

110TH CONGRESS
1ST SESSION

S. 1894

To amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 26), 2007

Mr. REID (for Mr. DODD (for himself, Mr. NELSON of Nebraska, Mr. KENNEDY, Mr. REED, and Mr. LIEBERMAN)) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

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 “Support for Injured
5 Servicemembers Act of 2007”.

1 **SEC. 2. SERVICEMEMBER FAMILY LEAVE.**

2 (a) DEFINITIONS.—Section 101 of the Family and
3 Medical Leave Act of 1993 (29 U.S.C. 2611) is amended
4 by adding at the end the following:

5 “(14) COMBAT-RELATED INJURY.—The term
6 ‘combat-related injury’ means an injury or illness
7 that was incurred (as determined under criteria pre-
8 scribed by the Secretary of Defense)—

9 “(A) as a direct result of armed conflict;

10 “(B) while an individual was engaged in
11 hazardous service;

12 “(C) in the performance of duty under
13 conditions simulating war; or

14 “(D) through an instrumentality of war.

15 “(15) SERVICEMEMBER.—The term
16 ‘servicemember’ means a member of the Armed
17 Forces.”.

18 (b) ENTITLEMENT TO LEAVE.—Section 102(a) of
19 such Act (29 U.S.C. 2612(a)) is amended by adding at
20 the end the following:

21 “(3) SERVICEMEMBER FAMILY LEAVE.—Subject
22 to section 103, an eligible employee who is the pri-
23 mary caregiver for a servicemember with a combat-
24 related injury shall be entitled to a total of 26 work-
25 weeks of leave during any 12-month period to care
26 for the servicemember.

1 “(4) COMBINED LEAVE TOTAL.—An eligible
2 employee shall be entitled to a combined total of 26
3 workweeks of leave under paragraphs (1) and (3).”.

4 (c) REQUIREMENTS RELATING TO LEAVE.—

5 (1) SCHEDULE.—Section 102(b) of such Act
6 (29 U.S.C. 2612(b)) is amended—

7 (A) in paragraph (1), by inserting after
8 the second sentence the following: “Subject to
9 paragraph (2), leave under subsection (a)(3)
10 may be taken intermittently or on a reduced
11 leave schedule”; and

12 (B) in paragraph (2), by inserting “or sub-
13 section (a)(3)” after “subsection (a)(1)”.

14 (2) SUBSTITUTION OF PAID LEAVE.—Section
15 102(d) of such Act (29 U.S.C. 2612(d)) is amend-
16 ed—

17 (A) in paragraph (1)—

18 (i) by inserting “(or 26 workweeks in
19 the case of leave provided under subsection
20 (a)(3))” after “12 workweeks” the first
21 place it appears; and

22 (ii) by inserting “(or 26 workweeks,
23 as appropriate)” after “12 workweeks” the
24 second place it appears; and

1 (B) in paragraph (2)(B), by adding at the
2 end the following: “An eligible employee may
3 elect, or an employer may require the employee,
4 to substitute any of the accrued paid vacation
5 leave, personal leave, family leave, or medical or
6 sick leave of the employee for leave provided
7 under subsection (a)(3) for any part of the 26-
8 week period of such leave under such sub-
9 section.”.

10 (3) NOTICE.—Section 102(e) of such Act (29
11 U.S.C. 2612(e)) is amended by adding at the end
12 the following:

13 “(3) NOTICE FOR SERVICEMEMBER FAMILY
14 LEAVE.—In any case in which an employee seeks
15 leave under subsection (a)(3), the employee shall
16 provide such notice as is practicable.”.

17 (4) CERTIFICATION.—Section 103 of such Act
18 (29 U.S.C. 2613) is amended by adding at the end
19 the following:

20 “(f) CERTIFICATION FOR SERVICEMEMBER FAMILY
21 LEAVE.—An employer may require that a request for
22 leave under section 102(a)(3) be supported by a certifi-
23 cation issued at such time and in such manner as the Sec-
24 retary may by regulation prescribe.”.

