

113TH CONGRESS  
1ST SESSION

# H. R. 3368

To require employers to provide veterans with time off on Veterans Day.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. BRALEY of Iowa introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To require employers to provide veterans with time off on  
Veterans Day.

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 “Veterans Day Off  
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (a) **ELIGIBLE EMPLOYEE.**—

9 (1) **IN GENERAL.**—The term “eligible em-  
10 ployee” means an employee who—

1 (A) is a veteran, as that term is defined in  
2 section 101 of title 38, United States Code; and

3 (B) has been employed for at least 12  
4 months by the employer with respect to whom  
5 leave is requested under section 3.

6 (2) EXCLUSIONS.—The term “eligible em-  
7 ployee” does not include an individual employed by  
8 a public agency, as that term is defined in section  
9 3(e)(2) of the Fair Labor Standards Act of 1938  
10 (29 U.S.C. 203(3)(e)(2)).

11 (b) EMPLOY; EMPLOYEE.—The terms “employ” and  
12 “employee” have the same meanings given such terms in  
13 subsections (e) and (g) of section 3 of the Fair Labor  
14 Standards Act of 1938 (29 U.S.C. 203 (e) and (g)).

15 (c) EMPLOYER.—The term “employer” means any  
16 person engaged in commerce or in any industry or activity  
17 affecting commerce who employs 50 or more employees  
18 during a calendar year, and includes any person who acts,  
19 directly or indirectly, in the interest of any employer to  
20 any of the employees of such employer and any successor  
21 in interest of an employer. In the previous sentence, the  
22 terms “commerce” and “industry or activity affective com-  
23 merce” have the meaning given such terms in section  
24 101(1) of the Family and Medical Leave Act of 1993.

1 (d) PERSON.—The term “person” has the same  
2 meaning given such term in section 3(a) of the Fair Labor  
3 Standards Act of 1938 (29 U.S.C. 203(a)).

4 (e) SECRETARY.—The term “Secretary” means the  
5 Secretary of Labor.

6 **SEC. 3. LEAVE REQUIREMENT.**

7 (a) ENTITLEMENT TO LEAVE.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), an eligible employee shall be entitled to  
10 leave on Veterans Day upon request if such em-  
11 ployee would otherwise be required to work on Vet-  
12 erans Day.

13 (2) EXCEPTIONS.—An employer may deny leave  
14 to an eligible employee if providing leave to the em-  
15 ployee would—

16 (A) negatively impact public health or safe-  
17 ty; or

18 (B) cause the employer significant eco-  
19 nomic or operational disruption.

20 (b) TYPE OF LEAVE.—

21 (1) UNPAID LEAVE PERMITTED.—Leave grant-  
22 ed under subsection (a) may consist of unpaid leave.

23 (2) SUBSTITUTION OF PAID LEAVE.—An eligi-  
24 ble employee may elect, or an employer may require  
25 the employee, to substitute any of the accrued paid

1 vacation leave or personal leave of the employee for  
2 leave provided under subsection (a).

3 (c) DUTIES OF EMPLOYEE.—Not less than 30 days  
4 before the Veterans Day on which leave is requested to  
5 be taken, an employee requesting leave under subsection  
6 (a) shall provide the employer with the following:

7 (1) Written notice of the employee’s intention  
8 to take leave under subsection (a).

9 (2) Documentation verifying that the employee  
10 is a veteran.

11 (d) DUTIES OF EMPLOYER.—

12 (1) NOTICE OF DECISION.—Not less than 10  
13 days before the Veterans Day on which leave is re-  
14 quested to be taken, the employer shall notify an  
15 employee requesting leave under subsection (a)—

16 (A) whether the employee shall be provided  
17 leave; and

18 (B) if so, whether the leave shall be paid  
19 or unpaid.

20 (2) DENIAL OF LEAVE REQUEST.—If an em-  
21 ployer receives multiple requests for leave under sub-  
22 section (a)(1) and denies leave to more than one eli-  
23 gible employee in accordance with subsection (a)(2),  
24 the employer should deny leave to the minimum  
25 number of eligible employees practicable.

1 **SEC. 4. PROHIBITED ACTS.**

2 (a) INTERFERENCE WITH RIGHTS.—

3 (1) EXERCISE OF RIGHTS.—It shall be unlawful  
4 for any employer to interfere with, restrain, or deny  
5 the taking of or the attempt to take, any leave pro-  
6 vided under this Act.

7 (2) DISCRIMINATION.—It shall be unlawful for  
8 any employer to discharge or in any other manner  
9 discriminate against any individual for opposing any  
10 practice made unlawful by this Act.

11 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-  
12 IES.—It shall be unlawful for any person to discharge or  
13 in any other manner discriminate against any individual  
14 because such individual—

15 (1) has filed any charge, or has instituted or  
16 caused to be instituted any proceeding, under or re-  
17 lated to this Act;

18 (2) has given, or is about to give, any informa-  
19 tion in connection with any inquiry or proceeding re-  
20 lating to any leave provided under this Act; or

21 (3) has testified, or is about to testify, in any  
22 inquiry or proceeding relating to any leave provided  
23 under this Act.

24 **SEC. 5. INVESTIGATIVE AUTHORITY.**

25 The Secretary shall have investigative authority with  
26 respect to the provisions of this Act in the same manner

1 and under the same terms and conditions as the investiga-  
2 tive authority provided under section 106 of the Family  
3 and Medical Leave Act of 1993, and the requirements of  
4 section 106 of such Act shall apply to employers under  
5 this Act in the same manner as such requirements apply  
6 to employers under section 106 of such Act.

7 **SEC. 6. ENFORCEMENT.**

8 The provisions of section 107 of the Family and Med-  
9 ical Leave Act of 1993 shall apply with respect to the en-  
10 forcement of the requirements of this Act in the same  
11 manner and under the same terms and conditions as such  
12 provisions apply with respect to the enforcement of the  
13 requirements of title I of such Act.

14 **SEC. 7. NOTICE.**

15 (a) IN GENERAL.—Each employer shall post and  
16 keep posted, in conspicuous places on the premises of the  
17 employer where notices to employees and applicants for  
18 employment are customarily posted, a notice, to be pre-  
19 pared or approved by the Secretary, setting forth excerpts  
20 from, or summaries of, the pertinent provisions of this  
21 title Act information pertaining to the filing of a charge.

22 (b) PENALTY.—Any employer that willfully violates  
23 this section may be assessed a civil money penalty not to  
24 exceed \$100 for each separate offense.

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