Now I was not only losing my job, I was losing my medical insurance as well. At no other time in my life had I needed it more, and Cobra insurance was not even remotely affordable at

\$1,574 a month. If not for my severance package, I do not know how we would have managed financially, with thousands of dollars a month being spent on medications for my son. To lose a job is stressful but to worry about the health of your child is even worse. It was just one stressful event after another. God bless my wife for remaining positive. I remember her saying this many times, "Honey, when one door closes, another one opens."

Before long, things started looking up. I spoke to one of the career counselors about school and she said, "Ralph, would you be interested in an HVAC or fine woodworking course at Eastern Maine Community College? You do not have to take algebra or any other classes. It only lasts for six months. You could develop some new skills that may help you find a new job." As it was, only the fine woodworking class was available, so I signed up.

Still, as great as it sounds, the thought of going back to school again after 36 years was intimidating. I cannot say enough good things about the fine woodworking program at EMCC. The instructors were phenomenal. Besides teaching, they also talked about valuable life experiences and reassured us that businesses out there liked the older generation's work ethic.

This is where I also had the chance to meet and talk to some of the younger students. I had the privilege of speaking to a very skilled, intelligent young lady. She said, "Mr. Jellison, you do know that our classes are only 10-week windows of time and we also have a success center where people like me could have tutored you through any difficult classes." I said, "If I had only known then what I know now, I would have definitely tried the electrical course."

Upon completion of my woodworking course, actually the day after I graduated, I got hired at Hinckley Yacht Company in Trenton, Maine. I was elated. My daughter, Sabrina, surprised me with tickets to a concert. I said, "Honey, you do not have to do this," and she said, "Dad, I am proud of you for going back to school and we are going to celebrate." Hearing my daughter say she was proud of me meant the world to me.

I worked at Hinckley for three months until I reaggravated an old knee injury and had to get it operated on. I received short-term disability for 12 weeks which does not pay much. Again, another setback.

While I was out, I met a former mill employee I used to work with at the power plant. He was working for GAC Chemical company in Searsport, Maine. I asked him to let me know when they were hiring. As it turned out, three days later I got a call. I spoke with Ryan and he said, "Tell me what you did in the mill for the last 18 years. Wow, you are versed in a lot of things we need here."

When I got home I checked my e-mail and I had been accepted for employment at GAC. The door my wife had talked about had opened. Good pay, good medical insurance, and close to home. My prayers are answered.

My life was turned upside down when I was 52 years old, but this opportunity to go back to school has brought me to this point in my life. We are back on our feet and I am providing for my family again. I cannot tell you how good this makes me feel. As dismal as things looked for a while, to where I am now, I only hope my

story could be inspiration enough for someone else to better themselves after facing the same sort of situation that I did.

Thank you, and I would be happy to answer any of your questions.

The CHAIRMAN. Mr. Jellison, thank you so much for sharing your personal story. It was extraordinarily moving, and your perseverance is truly inspiring. Thank you.

Mr. JELLISON. Thank you.

The CHAIRMAN. Ms. Motta.

**STATEMENT OF LISA MOTTA, RETRAINED HUMAN RESOURCES
EMPLOYEE, PITTSBURGH, PENNSYLVANIA**

Ms. MOTTA. Chairperson Collins, Ranking Member Casey, members of the Committee, thank you having me here today to testify. It is an honor to speak to you on such a wonderful topic.

I am from Pittsburgh, Pennsylvania, and I work as a recruiting administrator at PNC Financial Institute, where I have been employed for the last three years. Prior to that, I was out of work for almost 20 years. My first career was as an elementary education schoolteacher. Early on in that career, I became totally blind due to glaucoma. It became increasingly difficult to continue teaching, and so I decided to stay home and raise my two wonderful children. I knew that there would be a time that I would want to go back to work, but I never knew how I would be able to accomplish it.

As my children began growing older, my husband and I spent many nights talking about how we would be able to afford the ever-increasing cost of college tuition and, someday, when would he have enough money that he could retire?

Starting a second career in your 50's is no easy task, but I had the added disadvantage of now being totally blind. I wanted to maintain my teaching certificate and so I enrolled at the local college and took some teaching courses. As I applied for teaching positions, I knew it was going to be difficult to get into a classroom again, so I began to look for part-time work which would utilize some of my teaching skills. I did end up with a part-time job at a local chiropractic office, but that position was soon eliminated.

Most employers are using online applications now, and those are not always accessible with screen-reading software such as the blind need to use. When I did manage to get a foot in the door and an in-person interview, it seemed as if the employer already had preconceived notions about my abilities, based on my disability.

After much communication with PNC, I was hired in their Human Resource Department. Unfortunately, at that point, my guide dog had reached her retirement age. Fortunately, though, the Office of Vocational Rehabilitation assisted me in retraining in my white cane skills. They taught me a local route from my home to my office building, how to use public transportation, and my entire PNC building.

When my new guide dog, Aspen, arrived, they again partnered with Leader Dog of Rochester, Michigan, to help me train my dog in the route that I would need to take to my building. They also assigned a local technology vendor to come into PNC and work at my desk to get my access technology working with PNC's computer technology. Once these obstacles were overcome, I was able to start

coordinating interviews for internal and external candidates across the entire PNC footprint.

Later in this year, my entire department moved to a new building in Center City, Pittsburgh. Again, OVR partnered with PNC to ensure that my building was totally accessible for the visually impaired.

My second career has afforded me the opportunity to assist my two children with college tuition and has afforded us to put some money aside for retirement, and has decreased my husband's retirement age to a lower age.

I know, first hand, how difficult it is, and how challenging it is to look for a job after the age of 50. I also know how daunting a task it is to look for a job while you are disabled.

It seems as if we need to overcome social and attitudinal barriers in this society. We also need supportive services, like I have used with OVR, coupled with supportive employers who are able to assist you and provide accommodations. It is also important that we have laws in place that will ensure workers like myself do not face any form of discrimination when they walk into an interview.

Thank you again for having me here today to testify, and I will be happy to answer any of your questions.

The CHAIRMAN. Thank you very much for your testimony. Since we know that older workers are more likely to have a disability than younger workers, it is really important that we consider that as we attempt to address this problem. I also had to smile when you talked about your guide dog reaching retirement age. I did not realize that happens to guide dogs as well as to people.

Mr. Jellison, I want to start with you. I was amazed when I heard you say that your supervisor, who clearly liked you and did not wish you ill in any way, called you up with such discouraging advice, telling you that it was not worth your while to go back to school. The fact that you, nevertheless, persevered was just so important.

So once you went to Eastern Maine Community College—and I have visited that class of fine woodworking, and I remember all the workers were from the Verso plant, and I am virtually positive that every single one of them got a job afterwards. That just shows the benefit of those job training programs and the Trade Adjustment Assistance that helps make them affordable.

What was it about the program, after you had been discouraged from even going there, that helped you to regain your confidence after being out of school for so many years? That must have been really tough.

Mr. JELLISON. It was. I am actually proud of it.

Again, those instructors were phenomenal. They gave a lot of talk on real-life experiences, because some of them had owned their own businesses, and told us that they actually preferred the older person because he did not have to keep going up and say, "Put the phone away," you know. You do not spend so much time on the phone at work.

But I actually spoke with a young lady, because I was not versed in all the college aspects of life. I went into the Marine Corps and I did not know all that stuff. But she was very nice, very skilled at what she did. And when I was talking about, you know, what

I could have done, that I could have taken this, that is when she told me there was only ten weeks that you would have had to take that class. And I was like [sighs]. And she goes, "But we have a success center that we have people that offer their time that could have helped tutor you through this."

But after that I had more confidence in myself, thinking that I actually—I could have done this, and the guy that basically did all the classroom work with us, he, too, had lost his job two years prior, and got hired by Les Stockpile, to teach that class. So it was even better, and he was a great instructor.

The CHAIRMAN. I remember him.

Mr. JELLISON. Brad was awesome.

The CHAIRMAN. Tell me a little bit more about the Success Center, because I visited that as well, at Eastern Maine Community College and I really think it is important for people who have been out of the academic world for a very long time. Did you happen to use it, or had you not really known about it until you were fine?

Mr. JELLISON. I found out about it through the young lady. I mean, I saw it on the thing—the building. It said "Success Center," like a room for them, but I did not really know what it was all about until she had explained it to me. I mean, of course I knew about tutors, but not for like a tech school or something like that. When she made me aware of that, she was actually tutoring one of her fellow students, in CAD, that was having problems. She said "and I could have done this for you as well, with algebra." You know, she goes—so that just made me feel better than I would not have been all alone, and I knew how I struggled in high school with it, and then I had to take it in college. It was kind of intimidating.

The CHAIRMAN. Thank you.

Ms. McCann, you talked about the very unfortunate Supreme Court decision in 2009 that made it more difficult to prove discrimination based on age alone, and the fact that Senator Casey and I, along with Senator Grassley and Senator Leahy have introduced a bill to overturn that decision, and we appreciate AARP's support for that bill. For the life of me I do not understand why there is a higher burden for proving that age discrimination was the reason for the adverse employment action compared to other protected classes such as gender, religion, race.

Why do you think that protecting Americans based on their age is more challenging than protecting them based on their race, religion, and gender?

Ms. McCANN. That is a great question and I think it is because, in this—at least in this country, freedom from age discrimination seems to be a second-class civil right, that we view age discrimination as different from other forms of discrimination, and like almost somewhat acceptable, which is what happened in the Gross decision, where the Supreme Court sent a message that is saying some age discrimination is OK. It sent a message to employers, and it sent a message to the courts, and as a result, plaintiffs' attorneys are less likely take your age discrimination case because they know that evidentiary burden is so much higher. So they would rather take another case that they would have a higher likelihood of success.

I do think the root of the problem is that we view age discrimination less as a civil right but more as an economics issue, that sometimes it makes sense to discriminate against older workers, and that we still hold these unfounded assumptions and stereotypes about older workers, despite the fact that the ADEA has been on the books for over 50 years, or 50 years next week. So I do think that that is—until we tackle that problem and why it is the case, we face a real uphill battle.

The CHAIRMAN. Thank you. Senator Casey.

Senator CASEY. Thank you. I wanted to highlight some of the work that is done in the Health, Education, Labor and Pensions Committee. Chairman Collins and I are members of that committee. In 2014, as many of you might remember, we passed the Workforce Innovation and Opportunity Act, so-called WIOA Act. Part of that legislation was the reauthorization of the Rehabilitation Act, which supports vocational rehabilitation programs across our states. We recognized, at that time, that individuals who acquire disabilities need training and support to succeed in the workplace, and that employers need support as well.

So, Lisa, I wanted to start with you. In your experience, is it important for employers to have access to information about how to accommodate workers' disabilities?

Ms. MOTTA. Yes. Thank you, Senator Casey. In my case it worked very well. OVR and PNC partnered. OVR is trained. They understand the situation of the disability. I worked very closely with a mobility instructor, who pointed out several instances that PNC maybe did not recognize, because they are looking at it from vision-impairment situation. And if you do not walk the walk, you do not always understand. It is like training the guide dogs. Leader Dog is almost a dog whisperer. They understand what the dogs are thinking and doing constantly.

So you want someone who is trained in that, to understand and show you, show you how simple it could be to enable a worker with just minor, minor changes, or adjustments. I think it is very important and it helps the employer understand, and I do believe that PNC was grateful for their collaboration together.

Mr. CASEY. And when you mentioned OVR, the Office of Vocational Rehabilitation, a state program, or state office, I should say, but helped substantially by federal support over the years, you did say that the Office of Vocational Rehabilitation was able to, quote, "help me identify and learn a public transportation route to work that I could navigate with a long cane until my new guide dog arrived." That is a pretty significant point to make about the help.

I guess the other part about this, Lisa, is the—from the employer's side of this, if employers know how to accommodate a disability or disabilities that a worker has, can that help the employer track and keep employees with disabilities? Do you have anything to add about that?

Ms. MOTTA. Yes, and I think PNC is working on a committee right now to look at just all their—through their entire enterprise through the lens of disabilities. They, indeed, want to be able to understand the situations and how to accommodate—make simple accommodations.

For example, when I arrived at PNC, the phone blinked when you had a voice message. With a simple connection process through technology, they enabled that phone to not only blink but when I picked that phone up it would beep and indicate to me that there was a message on that phone for me. Very simple accommodation but working together with the Office of Vocational Rehabilitation that was an accommodation that could be made.

Mr. CASEY. And finally, Lisa, your guide dog, Aspen, I know that those who use service animals rely upon them and develop a really special relationship with them. How important was it for you to receive training in how to work with Aspen?

Ms. MOTTA. So great question, because I think this benefited a group of three: Leader Dog, OVR, and myself. So Leader Dog delivered Aspen the week before my start date. OK? They are from Rochester, Michigan. They are not really sure about Pittsburgh, Pennsylvania, right, and we know it is a triangle there. Hard to navigate. And OVR, from Pittsburgh, could navigate the roads very quickly and very well. So when they partnered together, one knowing the area and one knowing how to train the dog, in a week's time we mastered it, all three of us, together.

Aspen not only assists me, but look, I work in a large building and I touch many people in the day, and so does Aspen. So Aspen is not only assisting me but she is assisting every person she comes across. Every person we walk past has a giant smile on their face in the middle of a workday, and not just on Fridays. Oftentimes when she is under my desk without her harness on, I get a little knock on the side of my cube that says, "Could I have a little Aspen moment today?"

Senator CASEY. That is great. Well, I know, just in conclusion I know Pittsburgh has got a lot of hills, a lot of bridges, so not the easiest terrain to get around.

Lisa, thanks very much.

Ms. MOTTA. Thank you.

The CHAIRMAN. Mr. Cepero, the YMCA, the Y's all over the country are known in making great strides in recognizing and responding to our aging society. For example, I visited, earlier this year, the Bangor YMCA, which hosts a number of programs to promote the health and well-being of older adults. In fact, it was wonderful seeing the age span of people served by that YMCA, which had programs for everybody. It was just truly terrific. It is heartening to learn that the Y's policies and practices are supporting aging employees as well.

Now some would say that the Y has chosen that route for its employees because of your nonprofit mission. But could you tell us if there is also a good business case to be made for encouraging the retention of older workers?

Mr. CEPERO. Yes. Yes, I can, Senator Collins, and thank you for that question. The business case for the YMCA of Greater Rochester actually is rooted in our diversity and inclusion statement, which is "we are for all." So when we embarked on health and wellness programs for older workers, that just opened up a new opportunity and a new demographic, and in the dimensions of diversity, of a population that we had not served in the past.

So it absolutely made sense for us to attract workers that were going to reflect our new membership base, so that was the business case for us, and it is organic for us to have all five generations working side by side with each other. It is essentially a reflection of the community in which we are. And I have had the opportunity to work with the Bangor YMCA, so I am very familiar with the programs that they do, and they are doing great work there as well.

The CHAIRMAN. I am delighted to hear that. I am very proud of what they do also.

I know that you are also a faculty member and that you often provide training and talks on human resource areas. When you are talking to other H.R. specialists, what do you find motivates them to recommend the implementation of practices and policies that are going to help with an aging work force?

Mr. CEPERO. What motivates them is the fact that it is an opportunity for them to, well, do two things. One, to retain the knowledge in their work force, but also an opportunity to retrain and bring some new skills to the work force across the board, across all generations.

The CHAIRMAN. I would note that our report presents several examples of various companies that support aging workers, and we hope, by issuing this report, we can encourage and exchange best practices, and I know that is something that SHRM does frequently.

