

110TH CONGRESS
1ST SESSION

H. R. 1099

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2007

Ms. SCHWARTZ (for herself, Mr. MURTHA, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Assistance
5 Employment and Reemployment Rights Act of 2007”.

1 **SEC. 2. EMPLOYMENT PROTECTIONS FOR DISASTER AS-**
2 **SISTANCE EMPLOYEE RESERVISTS.**

3 Section 306 of the Robert T. Stafford Disaster Relief
4 and Emergency Assistance Act (42 U.S.C. 5149) is
5 amended by adding at the end the following:

6 “(c) EMPLOYMENT PROTECTIONS FOR DISASTER AS-
7 SISTANCE EMPLOYEE RESERVISTS.—

8 “(1) TERMINATION PROHIBITED.—No person
9 may be terminated, demoted, or in any other manner
10 discriminated against in the terms and conditions of
11 employment because the employee, when activated
12 by the Federal Emergency Management Agency for
13 work at a specific disaster site as a disaster assist-
14 ance employee reservist, is absent from or late to his
15 or her employment.

16 “(2) LIMITATION.—Paragraph (1) shall not
17 apply if such person is absent from his or her em-
18 ployment for the purposes described in paragraph
19 (1) for a period of more than 90 days in a calendar
20 year, except that the Secretary of Homeland Secu-
21 rity may extend such period for a major disaster if
22 the Secretary determines that an extension is appro-
23 priate due to a national emergency and the Sec-
24 retary publishes notice of the determination in the
25 Federal Register.

1 “(3) WITHHOLDING OF PAY.—An employer
2 may charge, against the employee’s regular pay, any
3 time that an employee loses from employment be-
4 cause of the employee’s activation as a disaster as-
5 sistance employee reservist.

6 “(4) CERTIFICATION.—The employer may re-
7 quest the employee to provide the employer with a
8 written verification from the Federal Emergency
9 Management Agency that the employee was acti-
10 vated as a disaster assistance employee reservist and
11 stating the time and dates of such activation.

12 “(5) REASONABLE NOTICE REQUIRED.—An em-
13 ployee who may be absent from or late to his or her
14 employment due to activation as a disaster assist-
15 ance employee reservist shall make a reasonable ef-
16 fort to notify his or her employer that he or she may
17 be absent or late and shall continue to provide such
18 reasonable notifications over the course of his or her
19 absence.

20 “(6) RIGHT OF ACTION.—

21 “(A) RIGHT OF ACTION.—A person who
22 has been terminated, demoted, or in any other
23 manner discriminated against in the terms and
24 conditions of employment in violation of this
25 subsection may bring, in a district court of the

1 United States of appropriate jurisdiction, a civil
2 action against his or her employer who violated
3 this subsection.

4 “(B) DAMAGES.—The employee may seek
5 reinstatement to his or her former position,
6 payment of back wages, reinstatement of fringe
7 benefits, and, where seniority rights are grant-
8 ed, reinstatement of seniority rights.

9 “(C) LIMITATION.—The employee must
10 commence such an action within 1 year after
11 the date of the violation of this subsection.

12 “(7) DISASTER ASSISTANCE EMPLOYEE RE-
13 SERVIST DEFINED.—In this subsection, the term
14 ‘disaster assistance employee reservist’ means a per-
15 son—

16 “(A) appointed by the Federal Emergency
17 Management Agency under subsection (b)(1) to
18 serve as a reservist; and

19 “(B) who is carried on the personnel rolls
20 of the Federal Emergency Management Agency
21 for a specified period and may be activated to
22 perform disaster assistance program work when
23 the need arises.”.

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