

114TH CONGRESS
2D SESSION

H. R. 5165

To amend the Family and Medical Leave Act of 1993 to provide a partial exemption to veterans from the eligibility requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2016

Mr. DELANEY (for himself, Ms. BORDALLO, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. CONYERS, Mr. DEFazio, Mr. DESAULNIER, Ms. EDWARDS, Mr. GARAMENDI, Mr. GIBSON, Mr. GRAYSON, Mr. GRIJALVA, Mr. HASTINGS, Mr. HONDA, Mr. JONES, Mr. KEATING, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. McDERMOTT, Mr. McGovern, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. O’ROURKE, Mr. PETERSON, Ms. PINGREE, Mr. POCAN, Mr. RANGEL, Mr. RUSH, Ms. SINEMA, Mr. TAKAI, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Education and the Workforce, 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

A BILL

To amend the Family and Medical Leave Act of 1993 to provide a partial exemption to veterans from the eligibility requirements, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medical Leave for Dis-
3 abled Veterans Act”.

4 **SEC. 2. ELIGIBILITY ADJUSTMENT FOR VETERANS.**

5 (a) **ELIGIBILITY BASED ON TIME IN EMPLOY-**
6 **MENT.**—Section 101(2) of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611(2)) is amended by adding
8 at the end the following:

9 “(E) **VETERANS.**—

10 “(i) **ELIGIBILITY BASED ON TIME IN**
11 **EMPLOYMENT.**—Notwithstanding the eligi-
12 bility requirements in paragraph (2)(A), an
13 employee who is a veteran shall be deemed
14 an eligible employee for purposes of leave
15 described in clause (iii) if—

16 “(I) such employee has a service-
17 connected disability (as defined in sec-
18 tion 101 of title 38, United States
19 Code) rated at between 30 and 50
20 percent by the Secretary of Veterans
21 Affairs and such employee has been
22 employed for at least 8 months by the
23 employer with respect to whom leave
24 is requested under section 102 and
25 has at least 833 hours of service with

1 such employer during the previous 8-
2 month period;

3 “(II) such employee has a serv-
4 ice-connected disability rated at 60
5 percent or higher by the Secretary of
6 Veterans Affairs and such employee
7 has been employed for at least 6
8 months by the employer with respect
9 to whom leave is requested under sec-
10 tion 102 and has at least 625 hours
11 of service with such employer during
12 the previous 6-month period; or

13 “(III) such employee—

14 “(aa) is not covered under
15 subclause (I) or (II);

16 “(bb) retired from the
17 Armed Forces under chapter 61
18 of title 10, United States Code,
19 by reason of a service-connected
20 disability either—

21 “(AA) rated at between
22 30 and 50 percent under the
23 standard schedule of rating
24 disabilities in use by the De-
25 partment of Veterans Af-

1 fairs at the time of such re-
2 tirement; or

3 “(BB) rated at 60 per-
4 cent or higher under such
5 schedule; and

6 “(cc) either—

7 “(AA) with respect to
8 an individual covered under
9 subitem (AA) of item (bb),
10 has been employed for at
11 least 8 months by the em-
12 ployer with respect to whom
13 leave is requested under sec-
14 tion 102 and has at least
15 833 hours of service with
16 such employer during the
17 previous 8-month period; or

18 “(BB) with respect to
19 an individual covered under
20 subitem (BB) of such item,
21 has been employed for at
22 least 6 months by the em-
23 ployer with respect to whom
24 leave is requested under sec-
25 tion 102 and has at least

1 625 hours of service with
2 such employer during the
3 previous 6-month period.

4 “(ii) CERTIFICATION.—To be eligible
5 for the eligibility adjustment described in
6 clause (i)—

7 “(I) an employee described in
8 subclause (I) or (II) of such clause
9 shall submit to the employer a certifi-
10 cation from a Department of Veterans
11 Affairs medical provider or from a
12 non-Department of Veterans Affairs
13 facility or medical provider through
14 which the Secretary of Veterans Af-
15 fairs has furnished hospital care or
16 medical services to the employee
17 under the laws administered by the
18 Secretary; and

19 “(II) an employee described in
20 subclause (III) of such clause shall
21 submit to the employer a certification
22 from the Secretary of Defense describ-
23 ing the retirement of the individual
24 from the Armed Forces under chapter
25 61 of title 10, United States Code.

1 “(iii) LEAVE DESCRIBED.—Leave de-
2 scribed in this clause is leave under section
3 102(a)(1)(E) that—

4 “(I) an employee described in
5 subclause (I) or (II) of clause (i)
6 takes to receive hospital care or med-
7 ical services for which the employee is
8 eligible to receive pursuant to chapter
9 17 of title 38, United States Code, re-
10 gardless of whether such hospital care
11 or medical services is furnished by the
12 Department of Veterans Affairs; or

13 “(II) an employee described in
14 subclause (III) of such clause takes to
15 receive hospital care or medical serv-
16 ices relating to the service-connected
17 disability described in item (bb) of
18 such subclause.”.

19 (b) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of
20 the Family and Medical Leave Act of 1993 (29 U.S.C.
21 2612(A)(1)) is amended by adding at the end the fol-
22 lowing new subparagraph:

23 “(F) In order to receive hospital care or
24 medical services as a veteran for a service-con-

1 nected disability, as described in section
2 101(2)(E).”.

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