1 (5) FAILURE TO RETURN.—Section 104(c) of
2 such Act (29 U.S.C. 2614(c)) is amended—

3 (A) in paragraph (2)(B)(i), by inserting
4 “or section 102(a)(3)” before the semicolon;
5 and

6 (B) in paragraph (3)(A)—

7 (i) in clause (i), by striking “or” at
8 the end;

9 (ii) in clause (ii), by striking the pe-
10 riod and inserting “; or”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iii) a certification issued by the
14 health care provider of the person for
15 whom the employee is the primary care-
16 giver, in the case of an employee unable to
17 return to work because of a condition spec-
18 ified in section 102(a)(3).”.

19 (6) ENFORCEMENT.—Section 107 of such Act
20 (29 U.S.C. 2617) is amended, in subsection
21 (a)(1)(A)(i)(II), by inserting “(or 26 weeks, in a
22 case involving leave under section 102(a)(3))” after
23 “12 weeks”.

24 (7) INSTRUCTIONAL EMPLOYEES.—Section 108
25 of such Act (29 U.S.C. 2618) is amended, in sub-

1 sections (c)(1), (d)(2), and (d)(3), by inserting “or
2 section 102(a)(3)” after “section 102(a)(1)”.

3 **SEC. 3. SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERV-**
4 **ICE EMPLOYEES.**

5 (a) DEFINITIONS.—Section 6381 of title 5, United
6 States Code, is amended—

7 (1) in paragraph (5), by striking “and” at the
8 end;

9 (2) in paragraph (6), by striking the period and
10 inserting “; and”; and

11 (3) by adding at the end the following:

12 “(7) the term ‘combat-related injury’ means an
13 injury or illness that was incurred (as determined
14 under criteria prescribed by the Secretary of De-
15 fense)—

16 “(A) as a direct result of armed conflict;

17 “(B) while an individual was engaged in
18 hazardous service;

19 “(C) in the performance of duty under
20 conditions simulating war; or

21 “(D) through an instrumentality of war;

22 and

23 “(8) the term ‘servicemember’ means a member
24 of the Armed Forces.”.

1 (b) ENTITLEMENT TO LEAVE.—Section 6382(a) of
 2 such title is amended by adding at the end the following:

3 “(3) Subject to section 6383, an employee who
 4 is the primary caregiver for a servicemember with a
 5 combat-related injury shall be entitled to a total of
 6 26 administrative workweeks of leave during any 12-
 7 month period to care for the servicemember.

8 “(4) An employee shall be entitled to a com-
 9 bined total of 26 administrative workweeks of leave
 10 under paragraphs (1) and (3).”.

11 (c) REQUIREMENTS RELATING TO LEAVE.—

12 (1) SCHEDULE.—Section 6382(b) of such title
 13 is amended—

14 (A) in paragraph (1), by inserting after
 15 the second sentence the following: “Subject to
 16 paragraph (2), leave under subsection (a)(3)
 17 may be taken intermittently or on a reduced
 18 leave schedule.”; and

19 (B) in paragraph (2), by inserting “or sub-
 20 section (a)(3)” after “subsection (a)(1)”.

21 (2) SUBSTITUTION OF PAID LEAVE.—Section
 22 6382(d) of such title is amended by adding at the
 23 end the following: “An employee may elect to sub-
 24 stitute for leave under subsection (a)(3) any of the
 25 employee’s accrued or accumulated annual or sick

1 leave under subchapter I for any part of the 26-week
2 period of leave under such subsection.”.

3 (3) NOTICE.—Section 6382(e) of such title is
4 amended by adding at the end the following:

5 “(3) In any case in which an employee seeks leave
6 under subsection (a)(3), the employee shall provide such
7 notice as is practicable.”.

8 (4) CERTIFICATION.—Section 6383 of such title
9 is amended by adding at the end the following:

10 “(f) An employing agency may require that a request
11 for leave under section 6382(a)(3) be supported by a cer-
12 tification issued at such time and in such manner as the
13 Office of Personnel Management may by regulation pre-
14 scribe.”.

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