Mr. CEPERO. Yes. Yes, they do.

The CHAIRMAN. Thank you.

Mr. Jellison, did you get some sort of tuition assistance that enabled you to go to Eastern Maine Community College?

Mr. JELLISON. Basically what I got was the RTAA, the adjustment. They paid maybe 50 cents or less, per mile, for going to school if it was like over 20 miles. They helped with that.

The CHAIRMAN. So the Trade Adjustment Assistance programs helped with the tuition and mileage for people who lived a certain distance away. And I have been a big proponent of that program. Frequently it has been a target for being eliminated, which I just do not understand, and you are living proof.

Mr. JELLISON. Yes.

The CHAIRMAN. So just so I can bolster my case as I argue for the retention of that program, without that assistance do you think that you would have gone back to school? Would you have been able to take the time to, and bear the expense of, going to school if it had fallen on you totally?

Mr. JELLISON. I could not have done it. I wish the school had been longer as well, because it did go so fast. But with the family depending on me financially, I just—I would not have been able to do it. I would have had to pick up some kind of job.

The CHAIRMAN. And I think that is such an important point, because by giving you that little bit of help, under the Trade Adjustment Assistance, when you lost your job through no fault of your own, despite being an extraordinarily good employee for decades, but without that help you would have probably had to pick up a job that paid far less than what you are earning now, and you have six children to support, and it would have been so difficult for you.

That is what we need to remember about these programs, is they give a temporary bit of assistance, but it makes a life-long difference to people like you.

Mr. JELLISON. Yes.

The CHAIRMAN. Thank you.

Mrs. Motta, I really admire hearing your story as well, because to lose your sight at such a young age must have made things so difficult for you. As you started to explore going back to work after staying home and raising your children for a number of years, how did you find out what assistance was available to you? You have talked about how critical the occupational and vocational rehabilitation assistance and your guide dog, for example, but how did you tap into that world?

Ms. MOTTA. So shortly after I lost my sight, we just started researching, and we talked to Blind and Vision Services, who assisted me in learning Braille. OVR, of course, with mobility. I had to start again, just to learn the basic skills. I even used the Center for Independence Living, because I had two small children that depended on me. So just reaching out to one organization, and then trying to connect with another, and learn what each one could offer me.

Going back to school was no easy task, because, when I went to college to get my degree in teaching I was sighted. So now I needed to learn how to learn without sight. And between BVS and OVR I was able to identify a college that could offer me credits. Not only did I have to maintain my teaching certificate but I had not yet gotten my permanent teaching certificate, so it was going to be a long, long road to hoe in college.

But just going from one organization, leading to another organization, to different technology vendors where I could learn access technology, and reaching out to them.

The CHAIRMAN. Thank you. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Thank you so much for the hearing today, and I apologize. I had another committee that I had to attend very briefly. But thank you for the written comments that you have given today.

So, Mr. Jellison, I would like to ask you, because all of your testimonies today are compelling, but one of the things that really stood out to me was the fact that losing your health insurance potentially, when you lost your job at the paper mill, that impact—that fear that you have that it would not only impact you but your family and your children.

Can you talk a little bit about—and put it in perspective for people, because I think sometimes we do not think about the real lives and the impacts that this has on not just the individual but their families. Can you talk a little bit more—and you may have—but if you do not mind, a little bit more on how losing that access to health care, or health care coverage, not just for you and your family, what that meant and what it felt like.

Mr. JELLISON. Quite a long process, but, I mean, when I lost my job the company gave us two months for free, and then we had the option of going onto Cobra, which was, figured up for us was going to be \$1,574 if I did not have job anyway, or what I was getting for unemployment. I just cannot do it.

Senator CORTEZ MASTO. Right.

Mr. JELLISON. I cannot pay that. And then, like I said, my son being diagnosed with chronic Lyme on top of that, I mean, it went like—I believe my wife was more into this than I was, but it was like nine months before we actually got help from the state and got, you know, some reimbursement for some of the things. But it was not all covered, and if I did not have that severance package I would have been so in the hole, I would not have been able to afford that.

Senator CORTEZ MASTO. Even more so. And I think people forget about that, the stressors on the families, when we are looking at closing things down and we are looking at a work force that—you had worked there for, what, 27 years?

Mr. JELLISON. Right.

Senator CORTEZ MASTO. And now you are asked to go find another job. It is not just a stressor on you. It is a stressor on your family. And the impact that it has for your spouse and for your kids, because they feel that stress as well.

Mr. JELLISON. They did.

Senator CORTEZ MASTO. It is not like they are immune from it. And so this really has an effect on all of our families, and I think sometimes people forget about that.

That is something I know and carry with me. We came through the worst crisis in Nevada with that foreclosure crisis. We had so many people losing their homes, losing their jobs. We literally had a work force that thought that they had retired and were living comfortably, that lost their home, and then lost their retirement trying to save their home. So now they are back in the work force, but where are they going to work, particularly when you have 15 percent unemployment at the time.

So it is challenging and I do not think we realize that we, here, in Congress—and I know that is why I so appreciate this hearing—we have worked so hard to identify not only this gap but then put dollars toward work force development, and really those programs that continue to help, particularly our older community, who is looking for new skills, new abilities to get a job in the work force.

I am at the end of the baby boomers, when I was born, so I feel for you, and many who are in that second phase of looking for a new career. And I think we, in Congress, need to do a better job of working with all of you and helping train that work force, and train you, and giving the dollars for that work force development, and incentivizing and working with our businesses as well.

So I appreciate you being here. Thank you.

Mr. CEPERO, hiring older Americans can be such an opportunity for employers, but I worry that some employers either do not realize this or do not know how to go about finding these workers or keeping them from leaving. Can you detail some of the ways that having older workers can benefit an employer, and how companies interested in this opportunity can recruit and retain these workers, and if there is anything we can do in Congress to help incentivize.

Mr. CEPERO. Sure. At the YMCA, we have a selection, a recruitment, and a retention strategy around older worker, and we bring them in either with skills that they have that complement some of

the positions that we have, but more importantly, we also offer training for workers that may have been displaced.

You may be aware that Kodak, Eastman Kodak company laid off several thousand workers in the Rochester area, and we hired a good number of those workers, and we retained them to become either early education specialists, or health and wellness specialists. Some of them went on to full-time careers with us.

And that is one of the things that we hear, as far as the retention piece is concerned, is “you gave me a new lease on my work life.” “You gave me new skills, and I am also doing meaningful work.” I am often asked, “Do you just hire, or do you only offer the positions that nobody else wants?” No. One of the more important attractors for us is that we offer meaningful work and that they are giving back to the community.

So it is a very meaningful encore career for them, and we do enjoy a high rate of retention. We have our Long Service Award ceremony coming up in a couple of weeks, and we have a few employees who are celebrating 25, 35, and 40 years with us, with no sign of retirement. And we do not want them to retire.

Senator CORTEZ MASTO. Right, but that is impressive. That says a lot.

So I notice my time is up. Thank you very much. I appreciate it. Mr. CEPERO. You are welcome.

The CHAIRMAN. Thank you, Senator. Senator Casey.

Senator CASEY. Thank you, Madam Chair. I wanted to note for the record, as Senator Cortez Masto is here, that we believe she has the highest attendance record this year.

The CHAIRMAN. She does.

Senator CASEY. Senator Collins, I have not vetted this with you, but do we have like an Aging Committee mug we could—

[Laughter.]

Senator CASEY. Would you like a mug with our pictures on it?

[Laughter.]

Senator CASEY. It will just be the Chairman’s picture on the mug.

The CHAIRMAN. I am totally bipartisan. I will put you on the other side.

Senator CASEY. Thank you, Senator, for great attendance. You set the bar high.

I wanted to get to the questions that has been raised a couple of times, but, Ms. McCann, the question of the Supreme Court case and what that means. In your testimony I was just going to the— on page five you said with regard to the Gross v. FBL Financial Services, it says the court imposing a higher standard. Basically, what that means is a worker must prove that age played a decisive role, which is a big change. It lifts the burden substantially, and as you mentioned, diminishes the likelihood that lawyers will take these cases.

And you go on to say, in the written testimony, quote, “a significantly higher standard of proof, in short, the Gross decision signaled to employers that some amount of proven age discrimination is legally allowed.” I never heard it articulated that way, but that is a searing indictment, I think, of the decision, a decision that we

hope to rectify by the legislation we introduced, the Protecting Older Workers Against Discrimination Act. That is Senate Bill 443.

But, Ms. McCann, anything else you would want to say about that?

Ms. MCCANN. Yes. I mean, I think that statement, that truth, it impacts the ADEA's ability to deter age discrimination as well. I mean, if you think about it, there are two purposes to any civil rights statute. One is to remedy and provide relief to the victim, but the other is to deter future discrimination. And so when the Supreme Court, in *Gross*, says that we are going to allow a certain amount of age discrimination, and we are going to make it harder to prove, employers are not going to have that same incentive to sort of self-audit themselves to make sure that their policies and practices are age-neutral and they are not discriminating based on age.

Senator CASEY. Yes, I know, and I think most people who have had any experience with these kinds of cases know that it is often very subtle. It is not as if someone walks into the room and makes a declarative statement as to why they are firing someone, in the context of age. So I appreciate you highlighting that. That is critically important.

And I guess the other thing I wanted to highlight as well, Lisa, you had given your testimony earlier, and you talked about how difficult it was to embark on a second career, especially a second career where you were not only out of the work force for a long time but had an acquired disability.

I thought it was noteworthy that in your written testimony you said, quote, "My second career has enabled me to work toward my personal goals like saving for retirement, but it has also given me the opportunity to advocate for others facing the same challenges." Anything you would want to say about that part of your testimony?

Ms. MOTTA. Yes. I think since I have joined PNC I have spoken to a number of executives, and just mentioning the fact, or they will contact me to the fact of disabilities and what needs to be done in the work force for persons with disabilities. I think it is as discriminated against. Like I said, I think people have preconceived notions of what your abilities are. And everybody has abilities and disabilities, and I think I have brought to light, at least in my area of looking more at my ability, what is it that I am able to do.

And so I do that. I belong to an employee business resource group called PNC Enables, and we work in doing that, in bringing things to light for all disabilities, not just vision. I happen to lead the vision and deaf resource group that falls underneath that umbrella, and so I am able to talk to other people within the company who have vision disabilities and deafness, and they are able to communicate in this group what their challenges are, what enables them to do a better job, and what challenges they face. And I am able to bring that to the forefront, to the leaders, and say these are some things. And the other resource group leaders do that too, for diabetes, physical impairments, invisible disabilities.

And so I think in that respect being in with an employer who is supportive, we are able to have those discussions, to bring those things forward, and to work on those, and to make it a more inclusive environment.

Senator CASEY. Thanks very much.

The CHAIRMAN. Thank you very much, Senator Casey.

It has been remarked upon several times that this is the 50th anniversary of the Age Discrimination in Employment Act, and that was one of the reasons the Committee wanted to hold this hearing today, but also why the report that we will issue, that summarizes the topic that we chose to focus on this year, does focus on America's aging work forces and the opportunities and challenges that they face.

Earlier this year, the Committee sought and received input from various stakeholders, advocates, and employers and employees to help shape this report. Assuming there is no objection, these letters will all be included as part of our hearing record.

The CHAIRMAN. I do want to thank all of our witnesses today. Each of you brought such an interesting perspective to the issues that we are focusing on, and your testimony today demonstrates the resiliency of Americans who face unique and difficult challenges, as Mr. Jellison and Mrs. Motta have. It also reminds us that as we grow older, all of us are likely to face some kinds of challenges as we continue to work longer. Employers—I am going to say it again—employers are going to need older workers. There are not enough workers in this country that they can afford to discard the extraordinary skills, the judgment, and experience that older workers bring to the workplace.

We do need to correct the problem that was created by that 2009 Supreme Court decision, and I know all of us are committed to doing so, and it is notable that it is a completely bipartisan bill, and I hope that we can get that through.

Employers can be more creative. We have learned what PNC has done, what L.L. Bean has done, in my state. All of us can point to employers who have made a real effort along the lines of the YMCA, to reach out to older workers, make accommodations if needed, and they end up with a better work force, and I think that is the message that we need to get out to employers.

So I look forward to continuing to work to advance federal policies and hold hearings like this, to heighten awareness. I think that is equally important.

I also wanted to again thank the Committee staff on both sides of the aisle who worked very closely together in preparing this report. The Committee is losing our Fellow from the University of Iowa, Brian Kaskie, who has been with us for the whole year on a fellowship program, and his expertise has been invaluable and accounts for the number of footnotes that are in this report. You can tell that a professor played a role in writing it. And it really has been a cooperative effort, but since he is concluding his time with the Committee I did want to single out Brian and thank you.

Again, thanks to all of our witnesses. Committee members will have until Friday, December 15th, to submit questions for the record. I want to give Senator Casey and Senator Cortez Masto a chance to make any closing comments they would like to.

Senator CASEY. Madam Chair, thank you, and thanks for your leadership of the Committee. I am completing my first year as Ranking Member.

The CHAIRMAN. And you did a great job.

Senator CASEY. Thanks. We are grateful for your leadership. And I want to reiterate what the Chairman said about the staff. Keith Miller, on my staff, as well as Sara and Brian on Senator Collins' staff. I am told there are 208 footnotes, if that is correct.

[Laughter.]

The CHAIRMAN. Both of us noticed that.

Senator CASEY. And, as you mentioned, 53 pages.

My staff has a good one-liner. Most of my best lines are written by staff, as you know. The good one-liner about the Aging Committee is once you are born, you are aging. It is a pretty good line.

So we take these issues very seriously, and we cannot get our point across, cannot advance the ball in terms of policy without having good hearings and excellent witnesses. So, Ms. McCann, we want to thank you for the expertise that you bring, and AARP, and Mr. Cepero, thank you for reminding us about how valuable those workers are in the context of the workplace, but especially your testimony about the YMCA.

The gentleman that you mentioned that was the lifeguard, am I right, in your testimony you said he was 87 years old?

Mr. CEPERO. Yes. That is when he passed his recertification.

Senator CASEY. Where you have dive, what is it, 14 feet underwater, to rescue someone? I could not do that when I was 37, let alone 87. So we are grateful you brought that to our attention.

Mr. Jellison, your story is particularly moving. I think when I consider what you were up against and what you had to overcome, and the same goes for Lisa Motta, you both have led quietly triumphant lives, triumphing and achieving so much in the face of tremendous obstacles. It is a great inspiration.

So we know that this testimony will help us advocate for better policy in this area, to recognize the value that older workers provide, and as Chairman Collins said, the necessity for employers to recognize that these employees will be an increasingly larger share of our workplace.

Finally, in conclusion, just some of the work that was done by the Committee, I wanted to highlight the work and leadership of the Chairman and members of the Committee, grandparents raising grandchildren was one of the topics. Senior nutrition was another. The devastation caused by Hurricanes Harvey, Irma, and Maria in the context of what happens to older citizens in that circumstance. And, of course, this hearing on aging work force. We are grateful for that work that was done by the Committee and thank the Chair for her leadership.

The CHAIRMAN. Thank you very much. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. First of all, I echo the words of our Chairwoman and our Ranking Member. Thank you so much for taking the time to come here and talk with us. And I also want to thank the staff as well, of the Committee, and the Chairwoman and Ranking Member. Really, your focus and leadership on highlighting the issues that are so important to many people in our communities. I really enjoy being on this committee. I look forward to continuing the work that we do, and thank you both for your leadership.

