

109TH CONGRESS
2^D SESSION

H. R. 4998

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

MARCH 16, 2006

Ms. SCHWARTZ of Pennsylvania (for herself, Mr. ENGEL, Mr. JEFFERSON, Mr. HONDA, Mr. BROWN of Ohio, Mr. INSLEE, Mr. ORTIZ, Mr. BISHOP of New York, Mr. KANJORSKI, Mr. MURTHA, Mr. HOLDEN, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. FARR, Mr. WU, Mr. PASCRELL, Mr. STUPAK, Mr. KUCINICH, Mr. STARK, Mrs. MCCARTHY, Ms. LINDA T. SÁNCHEZ of California, and Mr. MEEHAN) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disaster Assistance
3 Employment and Reemployment Rights Act of 2006”.

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

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

9 “(c) **EMPLOYMENT PROTECTIONS FOR DISASTER AS-**
10 **SISTANCE EMPLOYEE RESERVISTS.—**

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

19 “(2) **LIMITATION.—**Paragraph (1) shall not
20 apply if such person is absent from his or her em-
21 ployment for the purposes described in paragraph
22 (1) for a period of more than 90 days per calendar
23 year.

24 “(3) **WITHHOLDING OF PAY.—**An employer
25 may charge, against the employee’s regular pay, any
26 time that an employee loses from employment be-

1 cause of the employee's activation as a disaster as-
2 sistance employee reservist.

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

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

17 “(6) RIGHT OF ACTION.—

18 “(A) RIGHT OF ACTION.—A person who
19 has been terminated, demoted, or in any other
20 manner discriminated against in the terms and
21 conditions of employment in violation of this
22 subsection may bring, in a district court of the
23 United States of appropriate jurisdiction, a civil
24 action against his or her employer who violated
25 this subsection.

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

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

9 “(7) DISASTER ASSISTANCE EMPLOYEE RE-
10 SERVIST DEFINED.—In this subsection, the term
11 ‘disaster assistance employee reservist’ means a per-
12 son appointed by the Federal Emergency Manage-
13 ment Agency under subsection (b)(1) to serve as a
14 reservist. Reservists are carried on the personnel
15 rolls of the Federal Emergency Management Agency
16 for a specified period and may be activated to per-
17 form disaster assistance program work when the
18 need arises.”.

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