

110TH CONGRESS  
1ST SESSION

# H. R. 3993

To provide for a prohibition on discrimination in employment against certain family members caring for recovering members of the Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2007

Mr. ALTMIRE introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for a prohibition on discrimination in employment against certain family members caring for recovering members of the Armed Forces.

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 “Military Family Job  
5 Protection Act”.

6 **SEC. 2. MILITARY FAMILY JOB PROTECTION.**

7 (a) PROHIBITION ON DISCRIMINATION IN EMPLOY-  
8 MENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR

1 RECOVERING MEMBERS OF THE ARMED FORCES.—A  
2 family member of a recovering servicemember described  
3 in subsection (b) shall not be denied retention in employ-  
4 ment, promotion, or any benefit of employment by an em-  
5 ployer on the basis of the family member's absence from  
6 employment as described in that subsection, for a period  
7 of not more than 52 work weeks.

8 (b) COVERED FAMILY MEMBERS.—A family member  
9 described in this subsection is a family member of a recov-  
10 ering servicemember who is—

11 (1) on invitational orders while caring for the  
12 recovering servicemember;

13 (2) a non-medical attendee caring for the recov-  
14 ering servicemember; or

15 (3) receiving per diem payments from the De-  
16 partment of Defense while caring for the recovering  
17 servicemember.

18 (c) TREATMENT OF ACTIONS.—An employer shall be  
19 considered to have engaged in an action prohibited by sub-  
20 section (a) with respect to a person described subsection  
21 (b) if the absence from employment of the person as de-  
22 scribed in that subsection is a motivating factor in the  
23 employer's action, unless the employer can prove that the  
24 action would have been taken in the absence of the absence  
25 of employment of the person.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “benefit of employment” has the  
3 meaning given such term in section 4303 of title 38,  
4 United States Code.

5 (2) The term “caring for”, used with respect to  
6 a recovering servicemember, means providing per-  
7 sonal, medical, or convalescent care to the recovering  
8 servicemember, under circumstances that substan-  
9 tially interfere with an employee’s ability to work.

10 (3) The term “employer” has the meaning  
11 given such term in section 4303 of title 38, United  
12 States Code, except that the term does not include  
13 any person who is not considered to be an employer  
14 under title I of the Family and Medical Leave Act  
15 of 1993 (29 U.S.C. 2611 et seq.) because the person  
16 does not meet the requirements of section  
17 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

18 (4) The term “family member”, with respect to  
19 a recovering servicemember, has the meaning given  
20 that term in section 411h(b) of title 37, United  
21 States Code.

22 (5) The term “recovering servicemember”  
23 means a member of the Armed Forces, including a  
24 member of the National Guard or a Reserve, who is  
25 undergoing medical treatment, recuperation, or ther-

1        apy, or is otherwise in medical hold or medical hold-  
2        over status, for an injury, illness, or disease incurred  
3        or aggravated while on active duty in the Armed  
4        Forces.

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