The CHAIRMAN. Thank you very much and I will develop that perfect attendance award and make sure that it is delivered to you. Thank you for your many contributions.

This concludes our hearing today. Again, I want to give a special thanks to the staff for all of their work throughout the year. We could not do it without them. And thank you for sharing your stories today.

This hearing is adjourned.

[Whereupon, at 10:51 a.m., the Committee was adjourned.]

APPENDIX

**Prepared Witness Statements and Questions
for the Record**



**TESTIMONY OF
LAURIE McCANN**

**M.S., J.D., Senior Attorney
AARP Foundation**

**SUBMITTED TO THE
SPECIAL COMMITTEE ON AGING
U.S. SENATE**

**ON
AMERICA'S AGING WORKFORCE
OPPORTUNITIES AND CHALLENGES**

December 6, 2017

**AARP
601 E Street, NW
Washington, DC 20049**

Chairman Collins, Ranking Member Casey, and Members of the Committee, AARP thanks you for inviting AARP to testify at today's hearing to discuss the challenges and opportunities presented by an aging workforce. With nearly 38 million members, AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. I am Laurie McCann, a Senior Attorney with AARP Foundation, the charitable affiliate of AARP, which, among other things, works to help low-income older adults earn a living. I have been working to ensure equal employment opportunities for older workers for more than 30 years.

AARP also commends you and your hardworking staff for the important report the Committee is releasing today concerning older workers. With the 50th anniversary of the enactment of the Age Discrimination in Employment Act (ADEA) just nine days away, this is a fitting moment to document and discuss the best ways to ensure that older workers are able to keep putting their experience to work, and to spotlight those employers who demonstrate that it is simply good business sense to recruit and retain talent regardless of their age.

There are many issues facing older workers that time does not permit me to address today (e.g., workforce development, recareering, entrepreneurship, contingent work, workers with disabilities, the impact of automation, etc.). This testimony will briefly paint a picture of the aging workforce, and then discuss what AARP sees as some of the key challenges facing older workers today— age discrimination, balancing work with caregiving responsibilities for loved ones, and preparing for a financially secure retirement – and some thoughts on how we might address them.

Working Longer

It is well-known that the workforce, along with the population at large, is aging. In 1990, only 12% of the workforce was age 55 and older. In 2016, workers 55+ were 22% of the workforce, and that number is projected to continue to increase.¹ Workers age 40 and older – the population covered by the ADEA – constitute 60 percent of the labor force.² Older workers are working longer, a trend that began in the 1990s, well before the recession and before the boomer generation reached retirement age. Most of this growth is due to increased labor force participation by women.³

What is less well-known is that the labor force participation rate for *retirement-age* workers has increased substantially, and they are now the fastest growing age group in the workforce. In 1987, roughly 19% of adults ages 65-69 were in the workforce; in 2017, that number had increased by nearly 75% to around 33%. Similarly, in 1987, about 10% of those ages 70-74 were in the labor force, but in 2017, that number had almost doubled to 19%. Even among the oldest workers – those 75 and older – labor force participation doubled from about 4% in 1987 to about 8% in 2017.⁴ Moreover, according to the Bureau of Labor Statistics (BLS), 65+ workers are projected to *continue* to be the fastest growing age group in the workforce. Between 2014 and 2024, the number of workers ages 65-74 is expected to grow by 4.5%, and the number of workers 75 and older is expected to grow by 6.4%, compared to, for example, a growth rate of about 1% for workers 25-

¹ M. Toossi & E. Torpey, *Older workers: Labor force trends and career options*, Chart 1 (May 2017), available at <https://www.bls.gov/careeroutlook/2017/article/older-workers.htm> [hereinafter *Older workers*].

² See Bureau of Labor Statistics, Employment status of the civilian noninstitutional population by age, sex, and race, Table 3, at <https://www.bls.gov/cps/cpsaat03.htm> (accessed Dec. 2, 2017).

³ Testimony of Dr. Sara E. Rix, Consultant on Work and Aging, Hearing on *Working in Retirement: Career Reinventions and the New Workspace* 8, Fig. 2 (U.S. Senate Special Committee on Aging, June 24, 2015), available at https://www.aging.senate.gov/imo/media/doc/Rix_6_24_15.pdf [hereinafter *Rix Testimony*].

⁴ All three age group percentages derived from U.S. Department of Labor, Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, at <http://data.bls.gov/pdq/querytool.jsp?survey=in> (accessed July 28, 2017).

44.⁵ Clearly, as employers need workers, they will increasingly need to attract and retain older workers and plan for a multigenerational workforce.

Significant Challenges Faced by Older Workers

Age Discrimination

In his 1967 message to Congress urging the enactment of legislation to prohibit employment discrimination against older workers, President Lyndon Johnson emphasized that "[h]undreds of thousands not yet old, not yet voluntarily retired, find themselves jobless because of arbitrary age discrimination."⁶ Prior to the ADEA's passage, according to a 1965 report issued by the Secretary of Labor, approximately *half* of all private sector job openings *explicitly* barred applicants over age 55, and a quarter barred consideration of those over age 45.⁷ Help wanted ads could say "only workers under 35 need apply" and employers had unbridled authority to terminate older workers based solely on age.

This year, 2017, marks the 50th anniversary of the enactment of the ADEA. While the law has achieved a great deal, age discrimination continues to be persistent and pervasive, and a significant barrier to older workers seeking reemployment or just trying to keep their jobs or advance. Most of us have witnessed examples of age discrimination—not treating someone based on their qualifications, but instead relying on negative assumptions based on their age. People in their 50s and 60s are often denied work opportunities they're perfectly qualified for. This goes against the basic American value of treating individuals based on merit, not stereotypes. Nearly two-thirds (64%) of workers ages 45-74 report that they have either experienced or observed age discrimination in the workplace.⁸ Interestingly, workers 57-64 are even more likely (71%) than those 65-74 (64%) to have seen or experienced age discrimination.⁹

Older workers are less likely to become unemployed than younger workers, but once jobless, older workers experience far longer spells of unemployment than younger workers, and age discrimination is likely the main reason why. In AARP's study about how unemployed older workers found reemployment, over half said that age discrimination had negatively affected their ability to find a job.¹⁰

Age discrimination in hiring is the most difficult form of discrimination to detect and prove. About one-fifth of older workers say they've experienced not getting hired for a job they applied for due to age.¹¹ AARP has increasingly witnessed companies engaging in a number of age-related practices

⁵ See *Older workers*, *supra* n. 1, Chart 2.

⁶ President Lyndon B. Johnson: *Special Message to the Congress Proposing Programs for Older Americans* (Jan. 23, 1967) (proposing several legislative measures including the ADEA), available at <http://www.presidency.ucsb.edu/ws/?pid=28139>.

⁷ U.S. Dep't of Labor, *The Older Worker: Age Discrimination in Employment*, Report of the Secretary of Labor Under Section 715 of the Civil Rights Act of 1964, 6 (1965) ("Wirtz Report"); 113 Cong. Rec. 1089-90 (Jan. 23, 1967).

⁸ AARP, *Staying Ahead of the Curve 2013: The AARP Work and Career Study, Older Workers in an Uneasy Job Market* 28, Table 10 (January, 2014) available at http://www.aarp.org/content/dam/aarp/research/surveys_statistics/general/2014/Staying-Ahead-of-the-Curve-2013-The-Work-and-Career-Study-AARP-res-gen.pdf [hereinafter *Staying Ahead of the Curve*].

⁹ *Id.*

¹⁰ G. Koenig, L. Trawinski, *et al.*, *The Long Road Back: Struggling to Find Work after Unemployment* 8, Fig 6 (AARP Pub. Pol'y Inst., Mar. 2015), available at <http://www.aarp.org/content/dam/aarp/ppi/2015-03/The%20Long%20Road%20Back%20INSIGHT-new.pdf>.

¹¹ *Staying Ahead of the Curve*, *supra* n. 8, at 33, Fig 5.

that directly or indirectly discriminate against older workers, such as: specifying a requirement for “digital natives” or a *maximum* number of years of experience (e.g., no more than 10 years) or in the qualifications, limiting recruitment efforts for entry-level positions to college campuses and requiring a college-affiliated email address in order to apply, and using algorithms for online job application sites to screen out older applicants.¹²

Among the age discrimination charges filed with the EEOC, complaints about discriminatory discharge constitute, by far, the largest number of charges filed under the ADEA.¹³ We at AARP and AARP Foundation are increasingly noticing articles, reports, and workshops about the need to “unclog the pipeline” and nudge out those in their 60s or past traditional retirement age in order to “reduce costs” or “make way” for the workers behind them.¹⁴ Yet, “[t]here’s no evidence to support that increased employment by older people is going to hurt younger people in any way,”¹⁵ according to Alicia Munnell, the Director of the Center for Retirement Research at Boston College. According to a report done in the UK, more older workers working means more jobs and higher wages for younger workers.¹⁶ “Sure, someone having one specific job means that another person cannot have that job but the aggregate effect is entirely the other way around.”¹⁷

Employers are increasingly recognizing the tremendous value that older workers contribute to their businesses – both to the productivity and to their bottom lines. The age 50+ segment of the workforce is the most engaged cohort across all generations, which translates into higher productivity, increased revenues, and improved business outcomes.¹⁸ Research study after research study finds that a diverse workforce is a more productive, better performing, more innovative workforce, and this holds for age diversity too. Age diversity and multigenerational workforces “can improve organizational performance, if it is managed well.”¹⁹ Yet, just a tiny

¹² See Testimony of Laurie A. McCann, AARP Foundation Litigation, Hearing on *The ADEA @ 50 – More Relevant Than Ever* (EEOC, June 14, 2017), available at <https://www.eeoc.gov/eeoc/meetings/6-14-17/mccann.cfm>, for more discussion of age-discriminatory hiring practices.

¹³ See EEOC, *Statutes by Issue (Charges filed with EEOC): FY 2010 - FY 2016*, at https://www.eeoc.gov/eeoc/statistics/enforcement/statutes_by_issue.cfm (accessed July 31, 2017).

¹⁴ See e.g., Prudential, *Why Employers Should Care about the Cost of Delayed Retirements* (2017), available at http://research.prudential.com/documents/rp/SI20_Final_ADA_Cost-of-Delayed_1-4-17.pdf; S. Krouse, “U.S. Companies Have a New 401(k) Fix: Spend More,” *Wall St. J.* (July 17, 2017), available at <https://www.wsj.com/articles/u-s-companies-have-a-new-401-k-fix-spend-more-1500283804?mg=prod/accounts-wsj>.

¹⁵ M. Sedensky, Are older workers taking jobs from young?, *USA Today* (Jan 4, 2014), at <https://www.usatoday.com/story/money/business/2014/01/04/will-surge-of-older-workers-take-jobs-from-young/4305187/>. See also, A. Munnell & A. Yanyuan Wu, *Are Aging Baby Boomers Squeezing Young Workers Out Of Jobs?* (Oct. 2012), available at <http://crr.bc.edu/briefs/are-aging-baby-boomers-squeezing-young-workers-out-of-jobs/>.

¹⁶ D. Hyde, Older workers “do not steal jobs from young,” *The Telegraph* (Mar. 11, 2015), at <http://www.telegraph.co.uk/finance/jobs/11462712/Older-workers-do-not-steal-jobs-from-young.html> (citing R. Altmann, *A New Vision for Older Workers: Retain, Retrain, Recruit* (2015), available at http://telegraph3.digipip.net/visit?url=http%3A%2F%2Fwww.genesysdownload.co.uk%2Frosaltnmann%2FAltman_090315_Final.pdf).

¹⁷ T. Worstall, Of Course Older Workers Do Not Steal Jobs from the Young; Fallacies Are Fallacies, *Forbes* (Mar. 11, 2015), at <https://www.forbes.com/sites/timworstall/2015/03/11/of-course-older-workers-do-not-steal-jobs-from-the-young-fallacies-are-fallacies/#ba6534e2b074>.

¹⁸ See generally, AARP, *A Business Case for Workers Age 50+: A Look at the Value of Experience* (2015), available at http://www.aarp.org/content/dam/aarp/research/surveys_statistics/general/2015/A-Business-Case-Report-for-Workers%20Age%2050Plus-res-gen.pdf.

¹⁹ L. Trawinski, *Disrupting Aging in the Workplace: Profiles in Intergenerational Diversity Leadership 2* (AARP Pub. Pol’y Inst., Oct. 2016), available at http://www.aarp.org/content/dam/aarp/ppi/2016-11/213719%20Disrupt%20Aging%20in%20the%20Workforce%20Report_FINAL_links.pdf.

fraction – only about 8% – of CEOs include “age” as a dimension of their diversity and inclusion policies and strategies.²⁰ “[C]ompanies have long recognized that there is a business case for building a diverse and inclusive workforce because it can lead to greater engagement, teamwork, performance, and innovation.”²¹ For that reason, more forward-thinking companies are adding “age” to their diversity and inclusion policies and practices. Other examples of best practices include:

- Ensuring recruitment materials are designed for talent of all ages.
- Creating apprenticeship programs open to people of all ages to help recruit and retain talent.
- Designing special programs to help people reenter the workforce following an extended absence, i.e., absence for childcare or elder caregiving.
- Developing cross-generational mentoring programs to help facilitate knowledge transfer—a critical need for many companies.
- Conducting strategic workforce assessments to better understand the impact of the aging workforce on their organizations.
- Investing in the learning and skills development of workers of all ages, including older workers.
- Offering programs such as phased retirement, job-sharing, caregiving leave, and other work arrangements that meet workers’ needs.

There are many best practices employers can adopt and are adopting to eschew age discrimination and benefit from building a multigenerational workforce. However, it is important to remember that these efforts are a supplement to, not a substitute for, strong legal protections against age discrimination in the workplace, and enforcement of those protections. Unfortunately, over the years, the courts have failed to interpret the ADEA as a remedial civil rights statute; instead, courts have too often narrowly interpreted its protections and broadly construed its exceptions.

For instance, in 2009, the Supreme Court made it far more difficult to prove age discrimination than to prove discrimination based on race, religion, or gender. In the case of *Gross v. FBL Financial Services, Inc.*,²² the Court imposed a much higher burden of proof on workers who allege age discrimination than on those who allege other types of job discrimination. After *Gross*, it is no longer enough to prove that age discrimination tainted the employer’s conduct; instead, older workers must prove that age played a *decisive* role, a significantly higher standard of proof. In short, the *Gross* decision signaled to employers that some amount of *proven* age discrimination is legally allowed.

Discrimination is discrimination, and older workers who can prove they have been discriminated against should be treated no less favorably by the courts than other workers challenging workplace discrimination. The most important and best step policymakers could take to remove barriers and enhance opportunity for older workers would be to strengthen the nation’s age discrimination laws.

Thus, an excellent first step to restoring a level playing field for older workers would be for Congress to pass the bipartisan Protecting Older Workers Against Discrimination Act (POWADA, S. 443), sponsored and cosponsored by the leaders of this Committee. AARP greatly appreciates the leadership and consistent support that Ranking Member Casey and Chairman Collins have demonstrated in championing this bipartisan legislation, which would re-level the playing field for

²⁰ *Id.*

²¹ *Id.*

²² 557 U.S. 167, 129 S. Ct. 2343 (2009).

older workers under the law. Across party and ideological lines, roughly 8 in 10 American voters age 50+ say it is important for Congress to take action and restore workplace protections against age discrimination.²³ Congress should pass this law as soon as possible.

