

113TH CONGRESS
1ST SESSION

H. R. 1774

To amend title 38, United States Code, to provide for the reemployment of certain persons following absences from a position of employment for the purpose of obtaining medical treatment for certain injuries and illnesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. DOGGETT (for himself, Mr. GRIMM, Mr. CARTWRIGHT, Mr. CONYERS, Mr. DEFAZIO, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mr. MCGOVERN, Mr. RANGEL, Mr. HINOJOSA, Ms. NORTON, Mr. ENYART, Mr. DINGELL, and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the reemployment of certain persons following absences from a position of employment for the purpose of obtaining medical treatment for certain injuries and illnesses, and for other purposes.

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 “Wounded Veteran Job
5 Security Act”.

1 **SEC. 2. EXPANSION OF DEFINITION OF SERVICE IN UNI-**
2 **FORMED SERVICES FOR PURPOSES OF**
3 **USERRA.**

4 Section 4303(13) of title 38, United States Code, is
5 amended to read as follows:

6 “(13) The term ‘service in the uniformed serv-
7 ices’ means the performance of duty on a voluntary
8 or involuntary basis in a uniformed service under
9 competent authority and includes active duty, active
10 duty for training, initial active duty for training, in-
11 active duty training, full-time National Guard duty,
12 a period for which a person is absent from a position
13 of employment for the purpose of an examination to
14 determine the fitness of the person to perform any
15 such duty, a period for which a person is absent
16 from employment for the purpose of performing fu-
17 neral honors duty as authorized by section 12503 of
18 title 10 or section 115 of title 32, and a period for
19 which a person is absent from a position of employ-
20 ment for the purpose of obtaining medical treatment
21 for an injury or illness recognized by the Secretary
22 of Veterans Affairs as a service-connected, or for
23 which a ‘line of duty’ document has been granted by
24 the Secretary of Defense.”.

1 **SEC. 3. DOCUMENTATION OF TREATMENT FOR PURPOSES**
2 **OF REEMPLOYMENT UNDER USERRA.**

3 Section 4312(f) of such title is amended—

4 (1) by redesignating paragraphs (2) through
5 (4) as paragraphs (3) through (5);

6 (2) by inserting after paragraph (1) the fol-
7 lowing new paragraph (2):

8 “(2) A person who submits an application for reem-
9 ployment due to an absence for the purpose of obtaining
10 medical treatment for an injury or illness referred to in
11 section 4303(13) of this title shall provide to the person’s
12 employer (upon the request of such employer) documenta-
13 tion to establish the individual’s eligibility for reemploy-
14 ment on that basis. Such an application shall include suffi-
15 cient documentation to establish a link between the injury
16 or illness and the medical treatment the person obtained.”;

17 (3) in paragraph (3), as so redesignated, by
18 striking “paragraph (1)” and inserting “paragraph
19 (1) or paragraph (2)”; and

20 (4) in paragraph (4)(A), as so redesignated—

21 (A) by striking “paragraph (2)” and in-
22 serting “paragraph (3)”; and

23 (B) by striking “paragraph (1)” and in-
24 serting “paragraph (1) or should be deemed in-
25 eligible for reemployment on the grounds of
26 paragraph (2)”.

1 **SEC. 4. NOTIFICATION OF EMPLOYER OF INTENT TO RE-**
2 **TURN TO A POSITION OF EMPLOYMENT.**

3 Section 4312(e)(1)(A) of such title is amended by in-
4 serting after “31 days” the following: “or a person who
5 was absent from a position of employment for the purpose
6 of obtaining medical treatment for an injury or illness rec-
7 ognized by the Secretary of Veterans Affairs as a service-
8 connected, or for which a ‘line of duty’ document has been
9 granted by the Secretary of Defense”.

10 **SEC. 5. EFFECTIVE DATE.**

11 The amendments made by this Act shall take effect
12 on the date that is 90 days after the date of the enactment
13 of this Act.

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