

Workforce Policy Weekly

March 31, 2023



Upcoming LeadingAge Policy Update Call on Monday, April 3, at 3:30pm ET. We are finalizing plans for our April 3, 3:30 Policy Update Call and will update you as soon as we have additional information. You can also find previous call recordings of every 3:30 LeadingAge call [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other “members only” content.

Workplace Age Discrimination Protections Bill Reintroduced. On March 29, Senator Bob Casey (D-PA), Chairman of the U.S. Senate Special Committee on Aging, has reintroduced legislation that includes protections from workplace age discrimination for older workers. Chairman Casey’s press release states, “many older Americans have trouble finding consistent employment due to age discrimination. The Protecting Older Workers Against Discrimination Act (POWADA), that would level the playing field for older workers and restore safeguards against age-based discrimination. POWADA would restore critical protections in the Age Discrimination in Employment Act (ADEA) and make it easier for employees to prove when they are a victim of age discrimination in the workplace.” Older workers are currently required to meet a significantly higher burden of proof when alleging age discrimination than is required of workers alleging other forms of workplace discrimination. Senator Chuck Grassley (R-IA) joined Senator Casey in sponsoring the bill, and it is cosponsored by Senators Maggie Hassan (D-NH), Susan Collins (R-ME), Tammy Baldwin (D-WI), and Lisa Murkowski (R-AK). Read more about the Protecting Older Workers Against Discrimination Act [here](#).

Education and Workforce Committee Hearing: Unleashing America’s Opportunities for Hiring and Employment. On March 28, the House Education and the Workforce Committee held a hearing titled, “Unleashing America’s Opportunities for Hiring and Employment.” The Committee’s Chairwoman, Virginia Foxx (R-VA), issued a [press release](#) stating the committee would examine how the current economic conditions, and Biden Administration, are impacting employment for workers and job creators. Chairwoman Foxx said in her [opening statement](#), “The economy has not recovered, and workforce participation still lags behind pre-pandemic rates.”

Republican members used the hearing as an opportunity to address the burdens of the *Richard L. Trumka Protecting the Right to Organize (PRO) Act of 2023* (H.R. 20). The House bill was introduced by the Committee on Education and the Workforce Ranking Member Robert C. “Bobby” Scott (D-VA) and Rep. Brian Fitzpatrick (R-PA). Rep. Scott’s Fact Sheet states the *PRO Act* “strengthens the federal law that protects workers’ right to join a union and bargain for higher pay, better benefits, and safer workplaces.” Additionally, Chairwoman Foxx highlights “skills-based education is one pathway to prepare students for the job market, and by increasing work-based learning opportunities and extending the Pell Grant to short-term, high-quality programs, we can help workers get the skills they need for lifelong success. “The Committee’s [Hearing Recap](#), provides additional highlights. The hearing can be viewed on the [Committee's YouTube page](#)”.

Hospice, 3-Day Stay, Staffing Ratios, HCBS During Hearing with HHS. March 28, HHS Secretary Xavier Becerra appeared before the House Ways and Means Committee to discuss the President’s fiscal year (FY) 2024 budget proposal. Highlights from the hearing:

- Both Representative Earl Blumenauer (D-OR) and Representative Beth Van Duyne (R-TX) brought up hospice program integrity and pressed the Secretary to crack down on “shadow”

or "ghost" hospices and pledged bipartisan Congressional support to do so. This aligns with [LeadingAge's work on hospice program integrity](#).

- Representative Linda Sánchez (D-CA) praised the budget proposal to add \$150 billion dollars to fund Medicaid home and community-based services but emphasized that given the aging demographics and need for personal care services amongst our aging population, expanding Medicaid HCBS was not enough to solve the problem. She pressed Secretary Becerra to think about how to fund necessary long-term care outside of the Medicaid program (the only government funding mechanism currently). LeadingAge applauds Rep. Sánchez for recognizing the imperative of long-term care financing reform and looks forward to working with her office on these ideas.
- Representative Adrian Smith (R-NE) asked about some COVID waivers, including the 3-day stay, and the impact of these waivers ending with the PHE on access to care. Secretary Becerra indicated he would need Congress's help, and we will follow up with Rep. Smith to pursue his interest.
- A number of members asked about the President's nursing home reform proposal. The Secretary spoke a lot about the transparency rule as well as the budget request for more money for program integrity (he also mentioned this budget request in relation to hospice program integrity oversight). Secretary Becerra also mentioned the forthcoming staffing proposal in some of his answers; we will continue to promote our [Get Real on Ratios](#) legislative proposal and other efforts to educate Committee members.

LeadingAge Learning Hub Committing to Diversity, Equity, and Inclusion (DEI). There has never been a more important time to raise our individual and collective awareness, explore shared values, and identify scalable ways to cultivate ongoing practices of diversity, inclusion, and belonging. [Committing to Diversity, Equity, and Inclusion \(DEI\) is a new Shared Learning Series](#) designed to guide LeadingAge provider members through a six-part educational series of peer-to-peer learning and self-reflection that will enhance your understanding of the principles and practices associated with diversity, equity, and inclusion. [Learn more and register by April 28.](#)

LeadingAge Leadership Summit. We often hear from LeadingAge members that there is little time for future planning due to navigating day-to-day operations, keeping up with change, and addressing ongoing challenges. The [LeadingAge Leadership Summit](#) gives members the much-needed time to step back and come together to think big(ger) and creatively build a stronger, sustainable, and resilient future in aging services. [Read more about the keynote speakers, 75 diverse voices, and 30+ sessions that will inspire at the 2023 Leadership Summit](#)