In addition, in light of the impending 50th anniversary of the passage of the ADEA, the Senate Aging Committee should make it a priority to hold a series of hearings to learn more about the challenges facing older workers in today's economy, and what changes are need to update and strengthen the ADEA to adequately protect older workers. As was the case with the Americans with Disabilities Act (ADA) – where Congress was compelled to restore the statute's strength by enacting the Americans with Disabilities Act Amendments Act of 2008 – AARP believes that it is well past time to update and strengthen the ADEA so that it can respond to the challenges facing today's older workers in today's workplace.

Balancing Employment and Family Caregiving Responsibilities

Family caregivers are the most important source of support for people with chronic or other health conditions, disabilities, or functional limitations, and the backbone of our country's system of long-term services and supports. Millions of family caregivers help their loved ones live at home and in their communities, by helping them with activities such as bathing, dressing, eating, transportation, housework, and managing finances. About 40 million family caregivers provide the equivalent of about \$470 billion annually in unpaid care to their loved ones.²⁴ Most of us are, have been, or will be a family caregiver.

Most family caregivers are employed and juggle work and caregiving responsibilities. The majority (60 percent) of family caregivers worked at a paying job at some point during their caregiving experience in 2014—an estimated 23.9 million working caregivers of adults.²⁵ They were more likely to be male (66 percent) than female (55 percent). Nearly two in three (63 percent) were caring for an individual age 65 or older. Most (55 percent) expect to have some caregiving responsibility in the next five years too.²⁶ On average, employed caregivers work the equivalent of a full-time job (34.7 hours a week) on top of their caregiving and other responsibilities.²⁷

Employers have an interest in supporting their employees who are family caregivers so they do not lose talented workers. It has been estimated that U.S. businesses lose more than \$25 billion annually in lost productivity due to absenteeism among full-time working caregivers.²⁸ Flexible work arrangements are important to workers of all ages, but can be especially critical to those who are also family caregivers. Among working caregivers of adults, a little more than half report that their employer offers flexible work hours and/or paid sick days, and about one-third say that paid family

²³ AARP, *Protecting Older Workers Against Discrimination Act: National Public Opinion Report* 9, Fig. 9 (June 2012), available at https://www.aarp.org/content/dam/aarp/research/surveys_statistics/work_and_retirement/powada-national.pdf.

²⁴ S. Reinhard, L. Feinberg, R. Choula & A. Houser, *Valuing the Invaluable: 2015 Update, Undeniable Progress, but Big Gaps Remain* (AARP Pub. Pol'y Inst., 2015), available at <http://www.aarp.org/content/dam/aarp/ppi/2015/valuing-the-invaluable-2015-update-undeniable-progress.pdf> [hereinafter *Valuing the Invaluable*].

²⁵ L. F. Feinberg, *The Dual Pressures of Family Caregiving and Employment*, at <https://www.aarp.org/ppi/info-2016/the-dual-pressures-of-family-caregiving-and-employment.html> (AARP Pub. Pol'y Inst., 2016).

²⁶ See Nat'l Alliance for Caregiving and AARP Public Pol'y Institute, *Caregiving in the U.S. 2015*, at 55-62 (June 2015), available at <https://www.aarp.org/ppi/info-2015/caregiving-in-the-united-states-2015.html>.

²⁷ *Id.*

²⁸ *Valuing the Invaluable*, *supra* n. 24, at 7.

leave is offered by their employer.²⁹ Looking at the workforce as whole, however, only 14% of all workers have access to employer-provided paid family leave.³⁰ Many employers are instituting programs to support their employee-caregivers – e.g., providing resources and tools on caregiving, equipping managers to be reasonably accommodating, offering flexible work arrangements and paid/unpaid leave, and providing other benefits such as subsidized back-up care³¹ – but much more needs to be done.

AARP appreciates Chairman Collins' bipartisan leadership in sponsoring the RAISE Family Caregivers Act (S. 1028, H.R. 3759). This bill would implement the bipartisan recommendation of the federal Commission on Long-Term Care and the consensus report of the National Academies of Sciences, Engineering and Medicine³² to require the development of a strategy to support family caregivers, similar in scope to the strategy developed to address Alzheimer's disease. We applaud the Senate's passage of this legislation in September and urge that Congress enact this legislation this year. Chairman Collins has also led by sponsoring the Lifespan Respite Care Reauthorization Act of 2017 (S. 1188, H.R. 2535), which would extend the Lifespan Respite Care Program for family caregivers of children and adults with special needs, and working with Senator Murray to introduce the Military and Veteran Caregiver Services Improvement Act (S. 591, H.R. 1472) to improve supports for military caregivers. Finally, because caregiving also imposes significant out-of-pocket costs on family caregivers, AARP is advocating passage of the bipartisan Credit for Caring Act (S. 1151, H.R. 2505), a tax credit that would help offset at least a portion of the caregiving expenses incurred by family caregivers.

Preparing for a Financially Secure Retirement

As noted above, older workers are working longer. The reasons for this trend are multiple and not clear-cut.³³ However, finances clearly play a significant role. Current financial need is by far the most important factor why older workers ages 45-74 work.³⁴ As expected, the younger the worker, the higher the importance placed on money as the motivation for working, but even among workers age 65-74, current financial need is cited by 57% as the most important reason for working.³⁵

Fewer workers are covered by a defined benefit (DB) pension plan that provides guaranteed lifetime income. Among households covered by any employer-sponsored retirement plan, only 13% in 2014 were covered by a defined benefit plan.³⁶ Near-retiree households "represent the last generation of workers to enjoy widespread DB pension coverage...."³⁷ Even more distressing,

²⁹ AARP Pub. Pol. Inst. & Nat'l Alliance on Caregiving, *Caregiving in the U.S. 2015*, at 59, Fig. 65 (June 2015), available at http://www.caregiving.org/wp-content/uploads/2015/05/2015_CaregivingintheUS_Final-Report-June-4_WEB.pdf.

³⁰ Nat'l Partnership for Women & Families, *Paid Leave*, at <http://www.nationalpartnership.org/issues/work-family/paid-leave.html> (accessed July 30, 2017).

³¹ See e.g., J. Nobel, J. Weiss et al., *Supporting Caregivers in the Workplace: A Practical Guide for Employers* (AARP & Northeast Bus. Group on Health, Sept. 2017), available at <https://nebg.org/an-employers-guide-to-caregiving/>.

³² National Academies of Sciences, Engineering and Medicine, *Families Caring for an Aging America*, available at <https://nam.edu/families-caring-for-an-aging-america/>.

³³ Rix Testimony, *supra* n. 3, at 2.

³⁴ *Staying Ahead of the Curve*, *supra* n. 8, at 40, Fig. 7.

³⁵ *Id.*, at 41, Table 17.

³⁶ See EBRI, *FAQs About Benefits—Retirement Issues*, Fig. 1 (accessed Dec. 2, 2017), at <https://www.ebri.org/publications/benefaq/index.cfm?fa=retfaq14>.

³⁷ N. Rhee & I. Boivie, *The Continuing Retirement Savings Crisis* 5 (Nat'l Inst. for Ret. Sec., Mar. 2015), available at http://www.nirsonline.org/storage/nirs/documents/RSC%202015/final_rsc_2015.pdf.

many retirees who worked their entire lives and earned a modest pension are now seeing those promises broken and their pensions cut – not years before they plan to retire, but while already retired and living on those pensions – and they cannot go back to work. Passed in the waning hours of the 113th Congress, the Multiemployer Pension Reform Act reneged on ERISA's core promise prohibiting cutbacks in already earned and accrued benefits. This is why AARP is supporting Sen. Brown's "Butch Lewis Act of 2017" (S. 2147, H.R. 4444), which would provide low cost loans to eligible multiemployer pension plans to enable them to continue to pay earned pensions and fund their long-term pension commitments, and we urge Congress to include it in any end-of-year funding bill.

As if nonexistent pensions or cutbacks in accrued pensions were not enough, retirement savings are also woefully inadequate. About 3 in ten near-retiree-age (55-64) households have *no retirement savings at all*,³⁸ and the median retirement savings of all near-retiree households was only \$14,500 in 2013.³⁹ Among just those near-retiree households that had some savings, their median account balance was only \$104,000 – 62% had less than one year's worth of income saved.⁴⁰ Wage stagnation over the last 40 years,⁴¹ combined with rising costs of living, has likely made it much harder to save.

Despite decades of federal incentives, employer sponsorship of retirement savings plans has not grown, especially among small employers. Retirement saving should be simple and should incorporate: automatic payroll deduction; appropriate low-cost, diversified investment options such as target date funds; and the option for periodic or lifetime payouts upon retirement at a reasonable cost. In addition to strategies such as auto-enrollment for workers with savings plans at work, AARP has championed policies to enable the 55 million Americans without access to a workplace plan to be able to save for retirement out of their regular paychecks. While federal action has stalled,⁴² numerous states have addressed the gap by enacting programs that will make low-cost savings options more available to their residents – options that will yield significant savings for state budgets in the future. AARP has played a leading role in states adopting these initiatives. In addition, AARP believes it is vitally important to ensure that any retirement savings are protected. For example, savers should be able to trust that the investment advice they receive is free from financial conflicts of interest. Plain and simple, investment advice should be in the best interests of the investor, not the investment advisor. We remain committed to preserving and implementing the strongest possible fiduciary standard for retirement investment advice.

Ideally, employer practices and public policies can maximize older workers' choices to work if they need or want to or to retire with economic security; most hope to keep working or combine work with retirement. Nearly three-fourths (72%) of older workers ages 45-74 say they plan to work "in retirement."⁴³ But there are limits to workers' self-determination in this regard; data demonstrate a large gap between active workers' expectations about their retirement age vs. their actual behavior. For instance, nearly 4 in 10 say they plan to work until 70 and older, yet only 4% of

³⁸ *Id.*, at 11.

³⁹ *Id.*, at Fig. 8.

⁴⁰ *Id.*

⁴¹ See L. Mishel, E. Gould, *et al.*, *Wage Stagnation in Nine Charts*, Figs. 2, 4 (Ec. Pol'y Inst., Jan. 6, 2015), at <http://www.epi.org/publication/charting-wage-stagnation/>.

⁴² Various proposals to facilitate open multiple employer savings plans have been put forward in Congress, including by Sens. Collins and Nelson in this Congress and Sens. Hatch and Wyden in the last Congress. AARP is supportive of open MEPs as long as they carry strong fiduciary and other consumer protections.

⁴³ *Staying Ahead of the Curve*, *supra* n. 8, at 24, Fig. 2.

retirees actually retire that late.⁴⁴ Unplanned events like job loss, health problems, and caregiving responsibilities are just some of the reasons people do not work as long as expected. Practices and policies must empower workers to work longer, but they must also enable workers to retire with dignity and financial security after a lifetime of work. We should not *expect or require* people to work until they drop.

Conclusion

Today, Americans are healthier than earlier generations, often working into their 70s and beyond, and they continue to have big dreams and goals. It is now common to see four or five different generations working side by side in the workplace, and that trend will continue in the future, as long as we don't let outdated stereotypes about age get in the way. Ageist stereotypes in the workplace don't come from nowhere – they reflect obsolete beliefs about aging in our larger culture. Age bias may be the last acceptable prejudice. But stereotyping based on false and negative assumptions about people of any age is unacceptable. And it needs to be challenged.

We need to change the conversation in this country about what it means to grow older. The way people are aging is changing, but many of our attitudes and stereotypes about aging are not. We need to challenge those old stereotypes and attitudes and spark new solutions so more people can choose how they want to live and age. There is much that can and needs to be done to ensure that older workers can continue to make valuable contributions to their employers, the economy, and the nation as a whole. AARP again thanks this Committee for inviting us to testify and we look forward to continuing to work with the Committee to address these critical issues.

⁴⁴ L. Greenwald, C. Copeland, et al., *The 2017 Retirement Confidence Survey: Many Workers Lack Retirement Confidence and Feel Stressed About Retirement Preparations* 20, Fig. 26 (EBRI, Mar. 21, 2017), available at https://www.ebri.org/pdf/briefspdf/EBRI_IB_431_RCS.21Mar17.pdf.

**Questions for the Record
To Laurie McCann**

From Senator Sheldon Whitehouse

Dear Senate Aging Committee:

Thank you for sharing your concerns about older workers and for your Questions for the Record from the Senate Aging Committee's hearing on "America's Aging Workforce: Opportunities and Challenges." We are pleased to reply on behalf of Laurie McCann and AARP.

1. Question: A 2015 AARP Public Policy Institute report says that 43.5 million Americans, or nearly one in every five American adults, serve as unpaid family caregivers, amounting to an estimated \$470 billion in uncompensated care. These hardworking employed adults are caring for parents, grandparents, spouses, children, and grandchildren, many of whom have struggled with dependence on opioids. This is an issue for the business community, which is at risk of lost productivity and absenteeism because its employees are struggling to juggle work, their own health and wellbeing, caregiving, and other responsibilities. What role should the business community play in supporting family caregivers and improving health and wellness activities in worksites? Would a national, universal paid leave program benefit American workers who also serve as caregivers?

As you note, AARP research finds that about 40 million Americans serve as unpaid family caregivers of adults with limitations in daily activities, the equivalent of an estimated \$470 billion per year in uncompensated care.¹ Six in 10 of family caregivers of adults report being employed at some point during the year while caregiving;² 56% of those employed caregivers work full-time.³ The number of workers who must balance work with eldercare responsibilities will only increase as the population and workforce ages. A national, universal paid family and medical leave program would benefit American workers, however, such a program should not jeopardize the benefits under or funding for current social insurance programs.

In the meantime, the employer community has an important role to play in providing resources and supports for employee caregivers, a role that will also help the employer retain talent and boost productivity. The first step for business is to educate themselves about the needs of their employee-caregivers, perhaps by conducting blind surveys of their employees to find out how many caregivers they have and what would be most helpful to them so that any offerings can address their needs. Creating a safe environment where employee-caregivers feel comfortable about informing their

¹S. C. Reinhard, L.F. Feinberg, et al., *Valuing the Invaluable: 2015 Update*, at 1 (AARP, 2015), available at <https://www.aarp.org/content/dam/aarp/ppi/2015/valuing-the-invaluable-2015-update-new.pdf>.

²*Caregiving in the U.S.* 55, Fig. 60 (AARP PPI, 2015), available at http://www.caregiving.org/wp-content/uploads/2015/05/2015_CaregivingintheUS_Final-Report-June-4_WEB.pdf.

³*Id.*, at 56; another 16% work between 30 and 39 hours week.

supervisor about their circumstances and needs without fear of discrimination or job loss is critical.⁴ In addition, employers can offer:

- Flexible work arrangements – Flexible work arrangements such as flexible hours, flextime as needed, support for telecommuting, and similar strategies are critical for supporting employee-caregivers.
- Leave Policies – In addition to FMLA leave, employers can offer paid sick leave, the ability to use sick leave for caregiving, and paid caregiving leave. Some companies only offer paid parental leave; paid leave should cover care for adult loved ones too.
- Caregiving help and resources – Employers are in a good position to offer employees information and resources for finding caregiving help, including financing back-up care or respite benefits, providing resources and referrals, encouraging caregiver support groups, and providing access to outside care navigators, employee assistance programs programs, and online tools.⁵

You also ask about what employers can do to improve health and wellness in the workplace. Employers can take many steps to encourage employees to get healthier, such as providing ergonomic equipment and flu shots, offering healthy choices in the cafeteria and vending machines, subsidizing gym memberships and weight loss programs, offering onsite fitness or stress-reduction classes, paying for smoking cessation programs, sponsoring group walks, runs, and biking, and much more. What employers should not do is financially penalize employees and their families (e.g., by charging them much higher health insurance premiums) unless they share sensitive medical and genetic information with a workplace wellness program.⁶

Congress could support family caregivers by providing sufficient funds for Aging and Disability Resource Centers. ADRCs provide streamlined access for consumers and family caregivers seeking one-on-one person-centered counseling as well as information and referral assistance about public and private options for LTSS. In addition, adequate funding is needed for the National Family Caregiver Support Program and Lifespan Respite Care Program, which provide vital support to family caregivers.⁷ Finally, Congress should pass the Credit for Caring Act, which would help address the financial challenges of family caregiving and help family caregivers stay in the workforce by providing eligible family caregivers a capped tax credit for a portion of their caregiving expenses.⁸

⁴ See generally, J. C. Williams, R. Devaux, et al., *Protecting Family Caregivers from Employment Discrimination* (AARP PPI, 2012), available at http://www.aarp.org/content/dam/aarp/research/public_policy_institute/health/protecting-caregivers-employment-discrimination-insight-AARP-ppi-ltc.pdf.

⁵ See J. Nobel, J. Weiss, et al., *Supporting Caregivers in the Workplace: A Practical Guide for Employers* 19 (N.E. Bus. Grp. on Health & AARP, 2017), available at https://nebg.org/wp-content/uploads/2017/11/NEBGH-Caregiving_Practical-Guide-FINAL.pdf.

⁶ See *AARP v. EEOC*, (Dec. 20, 2017).

⁷ See letter from Jo Ann Jenkins, CEO of AARP, to OMB Director Mick Mulvaney, regarding FY 2018 Budget Priorities (Jan. 23, 2018), available at <https://www.aarp.org/content/dam/aarp/politics/advocacy/2018/01/01-23-18-2018-federal-priorities-letter-final.pdf> [hereinafter *AARP Budget Letter*].

⁸ Credit for Caring Act of 2017 (H.R. 2505, S. 1151).

2. Question: I am a strong supporter of Senior Corps, which gives Americans age 55 and older the opportunity to volunteer in their community as a Foster Grandparent, a Senior Companion, or an RSVP volunteer. A recent study showed that after one year of service, Senior Corps volunteers reported decreased anxiety and depression, decreased loneliness, and enhanced physical capacity. Not only are these volunteers helping their communities, but they are also helping themselves. How can Congress support alternative ways to keep seniors engaged in their communities? Beyond Senior Corps, are there examples of successful volunteer or service programs for seniors?

You are right on point in noting that volunteering is a great way for older adults to help their communities while also enhancing their own health and well-being⁹ and preventing isolation. In addition to Senior Corps, one of the most critical volunteer programs that both create valuable engagement opportunities for seniors and serve seniors is Meals on Wheels. This program serves nearly 2.5 million seniors per year, but the federal government funds only about one-third of the cost, and many states have cut their funding support. Congress needs to ensure that Core Services under the Older Americans Act, like Meals on Wheels, are adequately funded.

There are also programs and community-based volunteer caregiving organizations that provide a range of critical services to the most vulnerable seniors, including volunteer-based transportation services that help seniors get to medical appointments and important errands. Many of these organizations utilize Senior Corps funding and volunteers.

AARP itself works with nearly 60,000 volunteers nationwide with our state offices and through highly successful programs such as AARP Foundation Tax Aide, AARP Foundation Experience Corps, and AARP Driver Safety. Our "Create the Good" tool (www.createthegood.org) is a free, online resource that helps non-profit organizations connect with individuals wishing to volunteer in their community. Not limited to those over age 50 or membership in AARP, an individual can enter their zip code to find a wide range of volunteer opportunities in their area.

AARP has a strong working relationship with the Corporation for National and Community Service, with several AARP state offices actively involved in raising awareness and recruiting volunteers for RSVP, Senior Corps and Foster Grandparents. A number of state offices have also engaged AmeriCorps Vista volunteers. Congress should sustain funding for all of these important programs.

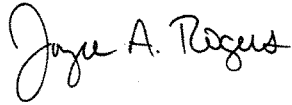
Volunteerism can also improve job readiness skills. While not a volunteer program, the Senior Community Service Employment Program (SCSEP) helps older, low-income jobseekers get on-the-job training while working in community service settings. In FY2015, SCSEP provided jobs and training for 65,170 economically disadvantaged older adults, who in turn provided over 35 million hours of community service to private

⁹ In one study on the health benefits of service, two-thirds (68%) of the volunteers surveyed said volunteering made them feel physically healthier, 29% said it helped them manage chronic health conditions, and 73% said it lowered their stress levels. R. Rosenthal, *Rx for Nonprofits: Your Volunteers and the Health Benefits of Service*, at <https://blogs.volunteermatch.org/engagingvolunteers/2010/04/16/service-rx-the-health-benefits-of-volunteering/>.

nonprofit agencies across the country. Of these participants, 10,456 were placed in unsubsidized employment and their community service was valued at more than \$300 million. AARP urges Congress to restore SCSEP's funding to its pre-2008 level.¹⁰

AARP thanks you and the committee for the opportunity to provide input on the challenges facing older workers and the many important issues impacting older Americans' ability to live independently in their communities.

Sincerely,

A handwritten signature in black ink that reads "Joyce A. Rogers". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Joyce A. Rogers
Senior Vice President
AARP Government Affairs

¹⁰ AARP Budget Letter, *supra* n. 7.



Statement of Fernan R. Cepero, MA, MS, PHR, SHRM-CP
Chief Human Resources Officer & Chief Diversity Officer
The YMCA of Greater Rochester
Rochester, New York

On Behalf of the
Society for Human Resource Management

Before the
U.S. Senate Special Committee on Aging

Hearing on
America's Aging Workforce: Opportunities and Challenges

December 6, 2017

Introduction

Good morning Chairwoman Collins, Ranking Member Casey and distinguished members of the Committee. My name is Fernan Cepero, and I am Chief HR and Diversity Officer at The YMCA of Greater Rochester in Rochester, New York. I have nearly 31 years of experience with all aspects of human resources and expertise in talent management and diversity. Thank you for inviting me to testify before the Committee on opportunities and challenges presented by America's aging workforce.

I am pleased to appear before you today on behalf of the Society for Human Resource Management (SHRM), of which I have been a member for 15 years. I am Past President of the Genesee Valley Chapter of the Society for Human Resource Management and Past State Director of the New York State Society of Human Resource Management.

SHRM is the world's largest human resource (HR) professional society, representing 285,000 members in more than 165 countries. For nearly seven decades, the Society has been the leading provider of resources serving the needs of HR professionals and advancing the practice of human resource management. SHRM has more than 575 affiliated chapters within the United States and subsidiary offices in China, India and the United Arab Emirates.

SHRM appreciates the Committee's examination of the opportunities and challenges facing employers and employees when it comes to the aging workforce. According to the US Department of Labor, by 2050, the number of individuals in the labor force who are age 65 or older is expected to grow by 75 percent while those who are 25-54 is expected to grow by 2 percent. In fact, population growth among those age 65+ is outpacing those 25-64 in most developed nations. Over the past century, many Americans have been given the most valuable gift imaginable—more time. People who are born today can expect to live a full 30 years longer than those born at the start of the last century, and many of these individuals will live to age 100. People over the age of 60 will soon account for one-quarter of the country's population.

To benefit from a productive age-diverse workforce, organizations are preparing for and engaging older employees. When surveyed¹, more than one-third of respondents (36%) indicated their organization was preparing for the projected increase in the proportion of older workers in the labor force by beginning to examine internal policies and management practices to address this change; one-fifth (20%) reported their organization had examined their workforce and determined that no changes in their policies and practices were necessary. Another one-fifth (19%) of respondents said their organization was just becoming aware of the potential change in the projected increase in the ratio of older workers in the labor force.

My testimony is shaped both by my experiences with this talent pool and by excellent research on this subject conducted by the SHRM Foundation in conjunction with AARP and the Sloane Foundation. In my remarks, today I will address some of the key challenges and opportunities presented by an aging American workforce as well as describe some effective practices I have implemented at the YMCA. I will also highlight promising strategies of employers who are making efforts relative to their aging workforce.

About YMCA of Greater Rochester

The goal of the YMCA ("The Y") of Greater Rochester is to give everyone in the community an opportunity to learn, grow and thrive. Every day, we work side-by-side with our neighbors to make sure that everyone, regardless of age, income or background, has access to Y programs that make people

¹ Society for Human Resource Management, "SHRM Survey Findings: Executive Summary: Preparing for an Aging Workforce," 2014, at <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/14-0765%20Executive%20Briefing%20Aging%20Workforce%20v4.pdf>

healthy, confident and connected.

The Y of Greater Rochester has a workforce of 2,816 employees. Our workforce is comprised of 2,546 part-time staff and 230 full-time employees. In 2002, 5 percent of older adults made up our workforce. Today they make up 35 percent of our workforce. Opportunities for employment are in Youth Development (Before & After School Programming & Early Childhood Development), Healthy Living (Aquatics, Health & Wellness, Diabetes Prevention, and Cancer Survival), and Social Responsibility (Sustainable Agriculture, Mentoring).

Older employees are attracted to The Y of Greater Rochester because we offer meaningful work for cause-driven individuals who want to make a difference in their community. We are often told that this is the ideal encore career for this demographic with benefits, flexibility and camaraderie. Working at the YMCA of Greater Rochester brings employees, volunteers and members into contact with people of diverse backgrounds and interests. We work with one fundamental premise: that human beings have one very basic thing in common—we all deserve to be treated with respect and understanding. I believe we are successful because all employees recognize the positive impact of diversity on the workplace.

YMCA of Greater Rochester Benefit Offerings

To ensure a diverse workforce, including strategies for retaining and recruiting older employees, The Y offers a variety of benefit offerings. Benefits include traditional offerings such as health care (long-term care, dependent care, elder care, EAPs, wellness programs), life insurance, retirement, vacation and sick time off, long-term and short-term disability and pet insurance, among many others. Of the benefits offered, our Retirement Fund (401a & 403b) is the most utilized. In addition, we offer other benefits such as flexible hours, telecommuting, family leave, allowance for religious holidays, and training and professional development, including temporary work assignments, job sharing and mentorships.

Aging Workforce Makes Positive Contributions

From my experience, a diverse work environment positively impacts the workplace. In addition, learning the best ways to incorporate the experience of older employees could be considered a competitive edge and could even leave a lasting impression on employees. For example, mentoring builds strong intergenerational working relationships, strategic use of intellectual capital and increased retention, and, at its core, ensures a continuous flow of knowledge management across generations.

A couple of stories from the YMCA illustrate the advantages of the skills older employees bring to the workplace:

Brad Ralston, a member of Generation Y and buildings and grounds director at the Monroe Family Branch, was new to his position. Tom Ward, buildings and grounds director at the Westside Family Branch and a baby boomer, volunteered to mentor Brad, remembering what it was like early in his own career. Over several months, their mentoring relationship developed. As Brad attests, “Tom has coached me on all sorts of issues—from mechanics to staffing. He introduced me to the Association of Facility Engineers, where I’ve met some very interesting building mechanics and learned about construction projects that I am now considering for improvement to my facility.” In fact, Tom has become much more than a mentor. He has helped Brad strip and wax floors, troubleshoot treadmill problems, and even filled in as pool operator when Brad was out for a week. At the same time, Tom has benefited from this relationship. As a subject matter expert, Tom has gained immense personal and professional satisfaction from seeing Brad grow and succeed in his leadership role.

Then there's Sonny Veltre, a 90-year-old former Olympic swimmer, whom we hired as head lifeguard. Veltre has been a lifeguard at the Northwest Family YMCA for 18 years. He was hired at 72. He used to teach swimming. These days, he keeps busy working 8 a.m. to noon Monday through Friday as a lifeguard and teaching a one-hour water aerobics course for seniors on Mondays and Wednesdays. At age 87 he was re-certified as a lifeguard for two years. To pass the test, he had to dive 14 feet into water and pull a person up. Sonny's contribution to The Y is immeasurable. Just ask the nine people whose lives Sonny has saved over the years. Three had heart attacks while in the water. Another passed out in a hot tub. Twelve years ago, he saved a young woman with special needs who suffered a seizure in the pool.

When asked why he still works, Sonny recalled that after his wife, Mary Ann, passed away, "The kids finally said, 'Get back to work and talk to people. Help people.' And that's what I do. I love life, and I love to help people."

Aging Workforce: Challenges and Opportunities

Despite growing research on the dynamics of a multi-generational workforce and the impact of baby boomer retirements, some employers are not placing as much urgency on this issue as they should.

For example, while 68 percent of the organizations surveyed consider boomer retirements a current or potential problem over the next 6-10 years, only 35 percent have done strategic workforce planning to analyze the impact on their business over the next one to two years. In addition, only 17 percent have done this planning over the next 6-10 years. In light of this data, and as the workforce continues to age, the percentage of organizations prompted to make changes in general management policy/practices, retention practices or recruiting practices is likely to increase. By demonstrating the benefits and opportunities of an aging workforce, HR professionals can help their organizations build a culture that supports and engages workers of all ages now and into the future.

Strategic Workforce Planning

Strategic workforce planning is the most basic tool to prepare for retirements, so SHRM has encouraged HR professionals and their organizations to give this planning process much greater attention. Strategic workforce planning lets you evaluate your current and future critical talent needs to determine which risks are greatest and what type of talent loss is most likely.

Three simple steps to assessing workforces are:

STEP 1: Conduct age and knowledge audits

- Gather information about worker ages and estimated time to retirement, breaking out the data per division, occupation and so on;
- Document essential types of expertise required to carry out the organization's core mission. HR can supplement this information by asking managers to indicate which employees possess the most valuable knowledge and skills;
- Create a turnover risk map by asking leaders at each level to judge the degree to which each of their subordinates is critical to the organization's mission and the likelihood that each will leave within the next one, two or five years.

STEP 2: Identify work requirements the organization needs. What are the physical, sensory and intellectual requirements for each job. This can help identify current skills gaps and lead to potential ways to redesign work to make it less physically or mentally demanding, as well as feasibility of offering flexible work arrangements.

STEP 3: Gather information from employees: What are their needs and wants? HR should identify what motivates mature employees to continue working by asking about plans for retirement and factors that will influence that decision.

Clearly, retirements present both challenges and opportunities for the workplace. Right now, some industries, particularly those with highly skilled employees nearing retirement age, have had to face the challenge head-on. But understanding your individual workplace by assessing your workforce can help you prepare to retain the skills of older employees and create a high-functioning multi-generational workplace.

Goals of an Aging Workforce Strategy

Successful strategies for an aging workforce generally address the goals:

- Retain and engage older employees as long as possible;
- Transfer older employee's knowledge to younger employees before they leave;
- Recruit older talent from outside; and
- Create a successful age-diverse environment.

I will highlight effective employer practices in each of these areas. Many of these practices simply require a tweaking of current practice while others may involve building a new process. Each of the effective practices, however, benefits the entire workplace.

Employer Effective Practices

Strategies to Retain & Engage Older Employees

I'd like to first highlight some of the top HR strategies to engage and retain mature employees so that the workplace continues to benefit from their knowledge and skills.

Acknowledge Worker Contributions

Simply asking mature employees to continue working can show them their value to the organization. In addition, asking them to lead special projects that take advantage of their experience and demonstrates to the employee that you recognize his or her value. This has the additional benefit of transferring knowledge to less experienced employees.

Flexible work arrangements

Workflex is valued by employees of all ages. According to SHRM 2017 Employee Benefits Survey, 62 percent of organizations offer some form of telecommuting and 57 percent offer some form of flex time to employees. Thirty-nine percent of employers cited retention of employees of any age as their main reason for providing employee and family assistance. According to the Government Accountability Office, flexible work arrangements for mature workers tend to be tailored to specific individuals who have skills that an organization needs to retain. Designing these arrangements with older workers in mind may result in continued innovations—offering shorter shifts, offering a shared leave pool or offering project-based work.

CVS Caremark, for example, offers the Snowbird Program, a flexible work option that allows older employees to transfer to different CVS pharmacy store regions on a seasonal basis. The company projects an increase in older customers as well as a future shortage of younger workers. CVS says it has significantly higher retention rates for

older employees than the industry average.

Phased Retirement

Phased retirement is an attractive strategy for keeping older employees in the workplace. SHRM's 2017 Benefits Survey found that 19 percent of organizations offered either formal or informal phased retirement programs, giving employees the possibility to work reduced hours to transition into full-time retirement.

Steelcase, for example, offers employees a phased retirement program with reduced and part-time hours so they don't have to choose between quitting and continuing full-time. Facing a large number of retiring boomers, especially in the IT and manufacturing departments, Steelcase began the phased retirement plan in 2012.

Strategies to Transfer Knowledge

Focus on Mentoring and other Knowledge Transfer Programs

Mentoring can work both ways—the most common way is ensuring that older employees pass along their institutional knowledge to younger employees. But some knowledge areas, such as technology skills are ripe for reverse mentoring where younger employees help mature employees learn about new technology.

Michelin, for example, has rehired retirees to oversee projects, foster community relations, and facilitate mentoring. Nearly 40 percent of the company's workforce is 50+ plus, and they have an average tenure of nearly 24 years. Initiatives for older employees include a strong focus on wellness, training, and intergenerational mentoring.

Focus on Training and Professional Development

Eighty-seven percent of employers offer professional development with 44 percent offering cross-training to develop skills not directly related to the job. Historically, mature workers have often been excluded from skills updating and cross-training due to assumptions that they are incapable of learning new things or will soon leave the workforce. In reality, younger workers are more likely to leave an organization taking their new skills with them. The ROI for skills training may actually be higher for mature workers than younger ones.

Foster Use of Mixed-Age Workgroups

Studies show worker productivity, at the organizational level, is higher for both mature and younger employees in firms that used mixed-age workgroups. Researchers speculate these benefits accrue from transfer of knowledge and sharing of tasks according to group members' relative strengths and weaknesses.

Strategies to Recruit Older Talent

In addition to programs aimed at retaining and engaging older employees currently in the workplace, employers should devise a recruitment strategy aimed specifically at attracting older employees looking to switch jobs, as well as those who are unemployed or retired.

While recruiting follows the same process for workers of any age, older adults may hesitate to seek employment due to experience with, or fears of, age discrimination. So, how can employers effectively recruit from this population?

- Include mature workers in diversity and affirmative action recruiting plans.

- Include mature workers in messaging—specifically mention in recruiting messages, job posting and application materials, that you are seeking workers of all ages.
 - Include images and voices of mature employees and mention qualities typical of mature employees—such as reliability and experience in your recruiting messages. Avoid signals that may suggest older job seekers and not welcome, such as calls for ‘fresh and energetic new talent.’
- Identify sources of talent that will include older adults – such as community college training programs focusing on older adults.
- Seek partners that will help recruit older candidates such as local government workforce development programs.
- Post jobs in locations where mature workers and retirees are likely to look – AARP’s resources and LinkedIn groups catering to individuals who are over age 50.
- Prepare and incentivize recruiters to include candidates from this population of job seekers.

The National Institutes of Health (NIH), for example, has an older workforce, half of them over age 50. NIH actively recruits at 50-plus job fairs, and its scientists encourage older colleagues to come to the NIH. The government agency offers benefits such as flexible schedules, telecommuting, vetted back-up elder care, and low-impact exercise classes.

JP Morgan offers a 13- to 19-week re-entry program, with the possibility of a full-time position, for people returning to work after two or more years away. Participants update skills and learn new ones, network with management, and work with a mentor.

Strategies to Create a Successful Age-Diverse Workplace

Foster an Age-Positive Organizational Culture

Each of the four (and, increasingly, five) generations in the workforce has different assumption about how the world works. Unfortunately, each generation also has stereotypes of the others—consequently most organizations experience at least some level of inter-generational conflict. Employers can combat this with diversity awareness programs, mentoring and reverse mentoring and CEO communications supporting the value of an inclusive culture.

Employers should consider the following effective practices to create an “age-positive” culture:

- Train managers and supervisors on the following:
 - how to conduct respectful discussions with mature employees and learn more about their needs, challenges and future plans;
 - age-based stereotypes and how manager’s work behaviors may reflect and reinforce them;
 - the fact that age-related declines do not affect the ability to be a productive for most mature employees;
 - ways that mature employee’s motives and needs are the same as or different from those of younger employees; and
 - options available for addressing requests for flexible work; and how to demonstrate that they value the contributions made by mature employees.
- Incorporate images and voices of mature employees in organizational communications.
- Educate employees about age-related stereotypes and how their own behaviors can reinforce such stereotypes, even unintentionally.

- Position your organization as a “best employer for mature employees.”
- Focus on Health and Wellness Benefits. While offering health insurance coverage is an important benefit for all employees, older employees cite it as a top priority, especially flexible health care benefits geared toward mature employees such as group-based discounts on commonly prescribed drugs, disease management programs, and supplemental insurance to cover gaps in Medicare coverage. Wellness offerings can include benefits of interest to all employees: flu shots, smoking cessation, stress reduction and health club discounts.

Motion Picture Television Fund, for example, provides financial assistance and services to support the well-being of the entertainment community and develops services for older people and those who care for them. It focuses on enabling people to live and age well by urging healthy choices, social connection, and living with a sense of purpose.

Conclusion

HR professionals will be at the forefront of their organizations’ efforts to meet the challenges and make the most of the opportunities accompanying an aging workforce. HR should take the lead by helping their organizations prepare for a more demographically diverse workforce, including age diversity. This will influence all aspects of employment from the type of flexible work arrangements organizations offer to the employee benefits package.

When HR professionals are asked about the barriers to retaining older employees, flexibility in work location (47%), career flexibility (45%), work hour flexibility (44%) and work schedule flexibility (43%) were cited most frequently as factors that contribute to difficulties in retaining older employees. More than one-third of respondents who indicated it was “difficult” or “very difficult” for their organization to retain older employees compared with other workers cited their organization’s inability to offer flexibility in type of employment (e.g., consultant work, temporary work, etc.) (38%) and/or benefits attractive to older employees (e.g., different health care benefits, wellness plans) (34%) as top challenges.

SHRM supports many public policies that encourage employment of the aging workforce as outlined in the Committee’s report released today. Specifically, we support and encourage employer-sponsored health insurance, voluntary employer-sponsored wellness programs, employer-provided retirement plans and workplace flexibility. To that end, Representative Mimi Walters (R-CA) has introduced SHRM-developed legislation, H.R. 4219, the Workflex in the 21st Century Act, that would expand paid leave and workplace flexibility opportunities for all employees. As the Committee examines policies to address additional benefit offerings to the aging workforce, SHRM urges you to consider Representative Walter’s proposal as a viable solution.

Both SHRM and the SHRM Foundation are committed to advancing this conversation. In one practical demonstration, the Foundation has published a series of toolkits that guide employers in advancing efforts to address the aging workforce. SHRM will continue to educate our members through information, webinars and conference programming.

Thank you, Senator Collins, Senator Casey and the other Senators who are here today to support a productive dialogue about the future of our aging American workforce.

I am happy to answer any questions you may have.

**Statement of Ralph Jellison
Retrained Manufacturing Employee, Orland, ME**

Good morning Chairman Collins, Ranking Member Casey, and distinguished members of the Senate Special Committee on Aging. Thank you for the opportunity to testify today. My name is Ralph Jellison. I am a Marine Corps veteran, a husband, and a father of six children.

After serving in the Marine Corps, I returned home to Sorrento, Maine and got a job working for G+G Electric. The following year, I got hired at the Champion Paper mill in Bucksport, Maine. It later became known as Verso Paper. The last 5 years of my employment there, I worked as a calendar operator on #1 paper machine that produced specialty grade paper. It was a really good job that paid well, and had great health and retirement benefits. I had been at the mill for 27 years when, in October 2014, we got word that the mill was going to make an announcement. We had already been through a restructure, a redesign, and we saw the shut-down of #2 paper machine. Through buyouts and attrition, the company managed to keep many of its people employed. Since the line I worked on had 9 months of orders to fill, we thought it wouldn't be us. But no such luck. The company announced that it would be shutting down at the end of the year—right around the holidays. I became overwhelmed with anxiety. What would I do for a job? This is all I've done for 27 years. Luckily, I was one of the fortunate ones to get one of the few remaining bids in the power plant. We were told that the demolition company planned on running the power plant for at least 2 years, and maybe longer if it proved profitable. Now I had time to get things in order and figure out what I wanted to do, should they choose to shut it down. Well, what was supposed to be 2 years turned out to be just 4 months.

So here I was, 52-years-old, with my family relying on me, and I was out of work like the rest of them. The job market had been flooded with hundreds of unemployed mill workers. I live in a small town where there are not a whole lot of options for me to just go out and find another job that paid as well as the mill. I became very depressed when one of my former bosses who had pushed hard for me to go back to school, called and said "Ralph I don't want to be the bearer of any more bad news. But don't waste your time going to school because in this field they want someone they can vest in for 30 years not ten. I'm sorry but I just would have hated to see you do this on my recommendation and then not get hired." I also had been told that the State could only extend benefits for a certain amount of time and going to school full time would have been hard on my family financially.

To make matters worse, my son had been diagnosed with Chronic Lyme disease. Now I wasn't only losing my job, I was losing my medical insurance as well. At no other time in my life had I needed it more, and Cobra insurance was not even remotely affordable at \$1,574 a month. If not for my severance package, I don't know how we would have managed financially, with thousands of dollars a month being spent on medications for my son. To lose a job is stressful but to worry about the health of your child is even worse. It was just one stressful event after another. God bless my wife for remaining positive. I remember her saying this many times. "Honey when one door closes another one opens."

Before long things started looking up. I spoke to one of the career counselors about school and she said "Ralph, would you be interested in an HVAC or fine wood working course at Eastern Maine Community College? You don't have to take algebra or any other classes and it only lasts for 6 months. You could develop some new skills that may help you find a new job." As it was, only the fine wood working class was available, so I signed up. Still, as great as it sounds, the thought of going back to school again after 36 years was intimidating. I can't say enough good things about the fine wood working program at EMCC. The instructors were phenomenal. Besides teaching, they also talked about valuable life experiences and reassured us that businesses out there like the older generations' work ethic. This is where I also had the chance to meet and talk to some of the younger students. I had the privilege of speaking to a very skilled, intelligent young lady. She said "Mr. Jellison, you do know that our classes are on 10-week windows of time and we also have a success center where people like me, could have tutored you through any difficult classes." I said "If I had only known then what I know now. I would have definitely tried the electrical course."

Upon completion of my wood working course, actually the day after I graduated. I got hired at the Hinckley Yacht Company in Trenton, Maine. I was elated!! My daughter Sabrina surprised me with tickets to a concert. I said "honey you don't have to do this" and she said "Dad I'm proud of you for going back to school and were gonna celebrate." Hearing my daughter say she was proud of me meant the world to me. I worked at Hinckley until I re-aggravated an old knee injury and had

to get it operated on. I received short term disability for 12 weeks which doesn't pay much. Again, another setback. While I was out, I met a former mill employee I used to work with in the power plant. He was working for GAC chemical company in Searsport, Maine. I asked him to let me know when they were hiring. As it turned out, 3 days later, I got a call. I spoke with Ryan and he said "tell me what you did in the mill for the last 27 years. Wow you are versed in a lot of things we need here." When I got home, I checked my e-mail and I had been accepted for employment at GAC. The door my wife had talked about had opened. Good pay, good medical insurance and close to home. My prayers had been answered.

My life was turned upside down when I was 52 years old. But this opportunity to go back to school has brought me to this point in my life. We're back on our feet and I'm providing for my family again. I can't tell you how good that makes me feel. As dismal as things looked for a while, to where I am now. I only hope my story could be inspiration enough for someone else to better themselves after facing the same sort of situation that I did.

Thank you and I would be happy to answer any of your questions.

**Statement of Lisa Motta
Retrained Human Resources Employee, Pittsburgh, PA**

Chairman Collins, Ranking Member Casey, and Members of the Committee, thank you for inviting me here today to testify. It is an honor to participate in a discussion on such an important subject.

My name is Lisa Motta. I am 54 years old and a resident of Pittsburgh, Pennsylvania. I am a recruiting administrator at PNC Financial Services, where I have worked for the last 3 years.

Before being hired by PNC, I had been out of the workforce for most of the previous 20 years. My first career was as an elementary teacher. It was a job I loved, but when my vision began to decline due to glaucoma, it became increasingly difficult to go to work every day. Eventually I gave up my job as a teacher and chose instead to work full-time raising my two wonderful children at home. I knew that I wanted to return to work one day, but I didn't know exactly how or when it would be possible.

As my children grew older and my husband and I began to think both about their college tuition and trying to put away enough money to retire 1 day, I started to plan how I could return to work. Starting a second career in your 50's can be a daunting task for anyone, but it felt particularly challenging at times due to me now being totally blind. I was fortunate to have a partner in my corner who had overcome some of the same obstacles I was facing—my husband who is legally blind—but it was still difficult to even figure out where to begin.

To maintain my teaching certification, I enrolled at a nearby college, but it was hard to find work in that field. I began looking for part-time work and did temporarily find a position doing marketing for a local chiropractic business, but that job was eliminated not long after.

One of the most challenging parts of trying to find work was simply getting my foot in the door and getting my face in front of someone for an interview. Many job applications online are difficult to navigate and submit using the screen reading software which enable people with visual impairments like me to use computers. Then, when I was able to land interviews, it felt like many potential employers would make assumptions about my abilities based on my disability the second I walked in the door with my guide dog.

Things turned around though when I applied for a job at PNC, and they offered me a job in their human resources department. It was a fantastic opportunity and I was ready to run with it, but just before I was about to start, my guide dog had to be retired. Fortunately, the Pennsylvania Office of Vocational Rehabilitation was able to help me identify and learn a public transportation route to work that I could navigate with a long cane until my new guide dog arrived. When my dog Aspen did make it to Pittsburgh, OVR also helped me pattern her to all of my important locations downtown and at home, and they assigned a local access-technology vendor to help me figure out how to make my accessibility software work with PNC's computer systems. After overcoming these initial obstacles, I was finally able to settle in to my new full-time job coordinating job interviews with candidates all across the country.

Since then, I have also worked with the wonderful folks at OVR and with my supportive managers at PNC to help make PNC a workplace that is, as we say, not just ADA-compliant, but ADA-friendly. When our entire department moved to a new

building early this year, we worked together to make the workplace accessible and welcoming to individuals with visual disabilities.

My second career has enabled me to work toward my personal goals like saving for retirement, but it has also given me the opportunity to advocate for others facing some of the same challenges I did. I know how difficult and dispiriting it can be to try and start a new career in your 50's. I also know how important services, like those provided by OVR, and supportive employers can be to workers with acquired disabilities trying to stay on the job or come back into the workforce after an absence.

As America's workforce grows older, more and more workers will face challenges like these and will need additional supports and accommodations. They will also need laws in place that ensure that when they walk into an interview they do not face any form of discrimination. When we make it easier for these workers to succeed, everyone benefits. I hope I have gotten that message across today.

Thank you again for the invitation to testify before the Committee, and I look forward to answering your questions.

Questions for the Record To Lisa Motta

From Senator Sheldon Whitehouse

Question:

In your testimony, you talked about your return to work after losing your eyesight from glaucoma. What makes your employer "ADA-friendly," above and beyond "ADA-compliant"? What can other employers learn from PNC?

Please contrast PNC's ADA-friendly response with your experience outside of PNC. Are there opportunities you are still unable to access in other areas, like in healthcare, in technology, in the community?

Answer:

Thank you for the question. The best way to explain PNC being friendly is to take my example of moving Aspen and I to a new environment. PNC elevators in that building were enabled with a handicap button. When this button was pressed, along with the floor number, it allowed the elevators to announce which elevator to board to take you to the floor you needed as there are six elevators to use which work by weight load. PNC allowed me to work with the elevator maintenance staff to ensure the volume of the announcement inside/outside the elevators was satisfactory to me. This was especially important in the lobby area because when the lobby had extra traffic it was difficult to hear the announcement. PNC also provided a team of six (6) to tour the building while my new floor was under construction to ensure Aspen and I would be accommodated in our new building. The six included a person from the construction crew, the real estate services group, an elevator staff member, the OVR representative, my manager and myself. We toured the building to identify anything that may have been needed to improve the location for Aspen and I. Several small adjustments were made to my work station to make it more comfortable for Aspen and myself which were "friendly" adjustments but not necessary to be ADA compliant, such as enclosing the bottom of my desk to ensure Aspen was protected from foot traffic and relocating a hanging trash bin on my desk. We also worked on a designated area for Aspen to relieve herself during the day. Aspen and I were permitted to enter the building as often as needed for training and become comfortable in maneuvering the new location and surroundings prior to the move.

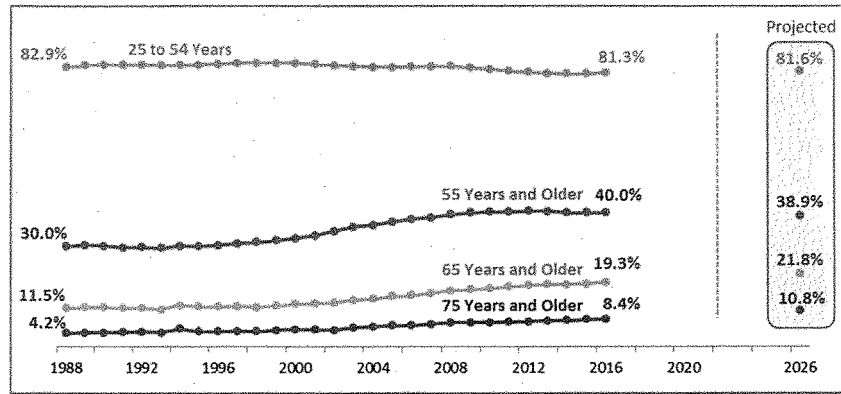
Though there are some areas PNC needs to improve, they are currently working on an initiative to look at all things through the lense of disabilities to keep moving in the "friendly" space.

Other areas you mention such as health care, technology and the community, often cause struggles. Some health care workers are unsure how to handle persons with vision disabilities. Asking them to fill out paperwork with a driver in the waiting room instead of assigning a staff member to fill in the paperwork in the privacy of a room is surely not compliant. A technology application that is not screen reader accessible is often a struggle. There are occasions that I can navigate 80 percent of the site but the other 20 percent is not accessible. For a screen reader user that makes the entire site inaccessible and difficult to place orders for shopping, airfares and much more. When I use public transportation and the stops are not announced it is not user friendly.

I am sure persons with other disabilities face struggles each day also. There is much room for improvement and I am glad Senator Casey is an advocate for the disabled.

Additional Statements for the Record

Labor Force Participation Rates, 1988-2016, and Projections for 2026





July 31, 2017

The Honorable Susan Collins, Chairman
 The Honorable Robert Casey, Jr., Ranking Member
 U.S. Senate Special Committee on Aging
 G31 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Collins and Ranking Member Casey:

Thank you for the opportunity to provide input on the challenges and opportunities facing older workers for your next annual report. In light of the short deadline, please consider this letter a synopsis of some key issues and policies; AARP would welcome the opportunity to work with the Committee further to explore particular issues in more depth.

Working Longer

It is well-known that the workforce, along with the population at large, is aging. What is less well-known is that the labor force participation rate for *retirement-age* workers has increased substantially, and that they are now the fastest growing age group in the workforce. In 1987, roughly 19% of adults ages 65-69 were in the workforce; in 2017, that number had increased by nearly 75% to around 33%. Similarly, in 1987, about 10% of those ages 70-74 were in the labor force, but in 2017, that number had almost doubled to 19%. Even among the oldest workers – those 75 and older – labor force participation doubled from about 4% in 1987 to about 8% in 2017.¹ Most of this growth is due to increased labor force participation by women.² Moreover, according to the Bureau of Labor Statistics (BLS), 65+ workers are the fastest growing age groups in the workforce. Between 2014 and 2024, the number of workers ages 65-74 is expected to grow by 4.5%, and the number of workers 75 and older is expected to grow by 6.4%, compared to, for example, a growth rate of about 1% for workers 25-44.³

Older workers are working longer, a trend that began well before the recession, and even before the boomer generation reached retirement age. The reasons for this trend are multiple and not clear-cut.⁴ However, finances clearly play a significant role:

- Fewer are covered by a defined benefit pension plan – Among households covered by any employer-sponsored retirement plan, near-retiree households “represent the last generation of workers to enjoy widespread DB pension coverage....”⁵

¹ All three age group percentages derived from U.S. Department of Labor, Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, at <http://data.bls.gov/pdq/querytool.jsp?survey=ln> (accessed July 28, 2017).

² Testimony of Dr. Sara E. Rix, Consultant on Work and Aging, Hearing on *Working in Retirement: Career Reinventions and the New Workspace* 8, Fig. 2 (U.S. Senate Special Committee on Aging, June 24, 2015), available at https://www.aging.senate.gov/imo/media/doc/Rix_6_24_15.pdf [hereinafter *Rix Testimony*].

³ M. Toossi & E. Torpey, *Older workers: Labor force trends and career options*, Chart 2 (May 2017), available at <https://www.bls.gov/careeroutlook/2017/article/older-workers.htm>.

⁴ *Rix Testimony*, *supra* n. 2, at 2.

⁵ N. Rhee & I. Boivie, *The Continuing Retirement Savings Crisis* 5, 7 (Nat'l Inst. for Ret., Sec., Mar. 2015), available at http://www.nirsonline.org/storage/nirs/documents/RSC%202015/final_rsc_2015.pdf. Equally

- Retirement savings are woefully inadequate – About 3 in ten near-retiree-age (55-64) households have *no retirement savings at all*,⁶ and the median retirement savings of all near-retiree households was only \$14,500 in 2013. Among just those near-retiree households that had some savings, their median account balance was only \$104,000 – 62% had less than one year's worth of income saved.⁷ Wage stagnation over the last 40 years,⁸ combined with rising costs of living, has likely made it much harder to save.
- Financial need is the top reason for working – Current financial need is by far the most important factor why older workers ages 45-74 work.⁹ As expected, the younger the worker, the higher the importance placed on money as the motivation for working, but even among workers 65-74, current financial need is cited by 57% as the most important reason for working.¹⁰

Ideally, employer practices and public policies can maximize older workers' choices to work if they need or want to or to retire with economic security; most hope to keep working or combine work with retirement. Nearly three-fourths (72%) of older workers ages 45-74 say they plan to work "in retirement."¹¹ But there are limits to workers' self-determination in this regard; data demonstrate a large gap between active workers' expectations about their retirement age vs. their actual behavior. For instance, nearly 4 in 10 say they plan to work until 70 and older, yet only 4% of retirees actually retire that late.¹² Unplanned events like job loss, health problems, and caregiving responsibilities are just some of the reasons people do not work as long as expected. Practices and policies must empower workers to work longer, but they must also enable workers to retire with dignity and security after a lifetime of work. We should not *expect* or require people to work until they drop.

Significant Challenges Faced by Older Workers

Almost nine million jobs were lost between the start of the Great Recession in December 2007 and the official end in early 2010.¹³ Although older workers were less likely to become unemployed than younger workers, older workers did experience record-high unemployment rates, and once jobless, older workers experienced far longer spells of unemployment, at times lasting, on average, for more than one year. High rates of unemployment for older workers persisted long after the

disturbing, passed in the waning hours of the 113th Congress, the Multiemployer Pension Reform Act reneged on ERISA's core promise prohibiting cutbacks in accrued benefits. Many who worked their entire lives and earned a modest pension are now seeing those promises broken and their pensions cut – not years before they plan to retire, but while already retired and living on those pensions -- and they cannot go back to work.

⁶ *Id.*, at 11-12.

⁷ *Id.*

⁸ See L. Mishel, E. Gould, *et al.*, *Wage Stagnation in Nine Charts*, Figs. 2, 4 (Ec. Pol'y Inst., Jan. 6, 2015), at <http://www.epi.org/publication/charting-wage-stagnation/>.

⁹ AARP, *Staying Ahead of the Curve: The AARP Work and Career Study* 40, Fig. 7 (Jan. 2014), available at http://www.aarp.org/content/dam/aarp/research/surveys_statistics/general/2014/Staying-Ahead-of-the-Curve-2013-The-Work-and-Career-Study-AARP-res-gen.pdf [hereinafter *Staying Ahead of the Curve*].

¹⁰ *Id.*, at 41, Table 17.

¹¹ *Id.*, at 24, Fig. 2.

¹² L. Greenwald, C. Copeland, *et al.*, *The 2017 Retirement Confidence Survey: Many Workers Lack Retirement Confidence and Feel Stressed About Retirement Preparations* 20, Fig. 26 (EBRI, Mar. 21, 2017), available at https://www.ebri.org/pdf/briefspdf/EBRI_IB_431_RCS_21Mar17.pdf.

¹³ Ctr. on Budget & Pol'y Priorities, *Chart Book: The Legacy of the Great Recession*, at <https://www.cbpp.org/research/economy/chart-book-the-legacy-of-the-great-recession> (updated July 31, 2017).

recession technically ended,¹⁴ and have only recently returned to pre-recession levels.¹⁵ During the recession, the lack of available jobs was by far the biggest obstacle to older workers finding employment.¹⁶ However, other significant challenges remain.

Age Discrimination

This year, 2017, marks the 50th anniversary of the passage of the Age Discrimination in Employment Act of 1967 (ADEA). While the law has achieved a great deal, age discrimination continues to be persistent and pervasive, and a significant barrier to older workers seeking reemployment or just trying to keep their jobs or advance.¹⁷ Nearly two-thirds (64%) of workers ages 45-74 report that they have either experienced or observed age discrimination in the workplace.¹⁸ Workers ages 60-74 were even more likely to have seen discrimination than workers 45-59.¹⁹ Age discrimination is likely at the heart of why older workers disproportionately experience long-term unemployment. In AARP's study about how unemployed older workers found reemployment, over half said that age discrimination had negatively affected their ability to find a job.²⁰ Age discrimination is particularly prevalent in certain industries, such as the high-tech and entertainment industries.²¹

Age discrimination in hiring is the most difficult to detect and prove. About one-fifth of older workers say they've experienced not getting hired for a job they applied for due to age.²² AARP has increasingly witnessed companies engaging in a number of age-related practices that directly or indirectly discriminate against older workers, such as: specifying a *maximum* number of years of experience (e.g., no more than 10 years) in the qualifications, limiting recruitment efforts for entry-level positions to college campuses and requiring a college-affiliated email address in order to apply, and using algorithms for online job application sites to screen out older applicants.²³

However, we are also increasingly noticing articles, reports, and workshops about the need to "unclog the pipeline" and nudge out those in their 60s or past traditional retirement age in order to

¹⁴ G. Koenig, L. Trawinski, *et al.*, *The Long Road Back: Struggling to Find Work after Unemployment* 1 (Mar. 2015), available at <http://www.aarp.org/content/dam/aarp/ppi/2015-03/The%20Long%20Road%20Back%20Back%20INSIGHT-new.pdf> [hereinafter *Long Road*].

¹⁵ J. Schramm, *Employment Data Digest* 2, Table 3 (AARP PPI, June 2017)

<http://www.aarp.org/content/dam/aarp/ppi/2017/07/june-2017-employment-data-digest.pdf>. Even with the recovery, jobseekers 55+ are still about twice as likely to be long-term unemployed than younger workers, and this figure does not account for discouraged workers who have given up looking for a job. *Id.*, at 4.

¹⁶ *Long Road*, *supra* n. 14, at 7, Fig. 5.

¹⁷ Because the incidence of disability increases with age, older jobseekers and workers are also at increased risk of facing discrimination due to disability. C. Smith FitzPatrick, *Labor Market Discrimination against Older People with Disabilities* 1 (AARP, Dec. 2014), available at <http://www.aarp.org/content/dam/aarp/ppi/2015/labor-market-discrimination-against-older-people-disabilities-AARP-ppi-econ-sec.pdf>.

¹⁸ *Staying Ahead of the Curve*, *supra* n. 9, at 28.

¹⁹ *Id.*, at 28, Table 10.

²⁰ *Long Road*, *supra* n. 14, at 8, Fig 6.

²¹ See Remarks of Laurie A. McCann, AARP Foundation Litigation, *Hearing on Innovation Opportunity: Examining Strategies to Promote Diverse and Inclusive Workplaces in The Tech Industry* (EEOC, May 18, 2016), available at <https://www.eeoc.gov/eeoc/meetings/5-18-16/mccann.cfm>.

²² *Staying Ahead of the Curve*, *supra* n. 9, at 33, Fig 5.

²³ See Testimony of Laurie A. McCann, AARP Foundation Litigation, *Hearing on The ADEA @ 50 – More Relevant Than Ever* (EEOC, June 14, 2017), available at <https://www.eeoc.gov/eeoc/meetings/6-14-17/mccann.cfm>, for more discussion of age-discriminatory hiring practices.

"reduce costs" or "make way" for the workers behind them.²⁴ This is despite the fact that some industries are experiencing worker shortages, and the aging of the workforce may yield a shortage of workers in the future.²⁵ Among the age discrimination charges filed with the EEOC, complaints about discriminatory discharge constitute, by far, the largest number of charges filed under the ADEA.²⁶ Even with the kinds of significant losses that accompany a lay-off, the ADEA does not provide the complete remedies for all types of losses as is the case under Title VII. Shortcomings in the law itself and overly narrow interpretations of the law by the courts, such as the increased burden of proof imposed on older workers by a Supreme Court ruling,²⁷ have unlevelled the legal playing field for older workers seeking to vindicate their rights.

Lack of Flexible Work Arrangements

Flexible work arrangements are important to workers of all ages, but can be especially critical to those who are also family caregivers. Family caregivers are as likely to be employed as noncaregivers, and three-fourths of those with eldercare responsibilities have worked at a paying job at some point during their caregiving experience.²⁸ Among working caregivers of adults, a little more than half report that their employer offers flexible work hours and/or paid sick days, and about one-third say that paid family leave is offered by their employer.²⁹ Looking at the workforce as whole, however, only 14% of all workers have access to employer-provided paid family leave.³⁰

"Phased retirement" is a work arrangement that enables older workers wishing to transition into retirement to do so by working part-time, and enables employers to retain the institutional knowledge, talents, and possibly mentoring services of older workers for a longer period of time. Some employers have formal programs, while others permit phased retirement on an informal basis. However, phased retirement is still an infrequent offering – only about 30% of companies offer it to at least some employees³¹ – and its growth seems to have stalled³² after an initial spurt of attention.

²⁴ See e.g., Prudential, *Why Employers Should Care about the Cost of Delayed Retirements* (2017), available at http://research.prudential.com/documents/rp/SI20_Final_ADA_Cost-of-Delayed_1-4-17.pdf; S. Krouse, "U.S. Companies Have a New 401(k) Fix: Spend More," *Wall St. J.* (July 17, 2017), available at <https://www.wsj.com/articles/u-s-companies-have-a-new-401-k-fix-spend-more-1500283804?mg=prod/accounts-wsj>.

²⁵ See generally, B. Barnow, J. Trutko, et al., *Occupational Labor Shortages: Concepts, Causes, Consequences, and Cures* (W.E. Upjohn Inst. for Empl. Rsch., 2013).

²⁶ See EEOC, *Statutes by Issue (Charges filed with EEOC): FY 2010 - FY 2016*, at https://www.eeoc.gov/eeoc/statistics/enforcement/statutes_by_issue.cfm (accessed July 31, 2017).

²⁷ *Gross v. FBL Fin'l Servs., Inc.*, 557 U.S. 167, 129 S. Ct. 2343 (2009).

²⁸ L. Feinberg & R. Choula, *Understanding the Impact of Family Caregiving on Work 1* (AARP Pub. Pol. Inst., Oct. 2012), available at http://www.aarp.org/content/dam/aarp/research/public_policy_institute/lfc/2012/understanding-impact-family-caregiving-work-AARP-ppi-lfc.pdf.

²⁹ AARP Pub. Pol. Inst., *Caregiving in the U.S. 2015*, at 59, Fig. 65 (June 2015), available at http://www.caregiving.org/wp-content/uploads/2015/05/2015_CaregivingintheUS_Final-Report-June-4_WEB.pdf.

³⁰ Nat'l Partnership for Women & Families, *Paid Leave*, at <http://www.nationalpartnership.org/issues/work-family/paid-leave.html> (accessed July 30, 2017).

³¹ *WorldatWork, Trends in Workplace Flexibility 10*, Fig. 7 (Sept. 2015), available at <https://www.worldatwork.org/adimLink?id=79123>.

³² J. McGregor, "Retirement, deferred: Workers — and companies — grapple with a new reality," *Washington Post* (July 19, 2017), available at https://www.washingtonpost.com/news/on-leadership/wp/2017/07/19/retirement-deferred-workers-and-companies-grapple-with-a-new-reality/?utm_term=.b47691051774.

Contingent Work

"Gig jobs" in the "sharing economy" have grabbed the headlines in recent years. However, nonstandard, contingent work – that does not require the responsibilities, rights, or benefits of the employer-employee relationship – appears to have been on the increase since about 1980.³³ Contingent work includes temporary work, seasonal jobs, day labor, contract/leased employment, and working as an independent contractor. Recent research indicates that contingent work accounted for all of the job growth between 2005 and 2015.³⁴

The incidence of contingent work rises with age – nearly one fourth of contingent workers are 55-74, and the rise in contingent work that has recently occurred has been sharpest for older workers ages 55-75.³⁵ Older workers are also the fastest growing segment of gig workers/service providers as well.³⁶ This may be because they were unable to find standard employment, but for others, they are supplementing their retirement income or doing gig work to stay engaged. Contingent work does have some advantages for workers. However, it does not always deliver on promised flexibility or autonomy, and it rarely offers the kind of income stability and economic security offered by the employer-employee relationship. The growth of contingent work has implications for the economic security of workers of all ages, but may be particular impactful during the later years of one's career.

Best Practices to Create Age-Friendly Workplaces

Research study after research study finds that a diverse workforce is a more productive, better performing, more innovative workforce, and this holds for age diversity as well. There is a business case³⁷ for recruiting and retaining older workers: age diversity and multigenerational workforces "can improve organizational performance, if it is managed well."³⁸ Yet, just a tiny fraction – only about 8% – of CEOs include "age" as a dimension of their diversity and inclusion policies and strategies.³⁹

AARP can provide additional information on successful models and best practices, however, employers have implemented some of the following:

- Including age as a dimension of their diversity and inclusion strategy, and incorporating it in the same way as other dimensions, for instance in HR policies, training for staff and managers, etc.
- Recruiting talent of all ages and ensuring recruitment materials are designed for talent of all ages.

³³ R. Belous, "How human resource systems adjust to the shift toward contingent workers," 112 *Mo'ly Lab. Rev.* 9-10 (Mar. 1989) available at <https://stats.bls.gov/mir/1989/03/art2full.pdf>.

³⁴ L. Katz & A. Krueger, *The Rise and Nature of Alternative Work Arrangements in the United States, 1995-2015*, at 7 (Sept. 13, 2016), available at <http://dataspace.princeton.edu/jspui/bitstream/88435/dsp01zs25xb933/3/603.pdf>.

³⁵ *Id.*, at 12.

³⁶ See, e.g., M. Jacobs, "Seniors are digging the gig life in the sharing economy," *The Dallas Morning News* (July 6, 2017), available at <https://www.dallasnews.com/life/aging-1/2017/07/06/seniors-digging-gig-life-sharing-economy>.

³⁷ See AARP, *A Business Case for Workers Age 50+: A Look at the Value of Experience* (2015), available at http://www.aarp.org/content/dam/aarp/research/surveys_statistics/general/2015/A-Business-Case-Report-for-Workers%20Age%2050Plus-res-gen.pdf.

³⁸ L. Trawinski, *Disrupting Aging in the Workplace: Profiles in Intergenerational Diversity Leadership 2* (AARP PPI, Oct. 2016), available at http://www.aarp.org/content/dam/aarp/ppi/2016-11/213719%20Disrupt%20Aging%20in%20the%20Workforce%20Report_FINAL_links.pdf.

³⁹ *Id.*

- Creating apprentice programs open to people of all ages to help recruit and retain talent.
- Designing special programs to help people reenter the workforce following an extended absence, i.e., absence for childcare or elder caregiving.
- Developing cross-generational mentoring programs to help facilitate knowledge transfer—a critical need for many companies.
- Conducting strategic workforce assessments to better understand the impact of the aging workforce on their organizations.
- Investing in the learning and skills development of workers of all ages, including older workers.
- Addressing workers' needs through employee benefit programs such as flexible work arrangements (e.g., telecommuting, flexible hours, job-sharing) and caregiving leave for those who need to care for a spouse or parent.

AARP itself also offers a wide range of informational and hands-on programs to assist older jobseekers, such as:

- **Job Search in the Digital Age**, a hands-on, 90-minute in-person workshop offered in 29 states, helps 50+ job seekers discover how to search and apply for great jobs online.
- **Sharpen Your Networking & Interview Skills**, a new pilot project in 17 states to help 50+ job seekers learn effective networking techniques and strengthen their interview skills.
- **Look Good Online: Profile Picture**, provides job seekers with a free, professional headshot photo that can be used on LinkedIn and other professional sites, which is offered at local job fairs.
- **Back to Work 50+**,⁴⁰ a program offered by the AARP Foundation that connects struggling Americans 50+ with the information, support, training, and employer access they need to regain employment.
- Plus a Job Search Board,⁴¹ employer pledge program,⁴² and a wide variety of other helpful information.⁴³

The Society for Human Resources Management (SHRM) is also an excellent resource for information on what kinds of best practices employers are deploying to prepare for and take advantage of an aging workforce.⁴⁴

What Steps Policymakers Should Consider to Help Support Older Workers

The most important and best step policymakers could take to remove barriers and enhance opportunity for older workers would be to strengthen the nation's age discrimination laws. Discrimination is discrimination, and older workers who can prove they have been discriminated against should be treated no less favorably by the courts than other workers challenging workplace discrimination.

⁴⁰ AARP Foundation, *Back to Work 50+*, at <http://www.aarp.org/aarp-foundation/our-work/income/back-to-work-50-plus/?intcmp=AE-WRJ-JBSER-FND> (accessed July 31, 2017).

⁴¹ <http://www.aarp.org/work/on-the-job/info-2017/aarp-job-board-for-older-americans-fd.html?intcmp=AE-WOR-JBSR-PTJB>

⁴² AARP, *AARP Launches Job Board for Experienced Workers* (May 23, 2017), at <http://www.aarp.org/work/job-search/employer-pledge-companies/> (accessed July 31, 2017).

⁴³ AARP, *Work & Jobs*, at <https://aarp.tek.aarp.org/workandjobs/?cmp=RDRCT-CSN-WORKJOBS-062216> (accessed July 31, 2017).

⁴⁴ See SHRM, *Preparing for an Aging Workforce: A Gap Analysis Report Comparing the SHRM Foundation's The Aging Workforce Effective Practice Guidelines Report with SHRM's Aging Workforce Survey Findings* (Jan. 2015), available at <https://www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Documents/2015%20gap%20analysis.pdf>.

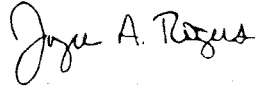
Thus, an excellent first step to restoring a level playing field for older workers would be for Congress to pass the bipartisan Protecting Older Workers Against Discrimination Act, sponsored and cosponsored by the leaders of this Committee. In addition, in light of the 50th anniversary of the passage of the ADEA, the Senate Aging Committee should make it a priority to hold a series of hearings, including at least one this year, to learn more about the challenges facing older workers in today's economy, and what changes are need to update and strengthen the ADEA to adequately protect older workers.

Policymakers should also adopt measures that would help enable older workers to work longer and increase their economic security. This should include, for example:

- Improving benefits and eliminating the age cap on the Earned Income Tax Credit for childless adults.
- Refusing to make proposed cuts⁴⁵ and instead providing adequate funding for SCSEP and the workforce development system as a whole at levels sufficient to ensure that job centers have the staff and resources to serve the needs of older workers and others who face barriers in their efforts to find work.
- Enacting legislation to promote and assist states to set up work-sharing programs that can help companies prevent layoffs during downturns by allowing reductions in hours to be partially offset by prorated unemployment insurance payments.
- Narrowing the "safe harbor" loophole that permits misclassification of employees, making misclassification an express violation of the wage and hour laws, and appropriating sufficient funds to the DOL and the IRS to enforce the law.
- Developing a national strategy to support family caregivers, including those in the workplace, by passing the bipartisan RAISE Act (sponsored by Chairman Collins), and in the meantime, enacting the Credit for Caring Act, which would help working family caregivers with the financial challenges of caring for a loved one and would help make it easier for family caregivers to work.
- Ensuring that tax reform preserves and improves incentives to save for retirement, especially for those who need it most.

There is much that can and needs to be done to ensure that older workers can continue to make valuable contributions to their employers, the economy, and the nation as a whole. AARP looks forward to working with the Committee to address these issues.

Sincerely,



Joyce Rogers
Senior Vice President
AARP Government Affairs

⁴⁵ K. Kaleba, *House subcommittee proposes steep cuts to workforce, education programs for FY 2018* (July 13, 2017), available at <http://www.nationalskillscoalition.org/news/blog/house-subcommittee-proposes-steep-cuts-to-workforce-education-programs-for-fy-2018>.



U.S. Senate Special Committee on Aging
Re: RFI on Older Americans in the Workforce

August 31, 2017

The Center for Excellence in Assisted Living (CEAL) appreciates the opportunity to respond to the Senate Aging Committee's request for information on older Americans and the workforce. CEAL is a collaborative of eleven diverse, national organizations that work closely together to promote excellence in assisted living. CEAL Board member organizations include: Alzheimer's Association, American Assisted Living Nurses Association (AALNA), American Seniors Housing Association (ASHA), Argentum, AMDA - The Society for Post-Acute and Long-term Care Medicine, LeadingAge, National Association of States United for Aging and Disability (NASUAD), National Center for Assisted Living (NCAL), National Cooperative Bank (NCB), Paralyzed Veterans of America (PVA), and Pioneer Network. In addition to the CEAL Board organizations, the CEAL Advisory Council has representatives from other national organizations, researchers, and government officials to help guide CEAL in its mission.

With the aging workforce long-term care is facing a unique challenge, a growing demand for services but decreasing supply of workers. The population of people age 65 and over will nearly double between now and 2050—from 47.8 million to 88 million—and 70 percent of them will require some form of long-term care. Because of this surge, the Bureau of Labor Statistics estimates that we'll need an additional 1.1 million paid caregivers to care for this population.

To meet the need, it is necessary to not only focus on recruiting younger workers but how to recruit and retain older workers. CEAL and its member organizations have placed this issue at the top of our agendas to identify and advance policies and best practices that address these shortages. This will remain an ongoing priority for CEAL.

Relative to your request for information specific to the older workforce, research shows that if the older worker receives adequate training and instruction in the technology that is needed to stay current with skills needed to perform their job, they learn and absorb knowledge as well as younger workers. Older workers may benefit from a teaching modality that is adapted to normal decline in the aging process of sight and hearing. Environmental and ergonomic changes may have to be adapted in the workplace as well as flexibility with scheduling and time. Supporting policies that provide training programs for older workers is key in recruiting and training these individuals. Direct care workers are a valuable commodity because of years of experience, knowledge and skills which allows for mentoring of younger workers.

The CEAL Board would welcome the opportunity to discuss these issues in more detail.

Sincerely,

Lindsay B. Schwartz, Ph.D., CEAL Board Chair

**Comments from Philadelphia Corporation for Aging
July 24, 2017**

1. What opportunities and challenges face older Americans in the workforce?

Opportunities include: offering employers stability, loyalty and lower turnover; showcasing one's extensive levels of experience; same or better physical health while working; a better outlook on life while working; a sense that one is making a contribution and is valued; the ability to mentor, even informally, younger workers; perhaps the ability to be more engaged than one's younger colleagues; the opportunity for older workers' strengths to make them the most valuable people in the workplace; helping to create an age diverse workforce.

Challenges include: balancing work and caregiving responsibilities; staying current with industry trends, including technology; commuting issues, particularly if public transportation is utilized; working for a boss that may be half one's age; feeling less valued than younger counterparts; dealing with the various forms/subtleties of age discrimination that may be present in the workplace.

2. What best practices are employers implementing to create age-friendly workplaces?

Getting rid of mandatory retirement policies; offering roles for older workers to assume after they retire (should they desire to continue working), flexible work arrangements, e.g. telecommuting, seasonal work schedules while maintaining benefits, flexible work options for caregivers, etc.; offering benefits that appeal to older workers, e.g. comprehensive health care savings, ability to purchase additional life insurance/dental/vision/LTC insurance at group rates; support for caregivers.

3. What steps should policymakers consider to help support older workers?

Restore funding to SCSEP; Assure that older job seekers have equal access to trainings available through the One-Stop system as do younger workers; Congress to create stronger laws to prevent age discrimination at work.